

## 1. Introduction

Xact is committed to providing a high quality service. In order to achieve this we welcome feedback about the services we provide, and to be informed when we fall below the standards we set ourselves. We aim to resolve complaints as quickly as possible.

**Note**<sup>1</sup>: Complaints process cannot be used about matters involving assessment or personal data. These should be raised through either Appeals Policy or Data Management Policy.

We aim to:

- a) Manage complaints in a consistent, fair and confidential manner.
- b) Follow national guidance.
- c) Provide a process which is fair, clear and easy to use for those wishing to complain
- d) Provide website access to this policy and associated forms.
- e) Investigate and respond in a timely manner to complaints.
- f) Record, monitor and review complaints.
- g) Gather information to review and improve our services.
- h) Periodically review policy
- i) Provide an audit trail for regulators.
- j) Ensure our staff understand the complaints process.

## 2. Definitions

**Appellant:** An individual or organisation appealing the outcome of a complaint

**Approved Centre:** Centre approved and regulated by an Awarding Organisation to provide qualifications

**Awarding Organisation:** An organisation that designs, develops, delivers and awards recognised qualifications

**Complaint:** An expression of dissatisfaction from an individual or organisation about the standard of service or actions by Xact or its representatives

**Complainant:** An individual or organisation making a complaint

**Ofsted:** Office for Standards in Education, Children's Services and Skills, a non-ministerial department of the UK government

**Ofqual:** The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

**PMG:** Performance Management Group consisting of Directors and an Independent Governance Advisor

**Staff:** Employee, agency worker, contractor, sole trader, volunteer, work experience e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal quality assurer, etc.

**Timely:** A reasonable duration in each particular case based on the facts and circumstances of the situation

**Xact:** Xact Consultancy and Training Limited

### **3. Complaint**

Individuals or organisations have the right to complaint if they believe, for example, that:

- a) They received treatment in contravention of our Equality, Diversity and Inclusion Policy
- b) They were treated inappropriately e.g. unfairly or rudely etc.
- c) They received a poor standard of service.
- d) We failed to take appropriate action i.e. we omitted to act when we should have done.
- e) We failed to follow our own policies

### **4. Unreasonable Behaviour**

#### **4.1 Unreasonable Demands**

A demand may be unreasonable if responding could take up an excessive amount of time and is disproportionate to the matter.

We may decide a demand is unreasonable if, for example, the complainant:

- a) demand responses within an unreasonable timescale
- b) insists on seeing or speaking to someone more senior or a particular member of staff when that is not possible
- c) persistently changes what the complaint is about
- d) makes demands about a matter already under investigation
- e) continues to raise new or unrelated concerns

#### **4.2 Unreasonable Contact**

The number of times we are contacted, or duration of each contact may become unacceptable when the amount of time spent receiving, investigating, responding, reviewing, corresponding is disproportionate to the complaint.

#### **4.3 Managing Unreasonable Behaviour**

We will take appropriate action if we consider that behaviour is unacceptable or unreasonable, e.g.

- a) restricting or ending contact regarding complaint
- b) restricting or ending contact on all matters
- c) future contact is through a specific member of staff or third party
- d) ending contact entirely or for a period of time
- e) reporting matter to police i.e. if violence is threatened
- f) take any other appropriate action e.g. blocking calls, returning correspondence etc
- g) please also see:

- i) Section 8.2 Unfounded complaints
- ii) Vexatious or Malicious Behaviour Policy
- iii) Standards of Behaviour and Appearance Policy: Individuals

## 5. Responsibilities

- a) **Complainant:** Responsible for submitting a complaint. See Section 6.
- b) **Complaint Manager:** Responsible for managing a complaint. See Section 7.2.
- c) **Investigator:** Responsible for investigating a complaint. See Section 7.3.
- d) **PMG:** Responsible for this policy and its compliance. See Section 7.4.

