



COMPLAINTS POLICY

November 2020

1. INTRODUCTION

The IFA and its Centres are committed to providing the highest quality service to all customers. However, from time to time things can go wrong and may fall short of those standards. If something does go wrong, we need you to tell us about it to enable us to address the issue as a priority and, where appropriate, offer a suitable remedy. It will also help us to make any improvements that are highlighted by the complaint and ensure other learners or Centres are not adversely affected.

This policy will be reviewed on an annual basis as part of our self-evaluation.

2. SCOPE

This policy applies to any and all participants in IFA Qualification(s); Learners, Centres, their staff and any additional site personnel who wish to raise a complaint in connection with the service they have been provided at an IFA Approved Centre or by their awarding organisation, the IFA.

Please note however, the IFA will not initiate this complaints procedure where other policies exist for dealing with the subject of the complaint. This includes the following:

- [Appeals Policy](#) regarding examination results
- [Malpractice and Maladministration Policy](#)
- Whistleblowing Policy

all of which are available on the IFA's website.

Reference to the following policies may also be useful:

- [Centre Agreement](#)
- [Centre Handbook](#)
- [Sanctions Policy](#)

The IFA will not consider complaints that are raised more than 30 days after the incident has occurred.

Please note, we cannot arrange refunds or compensation or provide legal advice or become involved in legal disputes even if a complaint is upheld.

3. COMPLAINTS WE CANNOT DEAL WITH

- a) Complaints made anonymously
- b) Complaints regarding Centres that are not currently IFA approved
- c) Complaints on a third party's behalf – complaints must come from the person directly affected, or a person acting on their behalf, with their written permission. Necessity must be demonstrated.
- d) Complaints that are not made formally in writing. If this is likely to be a problem for you, you will need to ask someone to fill the Complaints Form in for you in ENGLISH. However, the completed form will need to be signed by you.

- e) Complaints where the complainant refuses or is unable to provide the necessary evidence to justify their claims; the emphasis of supplying evidence rests on the complainant.
- f) Complaints which fall within the jurisdiction of another regulator, for example:
 - i. Complaints regarding employment disputes or civil proceedings. However, the IFA reserves the right to act on the outcome of the proceedings if they relate to dishonesty.
 - ii. Complaints regarding breaches of Data Protection which must be directed to the Information Commissioner's Office (ICO). However, the IFA reserves the right to act on the outcome of the proceedings.
 - iii. Complaints regarding a breach of the Committee of Advertising (CAP) code of practice, which is the role of the Advertising Standards Authority (ASA). However, the IFA reserves the right to act on the outcome of any other proceedings by the ASA.
 - iv. Complaints regarding claims for course compensation, due to the financial implications to which the IFA is third party

4. IFA RESPONSIBILITIES

The IFA has a responsibility to investigate complaints following the procedure outlined herein, to protect the integrity of IFA Qualifications and ensure all those involved in delivering our Qualification(s) and customer service conform to our standards.

The IFA takes complaints very seriously and if a complaint is upheld, the relevant Centre will be subject to the Sanctions Policy or the person will be subject to the Disciplinary Procedure. All those involved in the investigation of complaints will declare any interest(s) they have in regard to the parties involved in the complaint, personal and business interests, as per the IFA's Conflict of Interest Policy before being appointed as a Case Examiner.

Where an investigation identifies a rectifiable problem, the IFA will identify any other Centre and/or learners who may have been affected by the issue and mitigate as far as possible as per the Adverse Affect Policy.

Except for minor issues, the IFA will open a separate file for each complaint and record this on the specific person's/Centre's record.

5. CENTRE RESPONSIBILITIES

Centres are responsible for ensuring that all personnel involved in the management, delivery and assessment of IFA Qualification(s) are fully conversant with this policy and Centre Criteria which includes the management of conflicts of interest.

The IFA requires Centres to have their own written complaints procedure, which will be made easily available to learners should they wish to raise concerns. If a Centre does not have its own complaints policy or fails to make it available upon request this constitutes

a breach of the Centre Agreement. Complaints must be addressed promptly and professionally by the Centre.

