

LOtC Quality Badge Complaints & Appeals Procedure

Summary of Amendments

This revision incorporates 3rd Party provisions into the LOtC Quality Badge Complaints and Appeals Procedure (December 2023). The main changes are:

- A new Section 3 provides a route for workers and volunteers of LOtC Quality Badge holders, and third parties who are not clients or Badge holders, to raise concerns in the public interest, including confidentially or anonymously, with reference to the Public Interest Disclosure Act 1998;
- The role previously titled Awards & CPD Manager is now the LOtC Quality Badge Manager, and the title has been updated throughout.
- Reflecting the revised Terms of Reference of the LOtC Working Group and the revised Appeals procedure

The existing complaint processes (Sections 1 and 2) have been rewritten for clarity but remain otherwise unchanged.

Aim

To provide a complaint process for LOtC Quality Badge holders and applicants, and clients of Quality Badge holders, which is transparent, fair, equitable and seeks to resolve complaints in a timely and professional manner; and to provide a safe and confidential route for anyone to raise concerns in the public interest about a LOtC Quality Badge holder, an Awarding Body or the operation of the LOtC Quality Badge scheme.

Who can complain?

- LOtC Quality Badge holders and applicants; and
- Clients of LOtC Quality Badge holders or their representatives.

Anyone else with a concern about a LOtC Quality Badge holder, including their own staff and volunteers, and third parties who are not clients, should raise it under the 3rd Party procedure in Section 3.

What is a complaint?

A complaint is an expression of dissatisfaction, in writing, from a complainant about:

- The assessment process and/or its outcome;
- The service or quality of experience provided by a LOtC Quality Badge holder, which is alleged to have failed to meet the standard set out in the Quality Indicators.

LOtC Quality Badge Complaints & Appeals Procedure

What is a 3rd Party?

A person may raise a concern, in the public interest, about perceived wrongdoing, malpractice or serious risk: for example, a safeguarding or safety concern, connected with a LOtC Quality Badge holder, an Awarding Body or the scheme itself. The person raising the concern is often not directly affected, is not seeking a personal outcome, and may or may not have a direct connection to the organisation concerned. These concerns are dealt with under Section 3 and do not require the person to have first complained to the LOtC Quality Badge holder.

If you are unsure which route applies, raise the matter anyway: CLOtC will determine the most appropriate route and inform you of the procedure being followed.

Complaints Procedure

The LOtC Quality Badge complaints procedure is a 2-stage process that depends on the nature of the complaint and its originator.

Details of the complaint will be kept confidential and only shared with parties relevant to the investigation. Dependent on the nature of the complaint, the LOtC Quality Badge will either remain valid or if the complaint is, in the CLOtC's opinion, likely to bring the CLOtC or LOtC Quality Badge into disrepute, the CLOtC reserves the right to suspend the LOtC Quality Badge whilst it investigates, and neither CLOtC nor its Awarding Bodies accepts any liability for loss of income, reputation, or costs associated with the investigation, in accordance with the LOtC Quality Badge Holders' Agreement.

1. Complaints regarding LOtC Quality Badge Holders

The procedure for complaints about LOtC Quality Badge holders is intended to address issues regarding Provider compliance with the LOtC Quality Badge Quality Indicators only. Where a complaint is considered to fall outside these parameters, it will not be escalated beyond the initial contact with CLOtC or the Awarding Body, and all relevant parties will be informed.

As a formal complaint will take time to investigate and reach a conclusion, it is in the best interests of both parties to seek informal solutions where possible. When external agencies are conducting a legally required investigation, this complaint process may be delayed until the outcome of that investigation is determined.

LOtC Quality Badge Complaints & Appeals Procedure

The complaint may be resolved at any of the following stages:

1.1 Stage one

Firstly, unless there are clearly set-out mitigating circumstances why this is not possible, the Complainant must lodge a complaint with the LOtC Quality Badge holder in accordance with the LOtC Quality Badge holder's own complaints procedure.

Complainants should copy the complaint to their local Outdoor Education Adviser or Educational Visits Adviser where possible and relevant. Written evidence of the complaint sent to the LOtC Quality Badge holder and the response given will be required if the complaint is escalated to Stage 2.