## 6. Making a complaint

Complainants<sup>1</sup> must:

- a) Complain in a timely<sup>2</sup> manner
- b) Include in their complaint:
  - i) Specific matter to which their complaint pertains. See Section 3 for examples
  - ii) Provide evidence which supports their complaint
- c) Raise their complaint at the appropriate sequential stage:
  - i) Informal complaints via Stage 1 process
  - ii) Formal complaint via Stage 2 process
  - iii) Complaint appeals via Stage 3 process
- d) Email written complaints: [complaints@xact.org.uk](mailto:complaints@xact.org.uk)

**Note**<sup>1</sup>: Complaints are only accepted from individuals or organisations affected by complaint i.e. complaint cannot be submitted by a third party on behalf of someone else except when an individual is incapacitated due to a serious medical condition.

**Note**<sup>2</sup>: Some complaints have specific time frames

### 6.1 Stage 1: Informal Complaint

An informal complaint is one which can be resolved quickly and in a low-key manner through discussion (written or verbal).

- a) Complainant raises their complaint either verbally or by email in a timely manner
- b) Complaint recipient:
  - i) acknowledges complaint by email within three working days of complaint receipt
  - ii) consults with Complaint Manager to determine an appropriate response and responder<sup>1</sup>
- c) Provide an appropriate response within five working days

**Note**<sup>1</sup>: Complaints can often be dealt with by individual who received complaint

## 6.2 Stage 2: Formal Complaint

The following applies for complainants who wish to formally complain about our service or actions:

- a) Complainant submits a complaint by email using form 4.1.12 in a timely<sup>1</sup> manner.
- b) Complaint Manager:
  - i) acknowledges complaint by email within three working days of complaint receipt
  - ii) appoints an investigator to respond to complaint
  - iii) notifies complainant of outcome within 20 working days of complaint acknowledgement
  - iv) notifies complainant if complaint outcome is delayed
- c) Appointed investigator, investigates complaint grounds based on evidence presented<sup>2</sup> by the complainant and provides a written report to Complaint Manager.

**Note<sup>1</sup>:** Reasonable for situation i.e. for complaints about a poor standard of service, complaint received within 10 days of alleged poor standard of service.

**Note<sup>2</sup>:** Additional information maybe requested to enable the complaint to be investigated. In such cases:

- i) Investigation and response time frame of 20 working days commences once additional information is received
- ii) Those elements of a complaint will not be investigated if requested information is not received

## 6.3 Stage 3: Complaint Appeal

A review of a Stage 2 Formal Complaint to assess if it was proportionate, fair, appropriate and consistent.

The following applies for appellants who wish to appeal the outcome of a Stage 2 Formal Complaint:

- a) Appellant submits an appeal by email using form 4.1.13 within 15 working days of receiving the outcome of a Stage 2 Formal Complaint.
- b) Complaint Manager:
  - i) acknowledges appeal by email within three working days of appeal receipt
  - ii) appoints an investigator to respond to appeal
  - iii) notifies appellant of outcome within 20 working days of appeal acknowledgement
  - iv) notifies appellant if appeal outcome is delayed
- c) Appointed investigator<sup>2</sup>, investigates appeal grounds based on evidence presented<sup>1</sup> by the appellant and provides a written report to Complaint Manager.

**Note<sup>1</sup>:** Additional information maybe requested to enable the complaint to be investigated. In such cases:

- i) Investigation and response time frame of 20 working days commences once additional information is received
- ii) Those elements of a complaint will not be investigated if requested information is not received

**Note<sup>2</sup>:** A different investigator to Stage 2 investigator

## 6.4 External Escalation

A complainant may externally<sup>1, 2</sup> escalate their complaint in following situations:

- a) They have exhausted our complaints process i.e. up to Stage 3, *and*
- b) They remain dissatisfied with our response, *and*
- c) Complaint is directly related to operational function of our approved centre by a regulated awarding organisation

**Note<sup>1</sup>:** Any costs involved in external complaint process, are responsibility of complainant.

**Note<sup>2</sup>:** Any external timeframe requirements are a matter for complainant to identify with awarding organisation or Regulator.

### 6.4.1 Awarding Organisation

The following applies in these situations:

- a) Complainant requests Awarding Organisation's contact details from Xact
- b) Xact provides complainant with contact details of Awarding Organisation concerned
- c) Complainant communicates directly with Awarding Organisation
- d) Xact will present its own findings to the Awarding Organisation

### 6.4.2 Regulator

In situations where complainant is dissatisfied with an awarding organisations response, they may contact the regulator<sup>1</sup> directly. The following applies in these situations,:

- a) Complainant communicates directly with Regulator
- b) Xact will present its own findings to the Regulator

**Note<sup>1</sup>:** Ofqual or Ofsted

## 7. Internal Roles

### 7.1 Internal Complaints

If staff members make a complaint, their manager<sup>1, 2</sup> conducts the investigation.

