

Enquiries, Complaints and Appeals Policy

1.0 Policy Introduction

English Speaking Board (International) Ltd. (ESB) is recognised across the World as an awarding organisation and is regulated by Ofqual, Qualifications Wales, SQA and CCEA. ESB understands that sometimes things can go wrong. In our commitment to delivering an outstanding customer experience, we would like to hear from you. In the event that ESB have failed to carry out, or act on something which falls under ESB's responsibility, we will always endeavour to put things right.

1.1 Purpose of the Policy

The purpose of the policy is to outline the simple, identifiable process and timeframes in place for anybody who wishes to raise an enquiry, complaint, and/or appeal a decision.

- **ESB's responsibilities in managing enquiries, complaints and appeals**
- **What ESB's Enquiries, Complaints and Appeals Policy does not cover**
- **How to make an enquiry and how ESB will manage it**
- **How to make a complaint and how ESB will manage it**
- **How to appeal against ESB's decision**

1.2 ESB's responsibilities in managing enquiries, complaints and appeals

ESB are regulated by the following regulators: Ofqual (England), SQA Accreditation (Scotland), CCEA Regulation (Northern Ireland) and Qualifications Wales (Wales). ESB are committed to complying with regulatory requirements in line with the following: Ofqual and CCEA's General Conditions of Recognition and Qualification Wales Standards Conditions of Recognition:

- Section D, Condition D4.1, D4.3, D4.4
- Section I, Conditions I1.1, I1.2, I1.3, I1.4 and I2, and
- SQA Accreditation's Regulatory Principles (2014):
 - Principle 12, The awarding body and its providers shall have open and transparent systems to manage complaints.
 - Principle 13, The awarding body and its providers shall have clear, fair and equitable procedures to manage appeals.

In addition, ESB are committed to complying with requirements of the Charity Commission for England and Wales. You have the right to Complain to the Charity Commission if ESB as a charity is, for example:

- Not doing what it claims to do
- losing lots of money

- harming people
- being used for personal profit or gain
- involved in illegal activity

ESB are committed to ensuring that:

- No one should be inhibited, disadvantaged or discriminated against when making a complaint or appealing a complaint outcome.
- Clients can be confident that all complaints will be treated with equal diligence.
- Clients are treated with courtesy and receive the appropriate contact, as and when necessary, throughout the handling of a complaint or appeal following a complaint outcome.
- When mistakes happen, ESB will acknowledge them, we will apologise, and always endeavour to explain what went wrong and put things right as quickly and efficiently as possible.
- ESB are committed to continuous improvement, and as such we value the lessons learnt from complaints and use them as an opportunity to improve our services to you.

1.3 What ESB's Enquiries, Complaints and Appeals Policy does not cover

Complaints made against a registered ESB Centre, must be made through the registered centre's own Complaints policy. ESB requires its centres to operate a complaints handling procedure or appeals process for the benefit of learners.

Should the complaint refer to a Conflict of Interest, Whistleblowing, Malpractice & Maladministration or Safeguarding issue, please refer to the relevant ESB policy:

- Conflict of Interest
<https://esbuk.org/app/uploads/2019/06/ESB-POL-23-Conflict-of-Interest-Policy-v1.pdf>
- Whistleblowing Policy
<https://esbuk.org/app/uploads/2019/06/ESB-POL-25-Whistleblowing-Policy-v1.pdf>
- Safeguarding Policy and Safeguarding Procedure
(https://esbuk.org/app/uploads/2018/11/ESB-POL-01_Safeguarding_Policy_V2.pdf)
- Malpractice & Maladministration (<https://esbuk.org/app/uploads/2019/05/ESB-POL-05-Malpractice-and-Maladministration-Policy.pdf>)

1.4 How to make an enquiry and how ESB will manage it

An enquiry raises doubt over results, either for any one learner or for a group of learners. This procedure provides the opportunity for Centres to seek a check on decisions affecting a learner's external assessment results.