If the complaint is not resolved after progressing through the LOtC Quality Badge holder's own complaints procedure, the issue should move to Stage 2.

1.2 Stage two

Complainant sends details of the complaint and response from Stage 1, along with details of the resolution sought, to the CLOtC Quality Badge Manager. If a complaint sits within the CLOtC complaints process, it will be investigated further as below, depending on which organisation is the Awarding Body. All relevant parties will be kept informed.

Other Awarding Bodies	CLOtC Awarding Body
CLOtC will refer any complaints received to the appropriate Awarding Body. The Awarding Body will use its own complaints and appeals procedure to review a Provider's practice and make a judgement on the complaint, and any actions required. The Awarding Body will notify the complainant, LOtC Quality Badge holder, and CLOtC of the decision in writing. Appeals must be made to the Awarding Body who will follow their own procedure. The decision of the Awarding Body will be final, and they will notify all relevant parties.	CLOtC's Quality Badge Manager will investigate, and make a judgement on the complaint, notifying all relevant parties of the decision. If the complaint is upheld: - A notice to improve will be issued and after three months the Provider will receive an assessment visit. If the assessment visit finds the complaint has not been satisfactorily addressed, the LOtC Quality Badge will be withdrawn; - Following withdrawal, the Provider may reapply after 12 months; - The standard current fees will be applied for the assessment visit and reapplication. Appeals to the decision should be made to the Quality Badge Manager in writing. Appeals will be taken to the CLOtC CEO and Board . When the Committee has reached its decision, all interested parties will be informed by the Quality Badge Manager. The decision of the CLOtC Board is final.

LOtC Quality Badge Complaints & Appeals Procedure

1.3 Serious or Repeated complaints regarding LOtC Quality Badge holders

In cases where complaints of a serious or repeated nature are received, or if complaints are likely to bring the LOtC Quality Badge into disrepute, CLOtC reserves the right to withdraw a LOtC Quality Badge Award pending investigation. In these cases, CLOtC, Awarding Bodies or sub-schemes will not be liable for any loss of income, reputation, or costs associated with an investigation or withdrawal of the award.

Quality Indicators 1 to 4 cover risk management and safeguarding; Quality Indicators in sections 5 and 6 cover the quality of educational provision, communication, and customer care.

Complaints against any of the Quality Indicators in sections 1 to 4 should be treated as serious complaints that may result in the suspension or withdrawal of an award.

Complaints against 2 or more Quality Indicators in sections 5 and 6 should be treated as serious complaints and may also result in the suspension or withdrawal of an award.

If a suspension is deemed appropriate, the following steps will be taken:

1. The Provider's LOtC Quality Badge award will be removed from the online searchable database.
2. The AAOLEV, OEAN, Outdoor Education Advisers Panel Cymru and the Scottish Advisory Panel for Outdoor Education will be notified.
3. The Provider will be informed in writing that their LOtC Quality Badge award has been suspended pending investigation.

On receipt of 2 or more complaints from different complainants regarding the same site or Provider within a 12-month period, CLOtC or the relevant Awarding Body may decide to suspend the LOtC Quality Badge for that Provider until the matter can be investigated. Any investigation or reinspection will incur costs at the Provider's own expense. Neither CLOtC, Awarding Bodies nor sub-schemes will be liable for costs of any kind, including any loss of income or reputation by the Provider.

LOtC Quality Badge Complaints & Appeals Procedure

2. Complaints from LOtC Quality Badge Holders or Applicants

2.1 Complaints regarding CLOtC as Awarding Body

LOtC Quality Badge holders or applicants in Sectors where CLOtC are the Awarding Body who have a complaint about the process should initially complain directly to the CLOtC's Quality Badge Manager. If the complaint concerns the Quality Badge Manager, this should be sent directly to the CEO of the CLOtC.

Should the complaint not be resolved at this level, the LOtC Quality Badge holder/applicant has the right to escalate the matter to the CLOtC Board via the CEO in writing. The LOtC Quality Badge Manager will provide details of how to do so promptly on request. The decision of the LOtC Quality Badge Working Group is final.

2.2 Complaints regarding other Awarding Bodies

LOtC Quality Badge holders/applicants who have a complaint about their Awarding Body should initially complain directly to them.