6. COMPLAINANT RESPONSIBILITIES

Complainants are reminded to take note of the stipulated timescales and respond to requests for information promptly; providing as much information as possible to inform the decision-making process.

The Centre's complaints procedures must be exhausted before a complaint about a Centre is raised with the IFA.

7. DATA PROTECTION

During the investigation process we may need the complainant to provide confidential information or we may request it. All information will be treated in accordance with the IFA's Data Protection Policy. All information will be treated as confidential and will only be used for the sole purpose for which it was obtained.

Please note whilst every reasonable precaution is taken by the IFA to ensure security and safety of information, the IFA shall not in any way be liable for any loss or damage suffered whatsoever in relation to informing the relevant parties about the outcome of an investigation as part of our regulatory role.

8. FRIVOULUS, VEXATIOUS AND MALICIOUS COMPLAINTS

Most people who make complaints behave in a reasonable manner. However, occasionally, complainants may act inappropriately or out of character when in distress or difficulty. Staff will make reasonable allowances for a complainant's behaviour and understand that it does not, in itself, indicate that the complaint is unjustified. However, it becomes vexatious when a person persists unreasonably for reasons other than to genuinely resolve a concern, or acts in a manner, which even after allowances have been made is inappropriate and unacceptable. Vexatious complaints can be distressing for the staff member addressing the complaint as well as time consuming; diverting valuable charity resources unnecessarily. Therefore, such complaints must be properly identified and managed.

IDENTIFYING

In identifying frivolous, vexatious or malicious complaints the Case Examiners must distinguish between genuine concerns and people who are simply being difficult. They must carefully consider:

- The merits of the case rather than the attitude of the complainant, as complainants may have other reasons for their behaviour.
- Even though someone may have made a vexatious complaint in the past, it cannot be assumed that any other complaint they make will also be vexatious.

VEXACIOUS

A complaint may be deemed as vexatious when the complainant's behaviour is disproportionate to the matter in discussion. For example, where the complainant:

- fails to clearly identify the substance of the complaint to be investigated, despite reasonable efforts to assist the complainant to do so
- complains about trivial matters to an extent which is disproportionate to their significance
- persists in pursuing a complaint which has already been investigated and provides no new material information
- prolongs contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed
- makes excessive contact or seeks to impose unreasonable demands or expectations on the IFA, such as responses being provided more urgently than is reasonable or necessary, insisting on speaking to particular individuals, addressing a number of recipients in regards to the same matter.

MANAGING VEXACIOUS COMPLAINTS

Managing vexatious complaints can be very time consuming and is a matter of professional judgement. The Case Examiners will take advice from the Sanctions and Complaints Committee, as necessary.

- a) Careful consideration will need to be given to complaints received that are slightly different from the original complaint that concern the same broad area of activity. A decision will be made as to whether or not the matters are sufficiently different to justify being considered a new complaint. Equally, if a complainant keeps making complaints about different matters, each complaint shall be considered in the same manner unless they are about entirely trivial matters.
- b) If a complainant does act excessively they will be warned to discontinue their current behaviour and 'cease and desist'. They will also be informed that this will be logged on file.
- c) Where it is decided that the complaint is vexatious, the matter may be closed with the consent of the Chair of the Sanctions and Complaints Committee (or in their absence by whoever is acting in that role). The complainant will be informed in writing of the decision and advised that the IFA will not enter into any further correspondence about the matter.

AGGRESSIVE & OTHER UNACCEPTABLE BEHAVIOUR

The IFA recognises the importance of meeting service user's expectations of a high standard of service but not at the cost of the abuse of its services or the mistreatment of its staff. People under stress or who are feeling angry or upset may react in an abusive or aggressive manner. However, when dealing with such a complainant a balance must be drawn between the ability and desire to assist a complainant and what can reasonably be achieved in the circumstances. It is not acceptable for staff members to be faced with verbal aggression or abuse under any circumstance. Personal safety of staff must never be compromised.