All enquiries must be made through the **Centre Organiser**. The Centre Organiser must send an enquiry to ESB **within 15 working days** of receiving the results to customer@esbuk.org. The centre must provide the following information in writing as applicable:

- Centre name
- Centre Organiser's name
- Candidate/learner's name and ESB Registration ID
- Title and level of the qualification/units
- Date of examination
- Result
- Issue

ESB will acknowledge receipt of the enquiry **within 2 working days**. ESB's Senior Examiners will:

- Review the Reports/results
- Contact the examiner to confirm and seek further information
- Review all associated documentation
- Notify the Centre Organiser of the result of their enquiry **within 15 working days** of receipt of it.

The decision and outcomes may be to upgrade, downgrade and/or uphold the original examination result. Any replacement documentation will be issued without charge.

1.5 How to make a complaint and how ESB will manage it

ESB defines a complaint as any expression of dissatisfaction about the way in which it has carried out, or failed to carry out, its work and which requires a response from ESB. The types of complaints ESB would consider under this policy are about aspects of the service it has provided. This may include:

- complaints about mistakes or poor service
- unreasonable delay or failure to take action
- unprofessional behaviour or conduct of staff
- bias or unfair treatment

If you would like to make a complaint, email us at customer@esbuk.org or write to us at the following address:

Customer Experience Team
9 Hattersley Court
Burscough Road
Ormskirk
L39 2AY

The Customer Experience Team is responsible for taking receipt of, logging and acknowledging receipt of a complaint **within 2 working days**.

In circumstances where the complaint is regarding the conduct of a member(s) of the Customer Experience Team, the complaint will be escalated internally to the HR department by the Customer Experience Manager.

The complaints log will be updated at each stage of development during the complaint investigation, or when new information in relation to the complaint is discovered by us, or communicated to us.

The Customer Experience Manager will review the complaint, and any supporting evidence in its entirety.

Where necessary, the Customer Experience Manager will involve the relevant colleagues including direct reports, or other staff members including Senior Managers, or where necessary the Chief Executive to assist with the investigation and outcome of the complaint. All information relating to the complaint gathered during the investigation will be logged on ESB's complaints log, as well as the outcome to the complaint.

The Customer Experience Manager will respond to the complainant with an outcome **within 15 working days** of the receipt of the complaint. ESB will always endeavour to give a full, easy to understand response setting out the results of the investigation and the response will clearly state the outcome of the complaint, and if necessary, what steps ESB have already implemented, or will implement, in order to put things right.

Complaints relating to SQA Accredited qualifications

In relation to SQA accredited qualifications, learners and centres have the right to complain to SQA Accreditation should they be dissatisfied with the way in which ESB has handled a complaint.

Following a review, should SQA Accreditation uphold the complaint, ESB will ensure that appropriate preventative and/or corrective action is taken. You can contact SQA Accreditation by:

- e-mail: regulation@sqa.org.uk
- Telephone: 0345 213 5249
- Fax: 0345 213 5011

Or in writing to:

SQA Accreditation
Scottish Qualifications Authority
The Optima Building
58 Robertson Street
Glasgow
G2 8DQ

In certain circumstances, learners or centres may have the right to escalate a complaint to the Scottish Public Service Ombudsman (SPSO) as the final arbiter.

Users have to exhaust the public body's own complaints procedure before the SPSO will consider their complaint and it must usually have been raised within the previous 12 months. The complaint cannot be under consideration in a court of law.

Centres classed as public bodies are required to implement a documented complaints process which makes it plain that learners and centres can complain, in turn, and once the previous stage has been exhausted, to the centre or ESB (whichever is appropriate), to SQA Accreditation and to the SPSO.

The SPSO will not consider complaints about academic decisions, such as the outcome of an assessment. These types of complaints should be treated as an appeal and should follow ESB's appeal processes.

SPSO's Model Complaints Handling Procedure can be found at <https://www.spsso.org.uk/how-we-handle-complaints>.

