

Procedure Name:	<i>Complaints Procedure</i>
Procedure Ref:	PRO/CO/CO/CC/0001A
Who it applies to:	Members, CILEX Employees, CILEX Board and Committee members, Volunteers, and associated persons including Trustees and those acting on behalf of the CILEX Foundation. and other users of CILEX qualifications <sup>1</sup>
Date of Issue:	June 2019
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Procedure Owner:	Corporate Compliance Manager
Approved By:	Corporate Policy Review Panel

## Complaints Procedure

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<sup>1</sup> Users of CILEX qualifications includes CILEX learners and apprentices, their representatives including their employers, CILEX approved training providers, other CILEX education provider partners contracting with CILEX for Awarding Body products and services, CILEX regulators and government departments.

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# 1. Introduction

At CILEX, we endeavour to provide high quality services and products to our customers, however, we recognise that on occasion, despite our best efforts, things can go wrong. By welcoming feedback through our Complaints Procedure, we can try to remedy situations that have gone wrong and continue to improve our services as well as learn from examples of positive feedback about things that have been done well.

It is anticipated that most issues will be resolved amicably at a local level. If you are dissatisfied with the level of service you have received, you should feel able to approach relevant employees to address your concern promptly and directly.

**A complaint which relates to a specific service or activity that has its own complaint or appeals procedure will be redirected internally.** In this instance, CILEX will email you to provide details of where the complaint has been directed to and who will be dealing with it.

CILEX has a staged approach to dealing with complaints<sup>2</sup>:

- Stages 1 and 2 – informal complaint process
- Stage 3 – formal complaint process

# 2. How to make a complaint

A complaint can be made in writing (by email) or by telephone. However, we encourage complaints to be sent to us by completing an online general enquiries form, clicking on the 'Contact Us' section in your myCILEX account via the CILEX website wherever possible, so that we can ensure we have a clear understanding of the complaint. This method also easily facilitates the provision of documentary evidence and helps to maintain a clear audit trail of activity and ownership. We may contact you prior to sending a full complaint response in order to discuss and clarify details of the complaint, if we feel that will assist the investigation process. If a complaint is being made by a non-member, the 'Contact Us' section on the website can still be used. It is not necessary to register with us first, please simply follow the instructions provided on screen.

We will not usually consider complaints regarding matters that are over 6 months old unless there is a compelling reason to do so.

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<sup>2</sup> Each stage must be followed in numerical order before it can be progressed to the next level.

### Complaints regarding the CILEX Foundation

All complaints relating to the CILEX Foundation must be received within a reasonable time (but not more than 2-weeks after a triggering event or 2 weeks of becoming aware of an event where it was not reasonable to know earlier). They should be sent by email marked for the attention of the Chairperson of the CILEX Foundation to [corporateaffairs@cilex.org.uk](mailto:corporateaffairs@cilex.org.uk).

Complaints against the CILEX Foundation charity will be delegated to CILEX for further investigation, in accordance with any Service Level Agreement agreed by the two entities at that time. Any complaint received against the CILEX Foundation Charity will be dealt with in accordance to the CILEX Complaints policy and CILEX Complaints procedure.

### Anonymous complaints

To ensure that we capture all the relevant and correct information we will not accept anonymous complaints.

Where a complaint has been raised by a third-party e.g., an employer on behalf of a learner, CILEX will write to the third-party asking that they provide express consent from the individual that they have permission to act on their behalf and that CILEX has the individual's authority to investigate and report back the findings to the third party. The individual can withdraw this consent at any stage if they no longer want the person to represent them.

If we need to obtain information held by a third-party relating to a complaint, we will ask the individual concerned to provide written permission to do so.

## 3 The complaint process

We will always seek to resolve a complaint or an issue as quickly as possible. General queries are occasionally raised as complaints in the hope of getting an immediate response, however, if we know we will be able to resolve an issue quickly for you, we may deal with it outside of the Complaints Procedure, following the appropriate procedure, so that we can provide an earlier resolution.

### 3.1. Stage 1 – Initial Complaint

In the first instance, you will be asked to raise the complaint informally with the person or department concerned as soon as possible. This can be done over the telephone initially; however, you will be asked to put your complaint in writing using the online general enquiries form via the 'Contact Us' section of the portal<sup>3</sup>,

Your complaint should contain all information relevant to your complaint, such as a detailed account with dates, facts, names of people involved, copies of any relevant documentation and an indication of how you think your complaint could be resolved.

