

GUIDANCE

Complaints procedure

How to make a complaint about an exam board, awarding body or qualification regulated by Ofqual

ofqual

Contents

Complaints we can deal with	3
What we cannot deal with	3
How to make your complaint and what you need to tell us.....	4
Register a complaint.....	4
What to expect	5
Possible outcomes.....	6
What to do if you are not happy with the outcome.....	6
Privacy statement.....	7
Complaints about Ofqual	8

Complaints we can deal with

Ofqual views a complaint as an expression of dissatisfaction about an organisation or qualification we regulate. We want all users of regulated qualifications to receive a good service and to have things put right when they go wrong. A list of awarding organisations and qualifications we regulate can be found on the [Register of Regulated Qualifications](#).

We expect you to have already complained to the awarding organisation before coming to Ofqual. We also expect that the awarding organisation will have had an opportunity to resolve your complaint. You can complain to us about:

- an awarding organisation's alleged failure to comply with our [regulations](#), see below for examples
- the award of a regulated qualification by a recognised awarding organisation
- issues that could undermine public confidence in regulated qualifications

When you complain to us, we ask that it is within twelve months of the action you are complaining about, and that you have completed all stages of the awarding organisation's complaint process. But, when the matter appears to us to be urgent or in the wider public interest, we may choose to look at a complaint before the awarding organisation's final decision.

Examples of the types of complaint we can look into include:

- customer service issues, including how the awarding organisation has handled your complaint
- registration procedures for candidates and centres
- certification procedures for candidates
- potential or actual malpractice by someone involved with the exam or assessment

What we cannot deal with

If we cannot deal with your complaint, we will tell you and, where possible, suggest an alternative agency or organisation. Some examples where we may not be able to assist include:

- where there is an appeals process to challenge an assessment decision or a candidate's results for a qualification regulated by Ofqual – see instead, ['Appeal against a GCSE, AS or A level grade or the result of a qualification'](#)
- a school or college is appealing against an assessment decision or a candidate's results for GCSE, A level or diploma principal learning and projects – see instead ['Appeal an exam result'](#)
- matters which have already been fully investigated through this complaints policy

- issues which do not fall under Ofqual's remit, for example, if your complaint is about the quality of teaching or training by a school or college - you should complain to the school or college involved
- matters which are, or have been, the subject of legal or on-going regulatory action, or potential action

Please note, if you are seeking financial compensation, you may wish to seek independent legal advice. Ofqual is unable to award compensation and cannot provide this outcome.

How to make your complaint and what you need to tell 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, as follows:

- which awarding organisation are you complaining about?
- which qualification and subject does your complaint refer to?
- have you complained to the awarding organisation already and, if so, when did you complain?
- if you have already complained, please provide a copy of the final letter which confirms you have completed the awarding organisation's complaints procedure.
- what you think the awarding organisation did wrong and how has this affected you? Please provide a clear explanation of what happened and when.
- what do you think the awarding organisation should do to put things right?
- your details (name, address, email address and phone number)

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.

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](#)

Telephone
0300 303 3346

Please see our website for phone line opening times. To ensure Ofqual deals with all complaints equally and fairly, all complaints sent to other sections of Ofqual, including the Chief Regulator or board members, will be forwarded to the complaints investigation team for action under this policy.

What to expect

We take all complaints seriously, and if you complain to us you will be told whether we are able to look into your complaint.

We will:

- confirm receipt of your complaint within 3 working days, if you provided contact details
- contact you within another 10 working days to let you know whether we can investigate your complaint or not
- set out a summary of our understanding and scope of the complaint if we can investigate it

Usually we will only consider your complaint if it is within 12 months of the action complained about. In some circumstances, we may still be able to investigate even if you complain outside of this period.

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
- delay on the part of the awarding organisation

We will look at how much time has passed, and consider:

- whether it is still possible for us to carry out an investigation
- what is fair to all parties in the circumstances

We will assess each case on its own merits.

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

Our investigation will look to establish whether there are indications of non-compliance. It will not make a final decision as to whether non-compliance has taken place.

As part of our investigation, we will:

- contact the awarding organisation which is the subject of your complaint to request a response and copies of any relevant documentation if necessary
- review all relevant information and consider it in relation to relevant requirements
- give all parties the opportunity to clarify elements of the complaint, where necessary

When we believe we have enough information to make a fair decision, we will share a draft decision with you and the awarding organisation, and seek comments from both parties.

We will write to you to confirm the outcome when our investigation is complete, and after considering any comments we receive.

Where we can, we will inform you of the information we have relied on or which has influenced our decision. However, we sometimes receive confidential or sensitive personal information which we cannot share with you. Where this is the case we will explain this to you.

We aim to complete all investigations as quickly as possible, and to complete 80% of cases within 40 working days. Some cases can be more complex and take longer for us to gather enough information to make a fair decision. Where our investigations take longer, we will keep you informed of progress on your case at least every 30 working days.

Possible outcomes

It may be that we are satisfied that the awarding organisation has met our requirements and we will close the complaint. Examples of this include:

- we consider the organisation acted correctly in the first place
- the awarding organisation made mistakes, but we consider they have already done what we would expect to put things right for those affected

We may ask an awarding organisation to assure us about the course of action they will take. If we do not get appropriate assurances, we will refer your complaint to the relevant team to consider whether any further action may be appropriate. Examples of where we may do this include:

- the awarding organisation made mistakes, provided a poor service or maladministration
- the awarding organisation's actions has had a negative impact which has not yet been put right

Whether we decide to take action or not, we will write to let you know the outcome. We may be limited in what we can tell you where there are legal or confidentiality issues. As a risk-based regulator, we use what we learn from complaints to focus on those awarding organisations who give us cause for concern.

Where appropriate, we may appoint an independent party to investigate a complaint.

What to do if you are not happy with the outcome

If you are unhappy with the outcome of your complaint, you can request an internal review. You should submit a request for an internal review within 10 working days of the date of our outcome letter.

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

- we made our outcome based on inaccurate facts that could change our decision
- you have new and relevant information that was not previously available and which might change our outcome
- we overlooked or misunderstood parts of your complaint or did not take account of relevant information, which could change our outcome
- you do not consider the decision or outcome 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 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 your request has been accepted. We will let you know if it is likely to take longer. The review will consider whether:

- the investigation 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, we may re-investigate the complaint. You will receive the outcome of 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 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](#).

Privacy statement

It is necessary for us to collect and hold personal information about you in order to investigate and administer your complaint. If you make a complaint to Ofqual, we will hold the information you provide to us securely and use it to help us to handle and process your complaint. For more information please access our [Complaints privacy notice](#) (PDF, 234KB, 4 pages).

Complaints about Ofqual

If you wish to make a complaint about Ofqual, details on how to do this can be found in [Complaints about Ofqual](#) (PDF, 214KB, 10 pages).



© Crown Copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit

www.nationalarchives.gov.uk/doc/open-government-licence/

or write to

Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:

ofqual

Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

0300 303 3344
public.enquiries@ofqual.gov.uk
www.gov.uk/ofqual