1.6 Appealing ESB's decision

Enquirers and Complainants have the right to seek a review in the event that:

- An Enquirer is dissatisfied with ESB's decision
- A complainant is dissatisfied with ESB's decision

In accordance with regulatory requirements, ESB accepts appeals in relation to the following areas of work:

- Appeals against results
- Decisions regarding Reasonable Adjustments and Special Consideration, and
- Decisions relating to any action to be taken against a Learner or a Centre following an investigation into malpractice or maladministration. This process is outlined in a separate policy (<https://esbuk.org/app/uploads/2019/05/ESB-POL-05-Malpractice-and-Maladministration-Policy.pdf>)

It is important that appeals are raised to ESB's attention as soon as possible in order for ESB to deal with an appeal quickly and efficiently. An appeal must be submitted to ESB in writing **within 10 working days** from the date the original enquiry or complaint decision was sent to the enquirer or complainant, by ESB. ESB reserve the right to reject any appeal received after this time period.

ESB will acknowledge receipt of the appeal **within 2 working days**. Enquirers and Complainants should only appeal on the basis of the original enquiry or complaint. An appeal can only be raised on the basis of one appeal, per enquiry or complaint. Multiple enquiries or complaints cannot be combined into one appeal process.

Appeals will be managed by a person who has not had any previous involvement with the matter. All appeal decisions will be taken by individuals who have no personal interest in the decision being appealed. All appeal decisions to involve at least one decision maker who is not an employee of the awarding organisation, an Assessor working for it, or otherwise connected to it.

Appeals should be emailed to the Chief Executive of ESB, Tina.Renshaw@esbuk.org The CEO will convene a panel **within 15 working days of receiving an appeal**. The panel will:

- Review the original complaint, and all supporting evidence in its entirety.
- Review the outcome of the original complaint.
- Discuss the original complaint, the outcome, and the appeal in order to reach a decision regarding the complaint appeal.

The panel will reach a decision regarding the appeal. The possible outcomes of an appeal are:

- Appeal declined or denied
- Appeal upheld and any actions as deemed necessary by ESB, will be taken in order to satisfactorily resolve the complainant's issue.

The decision regarding the outcome of the appeal will be communicated to the complainant, **within 20 working days of receipt of a request for an appeal**. A letter outlining the detail of the investigation will be issued to the complainant giving a full explanation of the outcome. Where an appeals process leads ESB to discover a failure in its assessment process, ESB will take all reasonable steps to:

- a) Identify any other Learner who has been affected by the failure,
- b) Correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
- c) Ensure that the failure does not recur in the future

In the event that a complainant has exhausted ESB's complaints and appeals process, and remains dissatisfied with the outcome, depending on the nature of the complaint, a complainant has the right to explore the possibility of raising their dissatisfaction with organisations outside of ESB. Please see below links:

- Charity Commission (gov.uk): <https://www.gov.uk/complain-about-charity>
- Ofqual: <https://www.gov.uk/government/organisations/ofqual>
- QIW: <https://www.qualificationswales.org/english/our-work/our-regulatory-documents/policies/>
- SQA Accreditation: <https://accreditation.sqa.org.uk/accreditation/home>
- Scottish Public Service Ombudsman (SPSO) <https://spsso.org.uk/contact-us>
- CCEA: <http://ccea.org.uk/>
- ICO: <https://ico.org.uk/make-a-complaint/>

In relation to SQA accredited qualifications, learners and centres have the right to appeal to SQA Accreditation should they be dissatisfied with the way in which ESB has handled an appeal. Where a referral is made to SQA Accreditation, it may undertake activities to assess the effectiveness of ESB's appeals process and/or that of an approved centre. The aim being to ensure that such processes are in line with regulatory requirements. Where SQA Accreditation raises any concerns ESB and/or the approved provider must take the appropriate preventative and/or corrective action to prevent re-occurrence.

Please note that SQA Accreditation is unable to overturn assessment decisions or academic judgements. You can contact SQA Accreditation by e-mail: regulation@sqa.org.uk or Telephone: 0345 213 5249 or Fax: 0345 213 5011 or in writing to:

SQA Accreditation
Scottish Qualifications Authority
The Optima Building
58 Robertson Street
Glasgow G2 8DQ

1.7 Review of the Enquiries Complaints and Appeals Policy

ESB will review this policy annually, to ensure its procedures and practices continue to meet legislative and regulatory compliance. If required, ESB reserve the right to make changes at any time in line with customer and stakeholder feedback, changes in its practices as a result of actions from the regulatory authorities, external agencies, or in compliance with changes in government legislation.