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<sup>3</sup> See Appendix B

As soon as you send your complaint in writing via the portal, you will receive an auto reply from CILEX Customer Service, stating that you will be contacted by a member of staff within 7 working days.<sup>4</sup>

Every effort will be made to resolve the issue informally and within the timeframe agreed between you and the CILEX employee. It may be that a particular complaint requires more comprehensive investigation due to more complex matters being involved. Where this is the case, we will endeavour to keep you updated on a regular basis to provide accurate timescales for us to provide a substantive response.

Depending on the complaint, the CILEX employee may escalate your matter to their manager. If this is the case, we will inform you who is dealing with it<sup>5</sup>.

You have the right to escalate the complaint to Stage 2 of the process, following receipt of the Stage 1 outcome, if the following circumstances apply:

- a) You believe the Stage 1 complaint has not been fully understood or investigated thoroughly due to a misunderstanding of the original complaint.
- b) That all points raised in the Stage 1 complaint have not been fully responded to.
- c) You have not had a response to your Stage 1 complaint within the agreed timescales and have not had an indication as to when a response can be expected.

### 3.2. Stage 2 – Escalation

To request a review under Stage 2 you should reply to the Stage 1 outcome response within 14 days of receipt, advising why you are dissatisfied with the complaint outcome.

The Customer Services Team will then progress this to the next stage.

The Stage 2 complaint will normally be allocated to the relevant Line Manager and may have already been referred to this stage by the person you are in contact with.

The manager will complete an investigation. They will aim to respond to your complaint within 20 working days from escalation to this stage and will keep you updated if a delay is likely to occur. CILEX reserves the right to extend this timescale depending on the nature/complexity of the complaint being investigated. Similarly, if any new issues are raised during the course of the investigation this may result in the response time being reset to a further 20 working days if the issues raised are complex. Once the investigation has been completed, you will be informed of the outcome.

### 3.3. Stage 3 – Formal Complaint

If you remain dissatisfied with the outcome you can raise a formal complaint.

A complainant has the right to escalate a Stage 2 complaint to Stage 3 if they believe their complaint has not been and investigated in line with the CILEX Complaints Policy (e.g. agreed

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<sup>4</sup> The response timescale may vary from time to time when we are experiencing a high volume of enquiries. See Appendix C.

<sup>5</sup> Escalation to line manager is classed as a stage 2 complaint.

timescales not adhered to and procedural failings, for example, a complaint not escalated correctly when requested).

A complaint can only be escalated to Stage 3 if it has been through Stages 1 and 2 of the process

A formal complaint should be raised within 14 days of receiving the Stage 2 outcome by responding to the Stage 2 general enquiry response, requesting escalation to a formal Stage 3 complaint, explaining why you are not satisfied with the way that your complaint has been dealt with and the outcome that you are seeking. This will then be allocated to the Corporate Compliance Manager to review the correspondence and decide whether further investigation is warranted.

**Please note, the purpose of a stage 3 complaint is to review how the complaint has been conducted and that our Policy and Procedure has been adhered to. The investigation will not ultimately change the outcome of the stage 2 complaint unless there are serious failings in the way that the matter was handled.**

An acknowledgement of your complaint with a reference number will be sent to you by email within 5 working days of receipt<sup>6</sup>. We aim to provide you with a full response within 20 working days but if the investigation will take longer to conclude, we will contact you to explain the reasons for the delay and when an update is to be expected. As above, if new issues are raised during the course of this investigation, this may result in the response time being reset to a further 20 working days if the issues raised are complex.

Once the investigation has been completed, the Corporate Compliance Manager will email you informing you of the outcome.

The outcome of the Stage 3 complaint process is final, and the matter will then be closed. There is no further internal appeal mechanism after this stage.

If you disagree with the final response, you should seek independent legal advice.

## 4 Outcome of a Complaint

Once we have investigated your complaint, we will write to you to explain the findings and outcomes at all stages. We will let you know what happened, and if we found mistakes, we will acknowledge them, let you know how the situation has been or will be addressed and where appropriate, the likely timescale for doing so.

There are a wide range of appropriate responses to a complaint that has been upheld. Examples of these can include, but are not limited to:

- an apology, explanation, and acknowledgement of responsibility<sup>7</sup>

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<sup>6</sup> Correspondence will be sent by email unless we are specifically requested to communicate by post.

<sup>7</sup> Section 2 of the Compensation Act 2006 states: 'An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty'. This section of the Act applies to England and Wales only.

