

Swim England Qualifications Complaints Policy

1. General

- 1.1 This Complaints Policy sets out our (Swim England Qualifications) approach to handling complaints.
- 1.2 We are committed to providing a quality service and in order to do this, we will listen and respond to the views of others.
- 1.3 Complaints, comments, and any other expressions of dissatisfaction are taken seriously and are dealt with appropriately. We aim to learn from feedback and to improve the quality of service we offer.
- 1.4 All complaints received are recorded. It should be recognised though that most concerns can be managed fairly, amicably and to the satisfaction of all concerned on an informal basis. Only when informal means of resolution have been exhausted should resolution through a formal approach be pursued. However, there may be occasions whereby we determine that it is imperative that a formal approach is undertaken from the outset.
- 1.5 This policy is supported by the principles relating to investigations held within our Investigations Policy.

2. Scope

- 2.1 We will consider complaints from learners, Approved Training Centres (ATCs) or other relevant stakeholders regarding our regulated functions and any other service we may provide. This may include but is not limited to the following:
 - The behaviours of either our staff and/or external consultants
 - Services that would include failure to act or unreasonable delay.
- 2.2 Complaints about the following are all dealt with under our Pre-Appeal Enquiries and Appeals Policy:
 - Assessment Decisions and / or Outcomes (including External Verification Decisions and External Marking / Moderation Decisions)
 - Centre Review Outcomes
 - Sanctions
 - Reasonable Adjustments or Special Consideration Decisions
 - Malpractice (incorporating maladministration) Investigation Outcomes and Decisions
 - Adjudication of Internal Assessments Decisions
- 2.3 Where a complaint is about an ATC, its provision or assessment decisions, complainants must first go through the ATC's complaints and / or appeals procedure prior to contacting us. As part of our agreement with ATCs, they must all operate a complaint handling and appeals process for learners registered with them.
- 2.4 There are some business aspects between a learner and an ATC that are beyond our role and remit as a third party to comment on or investigate, such limitations of our role would be advised to the complainant at the time the complaint is highlighted.

- 2.5 Complaints from learners (or via whistle blowers) about the service provided by our ATCs which allege malpractice (incorporating maladministration) will be dealt with under our Malpractice Policy.
- 2.6 Complaints brought to our attention by the regulators (Ofqual or Qualifications Wales) where the regulators notify us about failures that have been discovered in the assessment process or other activities of another awarding organisation, these will be reviewed in the same manner as other external complaints in accordance with the procedures below, to ascertain if the same issue could affect us.

3. ATC Responsibility

- 3.1 Staff involved in the management, assessment and quality assurance of our qualifications, and its learners, should be aware of the contents of this policy.
- 3.2 We require all ATCs to have a complaints policy and procedure in place. Within this policy and procedure, the ATC should:
- Outline the scope of individuals that they may consider complaints from, which must include learners (or those acting on behalf, such as a legal guardian).
 - Identify the individual with whom the individual should lodge an initial complaint with including providing their contact details.
 - Stipulate clear timelines for dealing with each step and the retention of evidence.
 - Include procedures for a referral if the learner is still unhappy with the outcome, and where reasonable directing them to the relevant policy.
 - State what the next steps should be if unresolved.
 - Confirm that a learner may nominate an appropriate representative to act on their behalf only if they are unable to represent themselves, for example by reason of disability, on medical grounds, or because they are under the age of 18. Learners wishing to nominate a representative should do so at the beginning of the process with the ATC, giving a clear reason why they cannot represent themselves.
- 3.3 ATCs should report to us, without delay, any complaints that they receive relating to equality and diversity in the delivery of qualifications, the processing of personal data or compliance with the General Data Protection Regulation (GDPR 2018), the integrity of the qualifications or their award, and/or any matter that may give rise to a potential adverse effect (as defined by our regulators), requiring us to act.

4. How to Complain

- 4.1 If a complaint is made that 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 the appeal (as determined by us), then the appeal will take precedence. The two processes will not run alongside each other and the appeal will be given priority.
- 4.2 By virtue of making a complaint, the complainant has agreed to:
- Having read and understood this policy.
 - The information provided by them represents an accurate and true reflection of the situation that led to the complaint.

