

Complaints Policy and Procedure

Policy

Introduction

This Policy and Procedure sets out Gateway Qualifications' approach to handling complaints and is aimed at our recognised centres ("Centres"), Learners and all interested parties who encounter a direct or indirect service from Gateway Qualifications.

Gateway Qualifications values all Centres delivering our qualifications, and the Learners who undertake them, and always seeks to meet and exceed expectations. We equally expect our Centres to achieve the same in line with these values, and their undertakings as agreed at the point of becoming a Centre.

We are committed to providing a high-quality service and would be extremely disappointed if this is not the case. Therefore, it is important, should you feel you have encountered a level of service that is below both your expectations and ours, that you raise any concerns you may have with us immediately so that we may address them without delay, and learn any lesson arising out of the experience.

Scope

This policy covers complaints that Learners, Centres, or other relevant stakeholders (e.g. providers or employers for end point assessment services) may wish to make in relation to the qualifications, end-point assessment and associated services offered by Gateway Qualifications.

We may also investigate matters within the scope of this policy at our own discretion.

Out of scope

This policy does not cover appeals regarding:

- assessment decisions
- decisions regarding reasonable adjustments or special considerations
- decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration; or
- where evidence suggests Gateway Qualifications did not apply policies and procedures consistently in relation to the results of assessment, application of a sanction.

These areas are covered by our [Appeals Policy](#) or [Access to HE Learner Appeals Policy](#), which can be found on the [Gateway Qualifications' website](#). Should an appeal be submitted under this complaints policy, we will respond to inform the relevant party that the issue is being considered in accordance with our Appeals Policy or Access to HE Learner Appeal Policy.

If a complaint is made which relates to or is connected with the substance or management of an appeal and either the appeal is ongoing, or the content of the complaint is substantially

similar to that of an appeal (as determined by Gateway Qualifications), then the appeal will take precedence in terms of hearing and timing. The two processes will not run alongside each other, and the appeal will be given priority.

If your complaint relates to suspected malpractice or maladministration, for example in relation to the way in which an assessment or examination was conducted, you should send your concern to us without delay in accordance with the guidance set out in our [Malpractice and Maladministration Policy](#), which can also be found on the Gateway Qualifications' website. Should a complaint be submitted which alleges malpractice or maladministration, we will respond to inform the party that the issue is being considered in accordance with our Malpractice and Maladministration Policy.

Gateway Qualifications will not accept complaints or repeated contact on issues which have already been investigated through Gateway Qualifications' complaints procedure, unless presented with new information or evidence. Whilst we will treat every complaint fairly, we will not engage with complaints which are frivolous or vexatious, by which we mean complaints made without sufficient grounds for the purpose of causing annoyance. In circumstances where Gateway Qualifications considers your complaint to be frivolous, vexatious or about issues already investigated by Gateway Qualifications, you will be notified in writing and any further contact from you regarding the same issues will not be acknowledged.

Responsibilities

Gateway Qualifications requires Centres to operate a complaints and appeals policy and supporting procedures for their learners.

Where a complaint relates to dissatisfaction with a Centre, the Centre's own complaints and appeals process must be exhausted before bringing the complaint to Gateway Qualifications.

Centres

We expect that Centre staff involved in the management, assessment and quality assurance of our regulated qualifications, units or courses, and their Learners, are aware of this policy.

Gateway Qualifications requires Centres to operate complaints and appeals procedures for their Learners. Centres must have an internal complaints policy and procedure, and separately an appeals policy and process in place to deal with complaints from Learners or others about the services provided by your Centre.

Gateway Qualifications

Gateway Qualifications is responsible for ensuring that:

- all Centres manage and maintain a Centre complaints policy and process
- all complaints are treated seriously, sensitively and with due consideration to confidentiality and data protection
- all complaints are dealt with fairly, and consistently
- all complainants will be kept informed of the handling and result of the complaint investigation

- all complaints will be recorded, reviewed and analysed as part of Gateway Qualifications' commitment to quality assurance and continuous improvement.