Should the complaint not be resolved at this level, the LOtC Quality Badge holder/applicant has the right to escalate the matter to the CLOtC Board. The Awarding Body will promptly provide details on how to do so upon request.

Should the LOtC Quality Badge holder/applicant not be satisfied by escalation to the CLOtC, they have the right to take the matter to the LOtC Quality Badge Committee via the Chair. The decision of the LOtC Quality Badge Committee is final.

2.3 Appeals

Where the LOtC Quality Badge Committee or Awarding Body has made the decision not to award a LOtC Quality Badge, to withdraw or not renew an existing award, the Provider will have the right to appeal against this decision.

The initial appeal should be made to the CLOtC or Awarding Body, as outlined previously. Each Awarding Body has its own appeals process (which may include the option for independent arbitration), and this should be used in the first instance.

If the appeal is not resolved at this stage, it will be passed to the CLOtC Board for a decision. The CLOtC Board meets approximately 3 times per year, and it may be necessary to wait until the next meeting before a decision can be taken. The user and Provider will be kept informed of progress as outlined in the previous sections.

The CLOtC Board has the right to engage an independent arbitrator to assist in proceedings.

LOtC Quality Badge Complaints & Appeals Procedure

3. 3rd Parties

The safety and safeguarding of children and young people are central to the LOtC Quality Badge (Quality Indicators 1 to 4), and CLOtC wants anyone with a genuine concern about wrongdoing or serious risk connected with a LOtC Quality Badge holder, an Awarding Body or the scheme itself to feel able to raise it without fear of reprisal.

This section does not replace a LOtC Quality Badge holder's own '*whistleblowing*' policy or statutory reporting routes (see 3.7 and 3.8), and it is not a route for personal grievances or employment disputes, which should be pursued through the employer's own procedures.

3.1 What concerns should be raised?

- A 3rd Party concern should be raised where a person reasonably believes, in the public interest, that one or more of the following has occurred, is occurring or is likely to occur in connection with a LOtC Quality Badge holder, an Awarding Body or the scheme (reflecting the categories of qualifying disclosure in the Public Interest Disclosure Act 1998):
 - A criminal offence;
 - A failure to comply with a legal obligation (including safeguarding, health and safety, licensing or regulatory duties);
 - a miscarriage of justice;
 - A danger to the health or safety of any individual, including children and young people;
 - Damage to the environment; or
 - Deliberate concealment of information about any of the above.

In the context of the LOtC Quality Badge, this includes

- safeguarding concerns about children or young people;
- unsafe practice or failures in risk management;
- falsification of evidence supplied for an assessment;
- fraudulent claims to hold,
- or misuse of, the LOtC Quality Badge;
- or serious malpractice in the operation of the scheme by an Awarding Body or sub-scheme;
- and conduct which, in the CLOtC's opinion, is likely to bring the CLOtC or the LOtC Quality Badge into disrepute.

Concerns about conduct likely to bring the CLOtC or the LOtC Quality Badge and its Awarding Bodies into disrepute may be raised under this section even where they do not fall within the categories of the Public Interest Disclosure Act 1998, although the statutory employment protections described in 3.6 apply only to qualifying disclosures under that Act.

LOtC Quality Badge Complaints & Appeals Procedure

3.2 Who can raise a 3rd Party concern?

- Employees, workers, volunteers, contractors and freelance staff of a LOtC Quality Badge holder or applicant, raising concerns about their own organisation;
- Third parties who are not clients of a LOtC Quality Badge holder, for example, members of the public, staff of other providers, school staff, or Outdoor Education Advisers / Educational Visits Advisers; National Governing Bodies; government and governing bodies;
- Staff, assessors or volunteers of CLOtC, an Awarding Body or a sub-scheme, contracted services; raising concerns about the operation of the scheme.

Unlike a complaint under Section 1, a person raising a 3rd Party concern is not required to have first raised the matter with the LOtC Quality Badge holder, although, where it is safe and appropriate to do so, this should be the predominant, and often the quickest, way to resolve a concern.

3.3 How to raise a concern

Concerns should be sent to qualitybadge@lotc.org.uk marked “3rd Party Concern: Confidential”, for the attention of the Quality Badge Manager.