AGGRESSIVE BEHAVIOUR

- Behaviour which is threatening and may result in physical harm. It includes physical violence, intimidation and harassment.
- If a staff member receives a complaint in person and the complainant's behaviour causes staff to feel afraid and/or threatened including angry physical gestures, persistent invasion of personal space and threatening language (written or oral).
- Verbally aggressive behaviour (written or oral), foul language, rudeness, derogatory remarks, inflammatory statements.
- Personal abuse such as offensive sexual or racial remarks or offensive remarks about a person's disability, personal attacks on a staff member's character, ability and subjective conjecture about conduct.

MANAGING AGGRESSIVE BEHAVIOUR

Managing aggressive complainants can be upsetting for the staff member and is a matter of professional judgement of the staff member concerned. Please note staff members are instructed not to enter into discussion regarding the contents of complaints in person or over the telephone and will simply explain the procedure to raise a complaint and direct the complainant to complete the complaints form. The only exception to this rule is when the complainant requires additional assistance, and the staff member will complete the form on behalf of the complainant and read it back to them for confirmation. The staff member will not comment or make a judgment on the claims being made.

- a) If the complainant persists in calling to discuss a complaint after being provided instruction or if they display an unacceptable level of abuse or aggression, they will be informed their behaviour is unacceptable and to desist. This will be considered an initial warning. The staff member will, wherever possible, provide the complainant with the opportunity to modify their behaviour, by informing the complainant that unless they do so, the call will be terminated. If the complainant does not cease their unacceptable behaviour it is reasonable for the staff member to terminate the telephone conversation. If a call needs to be terminated as a result of the complainant's conduct, the staff member should do this politely and record what occurred. The staff member will record what occurred and inform the Operations Manager.
- b) On the rare occasion a staff member receives a complaint in person and the complainant becomes aggressive, abusive or displays a high level of distress; the staff member will bring the meeting/interaction to an end. As far as is reasonably possible, the decision to end the meeting should be clearly and politely explained, so that the complainant does not feel that they are being dismissed or the complaint is being ignored. The staff member should inform the complainant of the protocol for raising complaints in writing and that it may only be pursued further by written correspondence. The staff member will record what occurred and inform the Operations Manager.
- c) The Case Examiners reviewing the case may explain to the complainant that the tone of their correspondence is unacceptable and that no further correspondence will be entered into unless their tone is amended. Equally, if correspondence continues to be predominantly abusive or threatening, it is acceptable not to reply but leave the correspondence on the file with a note explaining why no reply has been sent. Where it is decided that the complainant is abusive the IFA will relinquish correspondence with the complainant and the matter may be closed with the consent of the Chair of the Sanctions and

Complaints Committee (or in their absence by whoever is acting in that role). The complainant will be informed in writing of the decision and advised that the IFA will not enter into any further correspondence about the matter.

- d) In extreme cases, for example where there are direct and credible threats towards an individual, the Sanctions and Complaints Committee Chair or CEO may decide to refer the matter to the police.

The IFA reserves the right not to process complaints which are deemed frivolous, vexatious or malicious. If we consider a complaint to fall into this category we will inform the complainant of our judgement, setting out our reasons and make it clear that we will no longer communicate on the matter.

9. COMPLAINT PROCEDURE

The IFA aims to resolve grievances as quickly as possible following the procedure described below. All complaints must be received in writing and will not be dealt with by telephone.

There are three stages to making a complaint:

STAGE 1: CONTACT THE CENTRE/PERSON HANDLING THE MATTER

Firstly, raise your complaint with the Centre and follow the Centre's complaints procedure or contact the person who is/was handling the matter in the first instance and allow reasonable opportunity for them to address the complaint. We will require to see evidence of these efforts as many minor issues can usually be resolved at this early stage.

All Centres will have a written complaints procedure in place which we would expect you to have exhausted. For learners, the Centre is responsible for the management of your training. Typically, you will have a contract or agreement between yourself and the Centre which will have been agreed when enrolling on the course. If something does go wrong, you must remember that your contract is with the Centre and therefore you must in all cases take this up with the Centre first. We do however recognise that in some exceptional circumstances that this may not always be appropriate.