- remedial action, which may include reviewing or changing a decision on the service given to an individual complainant; revising published material; revising procedures, policies, or guidance to prevent the same thing happening again; training or supervising staff; or any combination of these
- financial compensation if applicable<sup>8</sup>.

Where there are various follow up actions that need to take place in order for your complaint to be fully resolved, we will allocate a dedicated person to complete these actions and to liaise with the relevant departments.

Where the investigation of a complaint leads to CILEX identifying a failure in its awarding organisation assessment process, it will take steps to identify any other learners affected, correct, or mitigate the effect of the failure and ensure the failure does not recur in the future.

## 5 CILEX Regulated Qualifications

Appendix D sets out the CILEX qualifications which are regulated by Ofqual, Qualifications Wales or CCEA. This section relates to the qualifications listed in Appendix D only.

If you are dissatisfied with the outcome of CILEX's complaints process and your complaint concerns the delivery or award of a regulated CILEX qualification <sup>9</sup>, you have the right to refer your complaint to the relevant qualification Regulator. The Regulator will require evidence that you have fully exhausted the steps within CILEX's Complaints Policy and Procedure. CILEX will comply with any investigation undertaken by the Regulator and will have due regard to the outcome of any complaints process established by the Regulators.

Where one of the Regulators notifies CILEX of a complaint about our arrangements, services, or qualifications that it has received, and the complainant has not exhausted CILEX's complaints process, CILEX will deal with it in the same way as any other customer complaint.

If CILEX is notified by the Regulators of a failure that has been discovered in the assessment process of another awarding organisation, CILEX will review its assessment procedures to determine whether the failure could affect CILEX assessment procedures and will take action, where required, to address any failure identified.

## 6 Monitoring and recording complaints

We take concerns and complaints seriously and try to learn from any mistakes that we have made. Where there is a need to change or improve, we will develop an action plan setting out what we will do and by when.

It is an essential part of a complaints management system that all complaints are recorded and regularly monitored by the Head of Customer Experience, Customer Service Managers, and the

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<sup>8</sup> Where a refund or ex gratia payment is offered and accepted in resolution of a complaint, we will endeavour to manage customer expectations in terms of timescales for processing such payments and fund clearance in line with relevant Finance Department procedures.

<sup>9</sup> See Appendix D

Corporate Compliance Manager. Information that has been supplied as part of the complaints process will be collated and retained in line with CILEX's Privacy Policy.

Key complaint data relating to volumes and circumstances is collated on an internal anonymised complaints log and analysed on an on-going basis. The data is regularly reported to the Audit and Risk Committee. The purpose for doing so is so that any potential trends or patterns can be identified to further assist us in improving on particular area and/or process.

## 7 Unreasonably Persistent Contact and Unacceptable Behaviour

Whilst we do not normally limit the contact complainants have with us, in some cases, it may be necessary to do so because the nature or frequency of a complainant's contact hinders our ability to consider theirs, and other people's complaints. Where the 3-stage complaint process has been exhausted, we will not revisit a complaint unless new issues are raised within the prescribed timescales.

We have an Unreasonably Persistent Contact and Unacceptable Behaviour Policy in place which sets out how we will manage this form of behaviour.

## 8 Transparency and Confidentiality

Your complaint correspondence and supporting documentation will be held securely. The information will be retained, and subsequently destroyed in accordance with our Archive, Retention and Destruction Policy.

In order to investigate your complaint, we may need to access confidential information. We will ensure that such information is kept secure and only used to aid the investigation and in line with data protection legislation. We will not disclose any information to third parties unless there is a legal requirement to do so, for example, regulators, police, statutory bodies, legal advisers, and insurers.


## 9 Positive Experiences






Whilst it is important to learn from mistakes, we also learn from when things go well and recognise the contributions of our employees to deliver a high-quality service.

If you have had a good experience of our service or our employees, we would be very grateful to hear your feedback. We use this to give recognition to individuals and also to share best practice internally to further improve our services.

Please send any positive feedback via the channels specified and we will ensure that it is passed to the appropriate manager(s).

# Appendix A



[Login to myCILEX](#)

CILEX Directory

[Home](#) > [Site Access](#) > [Login](#)

Account Login

Please log in below if you currently are OR have previously been a member of CILEX

Please [register](#) below if you are looking to enquire with us for the first time

Username:

Password:

LOGIN

☐ Remember Login

REGISTER

FORGOTTEN PASSWORD?

