

GUIDANCE

Complaints about Ofqual

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ofqual

Contents

How to make a complaint about Ofqual	1
Complaints we can deal with	1
What we cannot deal with.....	1
How to make your complaint	2
Register a complaint	3
What to expect.....	3
We will:	3
Possible outcomes.....	4
What to do if you are not happy with the decision.....	4
Recording complaints.....	5
Privacy statement.....	6

How to make a complaint about Ofqual

We are committed to providing an excellent service in our dealings with members of the public, our stakeholders and the awarding organisations we regulate. We take complaints about the work we do and the people who work for us very seriously. Complaints are an opportunity for us to put things right, learn from mistakes and to improve on what we do and how we do it.

Complaints we can deal with

We define a complaint as any expression of dissatisfaction about the way in which we have carried out, or failed to carry out, our work and which requires a response from us.

The types of complaints we would consider under this policy are generally about aspects of the service we have provided. This includes complaints about:

- mistakes or poor service
- unreasonable delay or failure to take action
- unprofessional behaviour or conduct of staff
- bias or unfair treatment
- failure to follow our published policies or procedures without a reasonable explanation

What we cannot deal with

If we cannot deal with your matter, we will write to you to explain why. Some examples of where we may not be able to assist include:

- matters made more than twelve months from the action complained about, (please see 'What to expect')
- where you disagree with our policies
- complaints about the awarding bodies we regulate. A separate policy can be found [here](#)
- matters or similar matters that have already been fully investigated under this policy or previously by Ofqual
- issues that are the subject of, or are related to, ongoing regulatory action
- issues that are the subject of, or are related to, legal proceedings or potential legal proceedings, against us or a third party
- matters where, in our view, the outcome of our investigation is unlikely to make any substantial difference

Awarding organisations wishing to complain about regulatory action taken, or organisations complaining about refusal of recognition, should use the appropriate process for seeking a review of the decision explained in the documentation concerning the regulatory decision. We will not investigate these types of complaints under this policy.

How to make your complaint

Some concerns can be resolved informally and we would hope to deal with most matters in this way. However, we do acknowledge that some complaints will require a more formal approach.

We believe it is best to deal with things straight away. If you have a concern or a complaint, we encourage you to raise it with the person you have been dealing with or their line manager to achieve a resolution.

If we are unable to resolve your complaint informally, you can raise a formal complaint with us. It is helpful to receive your complaint in writing so that we have a clear understanding of the concerns you are raising. However, if you wish to make a complaint over the telephone, we can document your complaint and then write to you to confirm our understanding of your complaint.

You will need to provide us with some specific information to help us review your complaint:

- what you are complaining about
- when and where the events complained about happened
- what you would like done to put things right

If you have any documents to support your complaint, please include copies. Please do not send original documents. We will store any information you send us securely. We may need to share information you give us with others for the purpose of considering your concerns. If you consider there are any sensitivities around the sharing of information, please let us know.

Register a complaint

Use our digital complaints portal to tell us about your concerns and send us information about this securely online: [Make a complaint](#)

Email

complaints@ofqual.gov.uk

Telephone

0300 303 3346

Our phone line is open on weekdays from 9am to 5pm, except bank holidays.

To ensure Ofqual deals with all complaints equally and fairly, all complaints sent to other parts of Ofqual, including those sent for the attention of the Chief Regulator or Board members will be forwarded to the complaints investigation team for action under this policy.

What to expect

Where you do complain to us, we will try to resolve your complaint as quickly and as thoroughly as possible. We will tell you whether we are able to look into your complaint. If your complaint does not fall within the scope of this complaints policy, we will write to you to explain why.

We will:

- confirm receipt of your complaint within 3 working days
- where appropriate, produce a summary of complaint for your approval within a further 10 working days
- provide a substantive response within 30 working days from when the issues to be investigated have been agreed, and
- give you the name and contact details of the person who is dealing with your complaint

If a response will take longer than the stated timescales, we will keep you informed of progress, the reasons for any delay and when we expect to reply in full.