Where a regulator or others notify us of failures that have been discovered in the assessment process of another awarding organisation(s), we will review whether or not a similar failure could affect our own assessment processes and arrangements, consider whether any remedial action is necessary in relation to assessments that have been undertaken, and consider appropriate amendments to those processes for the future.

Complaints Process Overview

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

The following chart summarises the route for complaints and the associated timeframes for making a complaint.

Source of Complaint	Route for Informal Complaint	Route for Formal Complaint
Learner complaint - Learner assessed by an approved Gateway Qualifications Centre	Complaints must be sent to the Centre	Complaints must be sent to the Centre*. The timeframes for Centre complaints are determined by the Centre complaints policy Only once the Centre Complaints process has been exhausted can the complaint be escalated to Gateway Qualifications. Escalated complaints to Gateway Qualifications must be made within 10 working days of the outcome of a complaint to the Centre
Learner complaint - Learner assessed by Gateway Qualifications (e.g. end point assessment)	<ul style="list-style-type: none"> • Speak to the member of staff at Gateway Qualifications who dealt with the issue at the outset, or • speak to the Customer Excellence Manager, or • email or complete the online form, detail provided in the next section 	Complaints must be sent to Gateway Qualifications via email, letter or the online form, detail provided in the next section Complaints must be made within 20 working days of the issue or event being complained about All formal complaints will be acknowledged by Gateway Qualifications within 2 working days of receiving the complaint.
Centre Complaint		
Stakeholder complaint (e.g. provider or employer for end point assessment)	Gateway Qualifications will always try to address any concerns as quickly as possible.	We aim to complete our complaint investigation and respond to the complaint within 20 working days

* Learners can make the complaint directly to Gateway Qualifications in exceptional circumstances where they feel there was a significant breach of Gateway Qualifications procedures or published

requirements by the Centre. Gateway Qualifications reserves the right to refer a complaint back to the relevant Centre for initial consideration.

Submitting a Complaint

Emails should be sent to enquiries@gatewayqualifications.org.uk and letters to the address listed at the end of this document. Alternatively, please complete the online form: <https://www.gatewayqualifications.org.uk/contact-us/feedback-appeals-and-complaints/>

All formal complaints will be acknowledged by Gateway Qualifications within 2 working days of receiving the complaint.

Formal Complaints

If it is not possible to resolve a complaint informally, or you consider that a more formal approach is appropriate, you must send in a formal written complaint.

When contacting us, you must provide your full name, contact details including a daytime telephone number and email address along with:

- a full description of your complaint, including the subject matter, activity and dates and times if relevant
- full details of the Centre complaint decision, where applicable
- any names of the people you have dealt with so far, either formally or informally
- copies of any emails or letters that refer to the complaint.

Complaint Investigation and Reporting

Complaint Investigation

The Customer Excellence Manager will be responsible for overseeing the complaint investigation and ensuring that:

- the investigation of the complaint is carried out in a prompt and effective manner,
- in their absence, or where a conflict of interest is identified, the complaint will be assigned to a senior staff member
- Gateway Qualifications' staff members involved in deciding on the outcome of the complaint are independent of the issue/incident and do not have a personal interest in the outcome.
- if the complaint relates to a member of Gateway Qualifications staff or wider workforce, the member of staff or wider workforce cannot be involved in the investigation, except as part of the evidence gathering process, as deemed necessary by the investigator.

We may require further information from you in order to investigate the complaint. If this is the case, we will contact you. In these circumstances, if you do not provide the further information required, then we may be unable to investigate the complaint.

Reporting the outcome of the complaint investigation

We aim to complete our complaint investigation and respond to the complaint within 20 working days.

However, if your complaint is more complex or involves anyone who is not available at the time or relies on awaiting further information or evidence from you or a third party, we may extend this as necessary. We will inform you of any changes to the timeframe for handling your complaint. We may contact you within this period to seek further information or clarification (in some instances we may recommend a meeting). At the end of the investigation, Gateway Qualifications will write to inform you of our decision, as well as any other interested parties.

If we have informed you that your complaint is under investigation and explained to you what is happening in relation to the process of that investigation, we will not accept repeated contact about the investigation.