If a grievance is raised regarding the service provided by the IFA, the person who was originally handling the matter will acknowledge your email and respond within five (5) working days.

If the complainant is not satisfied with the outcome of stage 1 they may proceed to stage 2.

STAGE 2: MAKE AN INFORMAL COMPLAINT

All complaints must initially be raised as informal with the IFA's Operations Manager, as it may be that the matter can be resolved by either:

- directing the complainant to the relevant clauses in the IFA policies and procedures;
- advise if it falls outside of the IFA's regulatory function;

- refer it back to the Centre if more appropriate;
- refer it to Case Examiners as it may fall into the category of frivolous, vexatious or malicious;
- request further information

The IFA Operations Manager will aim to resolve the complaint to the complainant's satisfaction within seven (7) working days or will refer the complainant to submit a formal complaint.

Please note - at this stage the IFA will not yet have undertaken an investigation into the allegation or formed an opinion on the matter but implements these 2 stages to reduce the amount of complaints that are unlikely to be upheld before proceeding to a formal level.

At any stage of the complaint being made, the IFA Operations Manager may offer informal advice to the Centre or staff member about their future conduct.

STAGE 3: Lodge a formal complaint

The Operations Manager will invite all valid complainants to submit a formal complaint by completing the enclosed form. The IFA Operations Manager will set this out in writing and provide a copy of this Complaints Policy. Once the complainant has received acknowledgment that their complaint has been referred to formal complaint level the complainant has 30 days to complete the complaints form and supply the following information:

- The Centre's Complaints Policy (if appropriate)
- Outcome of the Centre's internal investigation (if appropriate)
- Reasons why the complainant is dissatisfied with the outcome at informal stages
- A statement including a time-line of events and surrounding circumstances and name the person(s) deemed responsible
- Copies of all relevant correspondence or screen shots as evidence
- Witness statements from parties concerned (if appropriate)
- How the complainant would like the IFA to resolve the complaint.
- Any other relevant information

If, due to the nature of the complaint, the complainant is unable to provide evidence, a statement to that effect will need to be made so that the form is not returned as incomplete.

Statements that rely on documentary evidence must be attached as appendices, for example "I wrote to the Centre with the attached letter see appendix 1".

For complainants whose first language is not English we require that you have your statement translated into English for expediency. If there is any ambiguity as to the interpretation of a word or phrase, the IFA will, in the first instance, confirm this with the complainant.

Please note: Although we understand it may be a stressful experience for you, please keep statements factual rather than emotional, and allocate the necessary time needed to respond in full, including all the points you wish to make and referring to the relevant clauses in our policies where applicable. Additional information is not generally

accepted after a complaint has been submitted and the complainant will need to demonstrate why it was not available at the time of submission.

If at any stage during the complaint procedure the complainant wishes to be legally represented, they must inform the IFA of this. The IFA reserves the right to be legally represented and to act upon legal advice.

10. TIMESCALES

Once the IFA has received the completed complaint form and supporting information, the IFA will acknowledge receipt within five (5) working days and instruct the Sanctions and Complaints Committee to initiate an investigation.

The IFA will aim to inform the complainant of the outcome of its investigation within sixty (60) days or inform the complainant that due to the complexity of the case a revised timescale is needed.

11. COMMUNICATION

The Operations Manager, who is also the Sanctions and Complaints Committee Clerk will be responsible for:

- a) providing updates as progress is made;
- b) requesting further information from either party where necessary;
- c) requesting further comment on submissions; and
- d) informing the complainant and Centre of decisions at the relevant stages.

12. THE SANCTIONS AND COMPLAINTS COMMITTEE

The Sanctions and Complaints Committee shall split responsibility for the various stages of a complaint amongst its number.