When you complain to us, we ask that it is within 12 months of the action occurring. If you were not able to complain to us in time, we will talk to you about what happened, so we can understand why you did not complain sooner, for example because of ill health, bereavement or delay on our part. We will look at how much time has passed, and consider whether there are reasonable grounds for the delay and whether it is still possible for us to carry out an investigation, as we need to ensure we are being fair to all parties in the circumstances. We will assess each case on its own merits.

Where we investigate your complaint, we may request further information.

As part of managing your complaint, we will conduct an initial assessment and may contact you to ask for additional information. Where appropriate, we may appoint someone within Ofqual who has no previous knowledge or involvement in your matter, or other matters you may have raised, to investigate. Exceptionally, we may appoint an independent third party to investigate a complaint, for example in very complex cases.

We will then write to you setting out our understanding of the complaint, asking you to agree that the identified issues have been correctly summarised or to provide further clarification.

Possible outcomes

When we consider we have enough information to make a decision, we will write to you with a full explanation. The letter will explain whether we have decided to uphold your complaint or not and the reasons why this is the case. If the matter is confidential, we may not be able to share full details with you. If this is the case, we will explain this.

The letter will also set out any remedy, where applicable. Any remedy offered will be proportionate and appropriate to your complaint. Examples of possible remedies could include an apology or an explanation as to what caused the issue and what we intend to do to put it right.

What to do if you are not happy with the decision

If you are unhappy with the decision of our response to your complaint or our decision that your complaint is not within the scope of this policy, you can request an internal review. You should submit a request for an internal review within 10 working days of the date of our decision letter.

We will consider whether to review our decision if you feel that we have got something wrong. To do this, you will need to show us evidence of one of the following:

- our response was based on inaccurate facts and if accurate, this could change our decision
- you have new and relevant information that was not previously available and which might change our decision
- we overlooked or misunderstood parts of your complaint or did not take account of relevant information, which could change our decision
- you do not consider the decision is reasonable in view of the findings of the complaint

To make a request for an internal review, please use the digital complaints portal to register this securely online: [Make a complaint](#). You will be asked to provide evidence to support your request.

We will tell you within 10 working days if your request meets the criteria for an internal review. A more senior member of staff who has not been involved in conducting the investigation will carry out the internal review. We aim to complete an internal review within 30 working days after we have accepted your request. We will let you know if it is likely to take longer.

The review will consider whether:

- the decision was thorough and fair
- all relevant facts were taken into account
- the conclusions and decision reached were reasonable and properly explained

If the review finds in your favour, the reviewer may make a decision on the complaint or recommend that the complaint is, or specific issues identified in the review are, re-investigated. You will receive the decision on our review in writing. Unless we decide to re-investigate your concerns, the decision of our internal review is final and represents the end of our complaints process.

If you remain unhappy following the outcome of the internal review or that we decided not to conduct an internal review, you can contact the Parliamentary and Health Service Ombudsman ('the Ombudsman').

The Ombudsman carries out independent investigations into complaints about public bodies. Your [local MP](#) can refer your complaint to the Ombudsman. Further details on how to make a complaint to the Ombudsman can be found [on their website](#).

Recording complaints

We log all formal complaints we receive so that we can monitor the types of problems, the best way to sort them out and how long we are taking to deal with them. This also helps us to consider how we can improve our own service delivery.

We publish an annual summary of activity in relation to complaints received about Ofqual, as well as those complaints accepted by the Ombudsman. This will not include any individual's details.

Privacy statement

Ofqual is a data controller for the purposes of data protection legislation. We hold and process data in accordance with the principles set out in data protection legislation.

Where you supply any information to Ofqual, including information contained in complaints, we will use the information to progress the complaint. Should we need to share the information with another agency or department, we will request your express consent before doing so. If you no longer wish for us to use your information, you can let us know in writing or by speaking to us. This may mean that we will be unable to consider your complaint further.

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