If the concern relates to the Quality Badge Manager, it should be addressed to the CEO of the CLOtC; if it relates to the CEO, to the Chair of Trustees.

So far as possible, the person raising the concern should set out: the organisation and site concerned; what has happened or is at risk of happening, with dates and any evidence available; whether the matter has been reported to anyone else (including statutory agencies or the organisation itself); and how they can be contacted, unless they wish to remain anonymous.

Anyone who believes a child, young person or other individual is at immediate risk of harm should contact the emergency services on 999 before contacting CLOtC.

3.4 Confidentiality and anonymous concerns

The identity of a person raising a concern will be kept confidential and shared only with parties relevant to the investigation or where disclosure is required by law (for example, as part of a statutory safeguarding or police investigation). Where disclosure of identity may become necessary, CLOtC will, wherever possible, discuss this with the person first.

Concerns may be raised anonymously and will be assessed and acted upon as far as the information allows. However, anonymity may limit CLOtC’s ability to investigate, to seek clarification and to provide feedback, so those raising concerns are encouraged to provide a means of contact, in confidence, if they are willing to do so.

LOtC Quality Badge Complaints & Appeals Procedure

3.5 How CLOtC will respond

Where contact details have been provided, CLOtC will acknowledge receipt of a concern within 10 working days. The Quality Badge Manager (or the CEO / Chair of Trustees, as set out in 3.3) will carry out an initial assessment to decide the appropriate course of action, which may include one or more of the following:

- Referral to the relevant statutory agency: for example, the police, children's social care or the Local Authority Designated Officer (LADO) for safeguarding matters, the Health and Safety Executive or local authority for health and safety matters, or the Charity Commission;
- Investigation by CLOtC under the serious complaints provisions of Section 1.3, which may include suspension or withdrawal of the LOtC Quality Badge and notification AAOLEV, OEAN, Outdoor Education Advisers Panel Cymru and the Scottish Advisory Panel for Outdoor Education will be notified.
- Referral to the relevant Awarding Body or sub-scheme for investigation under its own procedures;
- A decision that no action is required under this procedure, with reasons given to the person who raised the concern where contact details are available.

Where external agencies are carrying out a legally required investigation, CLOtC's own enquiries may be delayed until the outcomes of that investigation are determined. CLOtC will keep the person who raised the concern informed of progress and, so far as confidentiality and legal obligations allow, of the outcome. It may not always be possible to share the full details of an investigation's outcome.

3.6 Protection for those who raise concerns

Workers who make a qualifying disclosure in accordance with the Public Interest Disclosure Act 1998 are protected by law from dismissal or detriment by their employer. CLOtC will not tolerate the harassment or victimisation of anyone who raises a concern in good faith: any retaliation by a LOtC Quality Badge holder against a person who has raised a concern will itself be treated as a serious complaint under Section 1.3 and may result in suspension or withdrawal of the award.

No one who raises a concern in the reasonable belief that it is true and in the public interest will be penalised by CLOtC, even if the concern is not subsequently upheld. However, concerns raised maliciously, or which the person knows to be false, fall outside this procedure, are not protected, and may be referred to the person's employer or other appropriate bodies.

LOtC Quality Badge Complaints & Appeals Procedure

3.7 CLOtC's status and independent advice

CLOtC is not a "*prescribed person*" under the Public Interest Disclosure Act 1998. Workers raising concerns about their own employer who wish to ensure they retain full statutory employment protection should consider raising the concern through their employer's own *whistleblowing* procedure, or with a prescribed person or body (for example, the Health and Safety Executive, Ofsted, the Charity Commission or the relevant local authority, depending on the subject matter). Raising a concern with CLOtC does not prevent a person from also using these routes.

Free, confidential and independent advice on *whistleblowing* is available from the charity Protect (protect-advice.org.uk).

3.8 Records and oversight

The Quality Badge Manager will maintain a confidential register of all concerns received, the actions taken, and the outcomes. An anonymised summary will be reported to the LOtC Quality Badge Working Group at the next available meeting.

Complaints, appeals and 3rd party concerns can be sent to:
qualitybadge@lotc.org.uk