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Complaints Procedure

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1. Introduction

At CILEX we endeavour to provide high quality services 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 sorted out 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 procedures 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 complaints¹:

- Stages 1 and 2 – informal process
- Stages 3 and 4 – formal process.

Complaints are regular item on the Audit and Risk Committee Agenda.

2. What is a complaint?

A complaint can sometimes be difficult to determine. As a guide we define a complaint as being an expression of dissatisfaction with the quality of service provided, usually falling under one of the following categories:

- We have failed to do something we should have;
- We have done something badly or in the wrong way;
- You feel that you have been treated unfairly or discourteously.

¹ Each stage must be followed in numerical order before it can be progressed to the next level.

Occasionally something may be originally received as a complaint when it needs to be dealt with in a different way. In these cases, the appropriate reporting process will be followed.

3. How to make a complaint

A complaint can be made in writing or by telephone. We encourage complaints to be made in writing by completing an online general enquiries form by logging into your myCILEX account² 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. However, we may contact you to discuss and clarify details of the complaint if we feel that will assist the investigation process. If you do not have a myCILEX account you can easily create one by following the instructions.

We will not usually consider complaints regarding matters that are over 12 months old unless there is a compelling reason to do so.

3.1 Social Media

We will not usually engage in complaint correspondence through social media channels; however, we may try to contact you directly to follow-up on any comments you have made.

3.2 Can I complain anonymously or on behalf of someone else?

To ensure that we capture all of 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. You can tell us at any stage if you no longer want the person to represent you.

If we need to obtain information held by a third-party relating to your complaint, we will ask you to provide your written permission.

4. The complaint process

Our complaint process is set out below:

We will always seek to resolve a complaint or an issue as quickly as possible. Sometimes issues are 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 then we may deal with it outside of the complaints policy (following the appropriate procedure) so that we can provide an earlier resolution.

² Where the complaint is being made by a non-member it is easy to register for an account by creating a log on and password.

4.1 Stage 1 – Initial Complaint

In the first instance, you will be asked to raise the issue informally with the person or department concerned as soon as possible. This can be over the telephone; however, you will be asked to put your complaint in writing using the online general enquiries form, and we recommend that you do this.

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

As soon as you put your complaint in writing, you will receive an auto reply from CILEX Customer Support stating that you will be contacted by a member of staff within 7 working days.

Every effort will be made to resolve the issue informally and within the timeframe agreed between you and the employee. It may be that a particular complaint requires more comprehensive investigation due to more complex issues. 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.

Dependent on the complaint, the employee may escalate your complaint to their line manager. If this is the case, we will inform you who is dealing with it.

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.

4.2 Stage 2 – Escalation

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

The Customer Voice and Reporting Team will then progress this to the next stage.

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

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 there will be a delay.

Once the investigation has been completed, you will be informed of the outcome.

4.3 Stage 3 – Formal Complaint

If you remain dissatisfied with the outcome³ you can raise a formal complaint.

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 7 days of receiving the Stage 2 outcome by responding to the Stage 2 outcome response email, specifying in the subject line that this is a request to lodge a formal Stage 3 complaint and explaining in the body of the email why you are not satisfied with the way that your complaint has been dealt with and the outcome that you are seeking. This will in turn be allocated to the Corporate Compliance Manager to investigate.

An acknowledgement of your complaint with a reference number will be sent to you within five working days of receipt and unless you direct otherwise, correspondence will be by email. 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.

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

4.4 Stage 4 – Final Appeal

If you remain dissatisfied with the Stage 3 outcome, you may appeal in writing to the Chief Executive within 14 working days of the Stage 3 outcome given to you, by responding to the Corporate Compliance Manager's Stage 3 outcome email response which will then be passed on to the Chief Executive Officer along with a brief timeframe of events and an overview of progress to date. . The Corporate Compliance Manager (or a Corporate Compliance Officer) will acknowledge your request to proceed to a Stage 4 complaint within 5 working days.

A complaint can only be appealed at Stage 4 if it has been through the three earlier stages.

The appeal should explain why you remain dissatisfied and the outcome you are seeking. Your appeal will be acknowledged within five working days of receipt and unless you direct otherwise, correspondence will be by email.

We aim to provide a full response within 20 working days but if this will take longer to conclude, we will contact you to explain the reasons for the delay and provide you of an estimate of when a full response is expected.

³ A complainant has the right to escalate a Stage 2 complaint to Stage 3 if they believe their complaint has not been understood and investigated thoroughly, the response has not covered all of the points raised and/or if a response has been received outside of the agreed timescales.

Once the review has been completed, the Chief Executive will write to you informing you of the outcome.

The decision of the Chief Executive is final. There is no further internal appeal mechanism after this stage.

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

5. 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.

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 responsibility⁴
- 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 for direct or indirect financial loss, loss of opportunity, inconvenience, distress, or any combination of these⁵.

If considered appropriate for the complaint resolution, when deciding the level of financial compensation, CILEX will take into account::

- the nature of the complaint
- the impact on the complainant
- how long it took to resolve the complaint
- the trouble the complainant was put to in pursuing it

Remedies may also take account of any injustice or hardship that has resulted from pursuing the complaint as well as any resulting from the original complaint.

⁴ 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.

⁵ 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 and the Refunds Policy. General refunds are processed on the last Friday of each month. Some payments can be processed on an urgent basis if authority is sent from a Team Manager, Corporate Compliance Manager or the Chief Executive Officer. As a general rule of thumb, any payment due to a complainant as part of a resolution of a Stage 4 complaint will be treated as urgent regardless of the amount. Urgent payments are processed weekly each Friday.

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. You can also request for a member of the Customer Service Team to arrange a call-back at a time and date⁶ that is convenient for you to discuss any remaining concerns or technical issues.

6. CILEX as an awarding organisation and/or regulated body

6.1 Qualification Complaint

6.1.1 If you are dissatisfied with CILEX's internal complaints process and your complaint concerns the delivery or award of a regulated CILEX qualification, 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.

6.1.2 If CILEX is notified of a failure that has been discovered in the assessment or qualification arrangements of another awarding organisation via a complaint, CILEX will review its procedures in accordance with this policy to ascertain if the same failure could affect our arrangements.

6.2 Complaints brought to CILEX's attention by the Regulators⁷

Where one of the Regulators notifies CILEX of a complaint about our arrangements, services or qualifications that it has received, CILEX will deal with it in the same way as any other customer complaint.

7. Monitoring and recording complaints

We take concerns and complaints seriously and try and 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 and the Customer Service Managers. 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.

⁶ Within CILEX office hours of Monday, Tuesday and Thursday 9.00am – 5.00pm, Wednesday 10am – 5.00pm and Friday 9am to 4pm.

⁷ CILEX is regulated by Ofqual in England, Qualification Wales in Wales, and CCEA in Northern Ireland

8. Unreasonably Persistent and Unacceptable Behaviour Policy

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 complaint.

We have an unreasonably persistent contact and unacceptable behaviour policy in place which sets out how we will handle this form of behaviour.

9. 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.

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 e.g., regulators, police, statutory bodies.

10. 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 any of the channels specified and we will ensure that it is passed to the appropriate manager(s).