There will be two possible outcomes from a complaint and associated investigation, and the decision will be communicated in writing:

- Complaint upheld or partially upheld – full details and reasons for the decision will be provided and details of the actions to be taken by Gateway Qualifications to prevent a similar issue or problem arising in the future.
- Complaint not upheld – full details and reasons for the decision will be provided, alongside details of your right to request a review of the outcome.

Upheld Complaints

In situations where any part of a complaint is upheld, Gateway Qualifications will give due consideration to the outcome and take actions as appropriate, such as:

- identify any other Learner, who has been affected by that failure
- correct, or where it cannot be corrected, mitigate as far as possible the effect of the failure
- ensure that the failure does not recur in the future
- notifying relevant regulators of the failure.

If the complaint was directed at Gateway Qualifications, and any part of the complaint is upheld, we will give due consideration to how we can improve our service and arrangements. For example, a review of our procedures or arranging for staff training. In extreme circumstances, internal disciplinary procedures may be exercised where the performance or behaviour of our staff is deemed inappropriate, however, the details of these actions will not be shared externally other than a broad description of the outcome where confidentiality permits.

Not upheld complaints

If you are unhappy with the outcome of your complaint, you can request a review within 10 working days of the date of the outcome communication. The request must be made in writing setting out your reasons why you do not agree with the outcome and, be supported with evidence that the outcome was based on inaccurate facts, that we did not consider all relevant information or misunderstood parts of your complaint.

The review will be undertaken by a senior member of staff to ensure that the correct procedure was followed and that the outcome was based on facts with all relevant and factual information considered.

We will aim to complete the review within 30 working days after your request has been accepted but will let you know if it is likely to take longer. The outcome will be communicated in writing and is Gateway Qualifications' final response to the complaint.

If the Gateway Qualifications' complaints procedure has been exhausted and you are not satisfied with the outcome, the complaints process of the relevant regulatory body may be followed:

Regulatory bodies

In England	Ofqual: https://www.gov.uk/government/organisations/ofqual/about/complaints-procedure QAA – Access to HE Diplomas: ahe@qaa.ac.uk
In Wales	Qualifications Wales: enquiries@qualificationswales.org

Confidentiality and whistleblowing

If you wish to remain anonymous, please inform us that you do not wish for us to divulge your identity. Whilst we will do our best to maintain confidentiality in such cases, it may sometimes not be possible to entirely anonymise individuals during the course of an investigation. There may also be circumstances where the regulator seeks copies of documentation, which could lead to revealing the identity of individuals. We will take reasonable steps to inform the affected party in advance.

Whilst we are prepared to investigate issues which are reported to us anonymously and/or by whistle-blowers we shall always try to confirm the grounds of an allegation by means of a separate investigation, before taking up the matter with those to whom the complaint/allegation relates. At all times we will investigate complaints from whistle-blowers in accordance with relevant whistleblowing legislation.

Gateway Qualifications defines whistleblowers as being current or ex members of staff (both permanent or contracted), contractors, consultants, or third-party suppliers of a Centre, of Gateway Qualifications and/or current or previous Learners.

Review arrangements and monitoring

Gateway Qualifications will review this policy and its associated procedures annually as part of its self-evaluation arrangements, revising it as and when necessary, in response to customer, Learner or regulatory feedback or findings from internal and external monitoring

arrangements, changes in internal practices, actions from the regulatory authorities or other external agencies, or where there may be changes in legislation.

Gateway Qualifications' Quality and Standards and Access to HE Committees are responsible for monitoring the effectiveness of the application of this policy. An annual summary is also submitted to the Board of Trustees for monitoring and ratification.

Contact details

If you wish to discuss any aspect of this policy and/or have a related query, please contact:

Telephone: 01206 911211
 Email: enquiries@gatewayqualifications.org.uk
 Post: Gateway Qualifications, Gateway House, 6 Tollgate Business Park, Colchester, CO3 8AB

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Ofqual General Conditions of Recognition
Condition D3: Reviewing approach
Condition D4: Responding to enquiries and complaints
Qualifications Wales
Condition D3: Reviewing approach
Condition D4: Responding to enquiries and complaints
QAA licensing criteria
Criteria 30