**Note<sup>1</sup>:** Providing there is no conflict of interest

**Note<sup>2</sup>:** Employee: Line Manager. Contractor, self-employed or agency: Supervising Manager

### 7.2 Complaint Manager

Responsible for monitoring, administering, responding and recording complaint<sup>1</sup> including:

- a) acknowledging complaint by email within five working days of complaint receipt
- b) appointing an investigator to respond to complaint

- c) obtaining a written report from investigator
- d) notifying complainant of outcome within 20 working days of complaint acknowledgement
- e) notifying complainant if complaint outcome is delayed
- f) immediately reporting to PMG all serious or potentially serious matters e.g. criminal acts; equality, diversity and inclusion, litigation, domestic violence etc
- g) managing any conflicts of interest<sup>2</sup>
- h) managing any other matters e.g. awarding organisation notifications, duty of care, safeguarding etc
- i) recording complaint e.g. database, logs etc
- j) ensuring standards are maintained and improved as appropriate

**Note<sup>1</sup>:** complaint or complaint appeal

**Note<sup>2</sup>:** i.e. staff member implicated in complaint

### **7.3 Investigator**

Responsible for investigating and reporting

- a) investigate complaint<sup>1, 2</sup>
- b) report any conflicts of interest<sup>3</sup>
- c) requesting additional information<sup>4</sup> from the complainant/appellant to enable the matter to be investigated<sup>2</sup>
- d) providing an objective, fair and unbiased written report to the Complaint Manager within 20<sup>5</sup> working days of complaint acknowledgement
- e) immediately report all serious or potentially serious matters e.g. criminal acts; equality, diversity and inclusion, litigation, domestic violence etc
- f) report other matters e.g. awarding organisation notifications, duty of care, safeguarding etc

**Note<sup>1</sup>:** Stage 3 Complaint appeals: Different investigator to one who conducted Stage 2 Formal complaint

**Note<sup>2</sup>:** Only investigating matters applicable to complaint and for which suitable evidence is provided

**Note<sup>3</sup>:** i.e. they are implicated in the complaint

**Note<sup>4</sup>:** Response to be provided within one month

**Note<sup>5</sup>:** When additional information has been requested, response time frame of 20 working days commences once additional information is received

### **7.4 PMG**

Responsible for this policy, its compliance and review, including:

- a) advising Complaint Manager and Investigator
- b) ensuring all serious or potentially serious<sup>1</sup> matters are reported to appropriate agency
- c) managing any matters involving litigation

- d) ensuring other parties are notified e.g. awarding organisation for notifiable events, employer for duty of care concerns etc
- e) reviewing and evaluating outcomes to improve internal processes e.g. those relating to complaints, equality, diversity and inclusion, conflict of interest etc

**Note**<sup>1</sup>: E.g. Criminal matters involving money laundering, sexual harassment, safeguarding, prevent etc

## **8. Other matters**

### **8.1 Consultation**

Staff may be notified of the outcomes of a complaint to improve our services.

### **8.2 Unfounded Complaints**

We reserve the right to take proportionate action against individuals or organisations who make false, vexatious or malicious complaints<sup>1</sup>. This may include:

- a) Ceasing to engage with individual or organisation concerned
- b) Suspending course attendance, apprenticeship programme, assessment, qualification, complaint, appeal or any other activity until activity<sup>1</sup> has been resolved

**Note**<sup>1</sup>: See our Vexatious or Malicious Behaviour Policy for more details.

### **8.3 Associated Policies**

This policy should be used in conjunction with other policies e.g.

- a) Conflict of Interest Policy
- b) Data Management Policy
- c) Appeals Policy
- d) Equality, Diversity and Inclusion Policy
- e) Safeguarding Policy
- f) Prevent Policy and British Values Policy
- g) Vexatious or Malicious Behaviour Policy
- h) Standards of Behaviour and Appearance Policy: Individuals