- Information and documentation provided is complete and represents an accurate and true reflection of the situation that led to the complaint.
- Understand that we will need to manage personal details about the complainant which may include sensitive information in order to deal with the complaint effectively, but such information will only be shared, in confidence, where it is necessary and reasonable to do so.
- That the complaint may be disclosed to relevant staff members of ours to the extent necessary for any investigation to be undertaken.
- Authorise us to consider the information provided to the extent necessary for the consideration of the complaint.
- That SEQ require the time to undertake any investigations in which may make further requests for information for the purpose of fulfilling and obtain an outcome based on factual evidence.

4.3 Complaints should be made within one month of the occurrence or within 10 working days of an unsatisfactory outcome of a complaint to an ATC. Any complaints received after this deadline may not be considered as the complaint may no longer be relevant when considering aspects of currency and relevance. Should this be the case the rationale will be provided to the complainant.

4.4 Where possible, we will deal with complaints informally and may do so over the telephone or via email. In such cases we will confirm in an email the action we will take.

5. Processing a Formal Complaint

5.1 Sometimes a more formal approach is required and in these cases the complaint must be put in writing directly to qualityassurance@swimenglandqualifications.com giving the following:

- Name, address, and contact information.
- Confirmation that this policy has been read, including the aspects referenced in section 4.2.
- Reasons for the complaint and expectations of the outcome as succinctly as possible, including whether the complaint is directed at us or escalated to us having exhausted the relevant ATC's complaints process.
- Dates, locations, and information including any witnesses.
- Details of any previous attempts to resolve the identified dissatisfaction
- Submit any additional supporting documentation only when requested to do so.
- That the contents of any information provided have not changed or altered from once it first existed.

5.2 The complaint will be logged as soon as it is received and passed to our Regulations & Standards Manager (RSM) who will assume responsibility for the investigation. In certain cases, it may be deemed appropriate for an independent commissioned individual to act on behalf to the RSM, who may report their investigation findings and outcome to the RSM.

5.3 An email acknowledging the receipt of the complaint will be sent within 5 working days of receipt of any written complaint.

5.4 If the complaint is excessively long or complex, we may ask for a summary or in a succinct bullet pointed format so that we are clear what the issues are.

- 5.5 If the complaint is from a learner, or parent (guardian) acting on behalf of that individual, who has exhausted the ATC's complaints procedure, we will contact the ATC's Key Centre Contact (KCC) for the outcome of their complaint before undertaking our own.
- 5.6 In the event that a complaint has escalated to us, as outlined in section 5.5, any information supplied by either party to us will be expected to be authentic and in their original version(s) at the time it first existed without alteration, and if necessary, provide a written statement of confirmation relating to any items or aspects to declare as such. This process will be completed to ensure that it removes where possible all misinterpretations or misgiving that could have taken place during the process of information transference from one party to another which could affect its outcome.
- 5.7 We will endeavour to complete any complaint investigations within 20 working days of the receipt of the initial written complaint. To ensure a fair and thorough investigation, the duration may depend on the nature and severity of the complaint received and we will notify the complainant as soon as possible if the investigation will take longer than expected. We will give both parties the opportunity to provide evidence to support their case should it be necessary; we may ask for information and communications from time to time during this process.
- 5.8 We understand that by their nature complaints can be a stressful time while being investigated. When this happens, and where possible, all parties will be kept informed during this period.

6. Complaint Outcome

- 6.1 In situations where a complaint directed at us which has been upheld, or where an investigation following notification from a regulator indicates a failure in our processes, we will give consideration to the outcome and will, as appropriate, take actions such as:
- Identifying any other learner who has been affected by that failure.
 - correcting, or where it cannot be corrected, mitigating as far as possible the effect of the failure.
 - If necessary, notifying relevant regulators of the failure.
 - Reviewing our procedures and/or our approach to developing, delivering, or awarding qualifications
 - Ensuring that the failure does not reoccur in the future.
- 6.2 If the complaint was directed at us, and if any part of the complaint is upheld, we will respond to the complainant accordingly and give consideration to how we can improve our service and arrangements. This may, for example, include a review of our policies, procedures or arranging specific staff training.
- 6.3 There may be aspects of the complaint outcome that are confidential and/or commercial in confidence and as such not appropriate to be shared externally. For example, in exceptional circumstances, internal disciplinary procedures may be exercised where the performance or behaviour of our staff is deemed inappropriate.
- 6.4 We will write to the complainant via email, wherever possible, to inform them of the outcome and to describe the reasons for our decision.
- 6.5 If the complaint is upheld, we will, subject to the requirements of confidentiality, inform the complainant of the actions we propose to take. This email confirmation will deem the complaint with the complainant as completed.