- a) There are separate elements of the process; the finding of misconduct is undertaken by the Investigation Panel and sanctions imposed by the Adjudication Panel.
- b) The Investigation Panel will provide a report of their findings to the Adjudication Panel who will determine which sanction is to be applied if misconducts is proven.
- c) Each individual panel member will not have been appointed to more than one panel or been involved in more than one stage of the complaint.
- d) At its own discretion, the Sanctions and Complaints Committee may co-opt individuals from other IFA committees or choose to recruit additional independent persons if necessary and appropriate. This will be judged on a case-by-case basis. Centres or complainants may not, however, request for specific individuals to review their case.
- e) No member of any panel shall be involved in investigating a complaint/applying a sanction or have any involvement in proceedings if that individual has or had a

previous relationship with the parties involved or other such interest. Committee members must declare any conflicts of interests before such appointment.

13. INVESTIGATION PANEL

- a) The Sanctions and Complaints Committee shall appoint an Investigation Panel from amongst its members, to investigate complaints comprising of a minimum of three (3) members with a maximum of five (5) members.
- b) The Investigation Panel shall comprise of individuals who have the necessary experience and/or knowledge and will be selected dependent on the nature and scope of the case.
- c) The quorum of the Investigation Panel is three (3) and must contain at least two (2) lay members (non-IFA Registrant).
- d) The Sanctions and Complaints Committee shall appoint a Chair of the Investigation Panel.
- e) Decisions will be made by a simple majority.
- f) In the event of a tied vote the Chair of the Investigation Panel will have the casting vote.
- g) If the Investigation Panel conclude that a breach has been committed, they will refer it to the Adjudication Panel who will confirm which remedial action or sanction to apply. This will be communicated at the same time as the outcome of the investigation.

14. INVESTIGATION

Investigations will be conducted in a fair and reasonable manner ensuring that all evidence is considered. In broad terms the IFA will:

- i. Establish the facts and identify irregularities.
- ii. Identify the risk to learners.
- iii. Consider any surrounding circumstances.
- iv. Organise a visit to the Centre (if the allegation necessitates)
- v. Establish if the Centre has tried to resolve the problem and/or taken any remedial action.
- vi. Identify the person or persons responsible.
- vii. Obtain clear evidence to support any sanctions which may be applied to the Centre.
- viii. Request additional evidence from the complainant if necessary