**CILEX (Chartered Institute of Legal Executives)**  
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DX 126780 Kempston 2  
Incorporated by Royal Charter number RC000850

CILEX Journal






CILEX Law School

CILEX Regulation

About us

Work for us

Contact us





# Appendix B

myCILEX

Shop

Become a Member

CILEX Directory

Contact Us

Home

myCILEX

Contact Us

My Account

Become a Member

My Learning

My Events

Shop

CILEX Foundation

Contact Us

Customer Status:

Choose...

Customer Type:

Choose...

Firstname:

Marie

Lastname:

Hoban

Email:

Marie.Hoban@cilex.org.uk

My Query Relates To...:

Choose...

Query Detail:

Enter value...

File Upload (1)

CHOOSE FILE

No file chosen

File Upload (2)

CHOOSE FILE

No file chosen

SAVE

Log out of myCILEX

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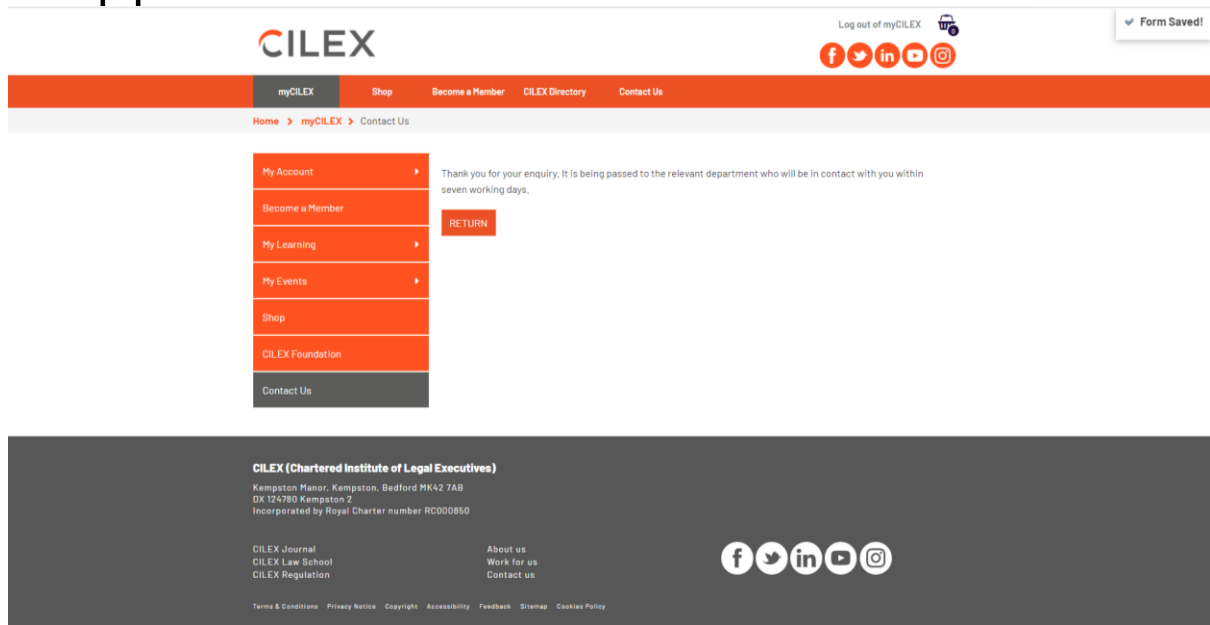
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## Appendix C



# Appendix D

## **CILEX Regulated Qualifications:**

The following qualifications are regulated by Ofqual, Qualifications Wales or CCEA

CILEX Level 6 Certificate in Law  
CILEX Level 6 Diploma in Law and Practice  
CILEX Level 6 Diploma in Legal Practice (Graduate Fast-track Diploma)  
CILEX Level 3 Paralegal Apprenticeship End-Point Assessment\*

\* regulated by Ofqual only

The CILEX Professional Qualification (CPQ) (including the CILEX Diploma in Law, CILEX Advanced Diploma in Law and Practice and CILEX Professional Diploma in Legal Practice), CILEX Certificates in Legal Practice and CILEX Level 6 End-Point Assessment for ST0244 Chartered Legal Executive Apprenticeship and CILEX Level 7 End-Point Assessment for ST1368 Chartered Legal Executive Litigator and Advocate Apprenticeship are not regulated by Ofqual, Qualifications Wales or CCEA. Therefore, section 5 of this procedure does not apply to these qualifications/End-Point Assessment