- 6.6 If the complainant disagrees with the decision, they can request the complaint to be reviewed. This request must be submitted to us via qualityassurance@swimenglandqualifications.com clearly explaining what aspects of the decision the complainant disagrees with. The complainant must submit this request within 10 working days of the date we issued the decision. Any requests received after this deadline will not be considered and subsequently closed.
- 6.7 An independent reviewer(s) will review the complaint decision within 20 working days of receipt (acknowledgement) of the request. The reviewer will email the complainant with the outcome of this review. However, this duration may depend on the nature, complexity and severity of the complaint decision(s) and corresponding information received and as such the reviewer will notify the complainant as soon as possible once the review has been completed.
- 6.8 The reviewer(s) may request additional information, if this is the case both parties shall be provided the opportunity to discuss the case with the reviewer. Alternatively, and should it be necessary (at the discretion of the reviewer), they may make requests for additional information.
- 6.9 The outcome of the review will be final, the complaint will be deemed as closed and there are no pre-appeal enquiries or appeals for complaints.
- 6.10 Individuals who remain dissatisfied with an outcome of a complaint they may contact Ofqual (England) or Qualifications Wales (Wales) directly to raise a complaint regarding our complaint's procedure. Regulators will always want confirmation that all other internal and external procedures have been formally exhausted prior to their involvement and will seek evidence to confirm this is the case. Upon receipt they may or may not agree to hear the complaint but will provide reasons for their decision.
- 6.11 If the process of a complaint and / or its investigation(s) subsequently affects any parties health, we recommend that individuals seek support. Some examples of organisations that could help are:
- Mind: A leading mental health charity in the UK, offering advice and support to anyone experiencing a mental health problem. You can find more information via their website at <https://www.mind.org.uk>
 - NHS: The National Health Service provides a range of mental health services and support. You can access further information at <https://www.nhs.uk/nhs-services/mental-health-services/>

Please note, these examples are not exhaustive, and are provided as illustrative examples only, and we are not in a position to provide professional health advice. For support in obtaining a diagnosis, it is recommended that you seek advice from your local GP.

7. Conflicts of Interest

- 7.1 Whereby a member of our staff are named within the complaint or there is an actual or perceived conflict of interest (CoI) we will liaise the Swim England Qualifications Board, Swim England People Development Team and/or Senior Leadership Team in order to identify alternative individuals that are competent to undertake the above responsibilities.

7.2 The independent reviewer(s), which will consist of one or more individuals, who are competent to undertake the complaint review and have no personal interest in the outcome.

7.3 The final decision of the complaint review (as stated in section 6.7) will involve at least one decision maker who is not an employee of our awarding organisation/the National Governing Body (Swim England) or an external consultant working on behalf of SEQ.

8. Contact details for SEQ

Telephone: (+44) 01509 640493

Email: qualityassurance@swimenglandqualifications.com

Website: www.swimenglandqualifications.co.uk

9. Vexatious and Persistent Correspondence

9.1 We offer a transparent complaints procedure and will keep complainants and other relevant parties informed throughout any investigation. However, individuals must allow sufficient time for us to conduct a thorough investigation.

9.2 We will not engage with abusive or persistent correspondence from complainants or others involved once a decision has been reached.

9.3 Repeated contact with no new evidence and/or abusive correspondence from a complainant, or others involved, will be considered as vexatious correspondence.

9.4 Where correspondence and / or behaviour are deemed to be vexatious, we will refer the complainant or others involved, to this policy, explaining that if the communication continues in this manner all correspondence will cease.

10. Quality Assurance

10.1 This document supports the Conditions;

Related Ofqual General Conditions of Recognition:	C2; D2; D3; D4.
Related Qualifications in Wales Standard Conditions of Recognition:	C2; D2; D3; D4.

10.2 This policy is reviewed biennially to ensure it continues to meet our needs and those of our regulators or earlier, if necessary, as a result of feedback, monitoring activities, requirements from our regulators or changes in legislation.

For Office Purposes

Document Version Number	Comments on Amendments and/or Additions	Published Date
10	New sections added – 1.5, 5.6, 5.7, 5.8, 6.8, 6.10, 7.2, Latest Branding Additions made to sections 3.2, 4.2, 5.1, 5.2, 5.4, 5.5,	December 2024

11	Amendments to grammar and spelling (section 6). Disclaimer in section 6 on health support/advice.	December 2025
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