15. OUTCOME

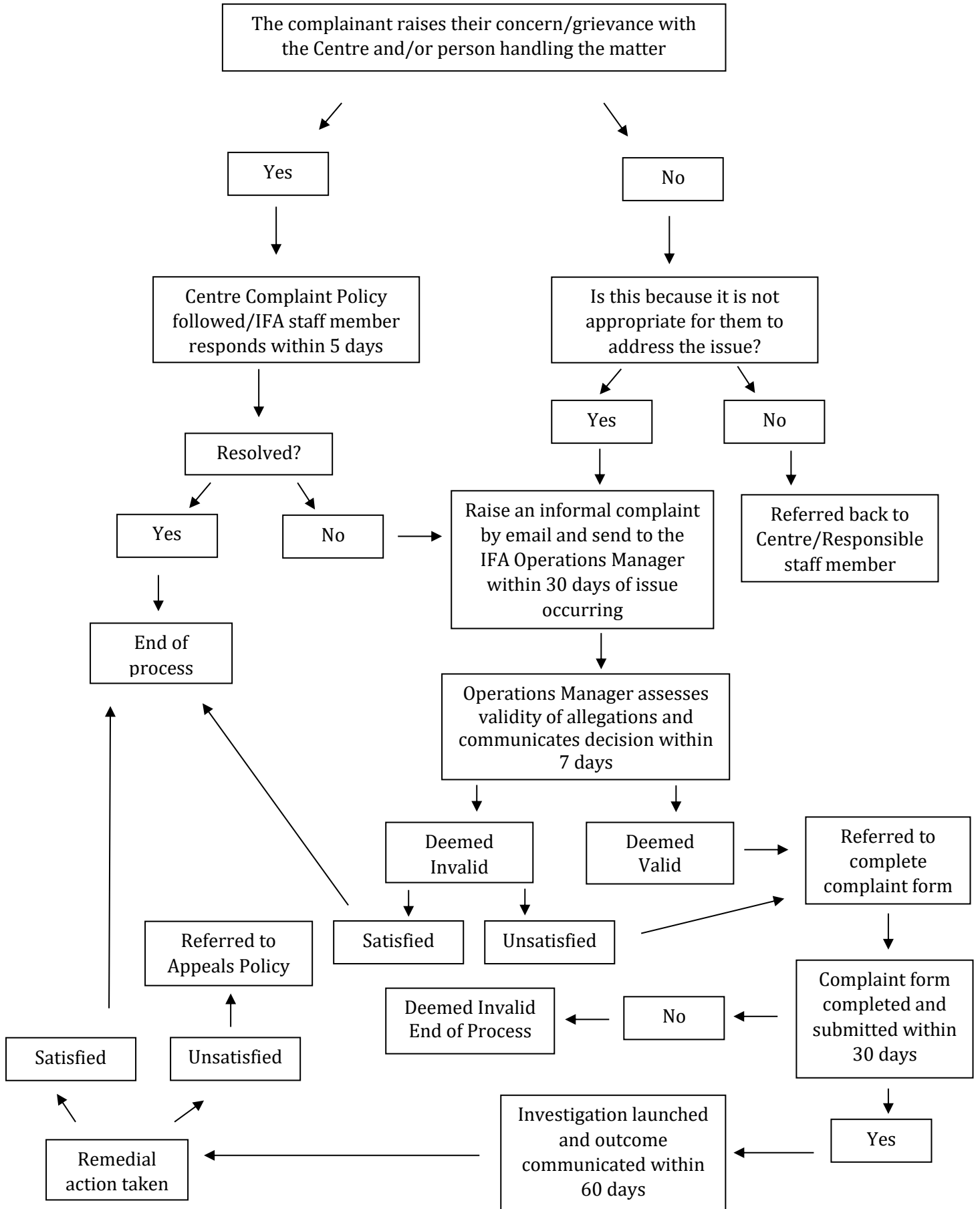
- a) The IFA will provide the complainant with a report of its findings when the investigation is completed. The report will include:
 - i. Drawn conclusions with clear reference to IFA rules

- ii. Any recommendations for remedial action and a resolution
- b) The IFA will fully document the outcome of the investigation and the IFA's judgement and retain the records on its system as per the IFA's Record Retention & Disposal Policy. The Centre/persons involved will also be informed of the IFA's judgement at the same time.
- c) Actions taken will be proportionate to the nature of the complaint:
 - For valid complaints raised against a Centre, the Centre may be sanctioned.
 - For valid complaints raised against the IFA and/or an IFA staff member, the IFA will:
 - Provide an apology
 - Implement remedial actions
 - Review staff training and continual development programmes
 - Review and improve services, policies and procedures
 - Take all reasonable steps to identify any other learner or Centre who may have been affected by the failure, and correct, or if it cannot be corrected, mitigate as far as possible, the effect of the failure and ensure it does not happen again.

16. APPEALS

If the complainant remains dissatisfied with the outcome of their complaint, they may appeal the decision. Please see Appeals Policy for details.

COMPLAINT FLOW CHART



COMPLAINTS SUBMISSION FORM

Full Name		Membership No	
Address (for Correspondence)			
Role at the Centre	e.g. learner		
Email		Telephone	
Centre Name			
Please provide the following information accompanied by the relevant evidence			
Date of incident			
Name those who you feel were responsible			
Statement Describe the incident including a time line of events and surrounding circumstances			
Checklist Ensure you have enclosed		The Centre's Complaints Policy	
		Outcome of the Centre's internal investigation/staff member response	
		Copies of all relevant correspondence as evidence	
		Any relevant witness statements	
Explain why you are dissatisfied with the outcome at informal complaint stage			
Explain how you wish to the matter to be resolved			
Signature		Dated	

Once completed please send to office@ifaroma.org