

TITLE: COMPLAINTS POLICY

Authorised by:
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1 Aims

- a) To reassure the customer that their complaint is being dealt with efficiently and fairly.
- b) To provide a straightforward and consistent way to make representation to SETA and to offer prompt action and a speedy resolution of any complaints. A complaint can be in any form i.e. by letter; telephone, fax; e-mail; in person and assistance will be given in making the complaint.
- c) To enable SETA to use complaints positively and take action to maintain and improve services.

2 Availability

This complaints procedure is available to all SETA's customers and members and covers all services provided by SETA.

3 What is a Complaint?

SETA defines a complaint as *“an expression of dissatisfaction about the SETA actions or lack of action or about the standard of a service provided by SETA itself or a person or body acting on behalf of SETA”*.

4 Types of Complaint and what is excluded.

- a) The following list indicates in general terms the range of complaints which fall within the procedure and, additionally, what type of complaints are excluded.
- b) Where a matter is excluded from the procedure every effort will still be made to help to resolve the problem.
- c) The excluded categories should still be recorded and monitored as a separate category.
- d) Assistance will be provided where necessary when a complaint is made.

5 Complaints

- a) Dissatisfaction with the way SETA's policies are carried out (as opposed to dissatisfaction with the policies themselves).
- b) Failure to consider relevant matters in coming to a decision.
- c) Failure to implement a decision.
- d) Complaints regarding the behaviour or perceived behaviour of individual employees.
- e) Delays in responding to complaints about the administrative process.
- f) Failure to provide a service that should be provided.
- g) Failure to fulfil statutory responsibilities.
- h) Discrimination.

6 Matters that are not considered complaints.

The following will not follow the complaints procedure; but every attempt will be made to resolve them.

- a) Criticisms of or disagreements with SETA's policies or decisions themselves rather than the way they have been carried out.
- b) Complaints against individual employees where no other basis for criticism exists other than the employee was implementing SETA's policy/decisions.
- c) A matter where there is an alternative means of solving the criticism, for example: -
 - Appeal to the Charity Board of Directors
 - Appeal to the Crown, Magistrates or County Court.
 - A matter which has or could reasonably be expected to be the subject of Court or tribunal proceedings or which is or could be placed in the hands of the SETA's insurers.
 - Criticisms which constitute a disagreement with or a refusal to accept a rule of Law which the SETA is applying.
 - Criticisms over statutory duties administered.

7 **How to make a Complaint**

The complaints procedure will be followed whenever a complaint is being dealt with.

The procedure contains three stages: -

Stage 1 (first contact)

Tell us about your complaint. You can:

- Call telephone number +44 (0) 161-480-9822
- Complete the Compliments, Complaints & Suggestions Form and return detachable form to us
- Write to us at SETA Training & Advisory Services
- Ask a member of staff to help you
- Ask any member of staff to advise you or take details
- Complete the on-line customer Feedback Form at www.setatraining.com

You should receive a response within 10 working days.

Stage 2

The intention of stage 1 is to allow the service concerned to give a satisfactory explanation of its action or to put matters right. If that does not satisfy your complaint, then stage 2 will involve the relevant service head of department carrying out a formal investigation and a written reply will be sent within 10- days from date of receipt.

Help and advice on Stage 2 is available from HR Department and from the service dealing with your complaint.

Stage 3

If you are still dissatisfied then at stage 3 you can have the matter reviewed by the Chief Executive, who may appoint a Director to examine your complaint. A written reply will be sent within 10-working days from the date of receipt.

[If they are still dissatisfied then they will be given details of how to contact the Charity Board of Directors.](#)

8 Responsibility for Dealing with Complaints and Administering the Procedure

- a) Any complaint is passed to the Quality Manager who will record, co-ordinate and monitor the process, liaising with the HR Manager, General Manager and Chief Executive.
- b) A complaint will be dealt with by the following personnel.

Stage 1 - An employee dealing with the service being complained about (Training Advisor/Instructor/Manager)

Stage 2 - Head of Department from the service being complained about. (Senior Instructor/ HR Manager)

Stage 3 - Chief Executive or General Manager.

9 Time Limits

The time limit for dealing with a complaint is 10-working days.

However for matters involving detailed investigation the time limit is 28 days. An acknowledgement will be sent within 3 working days. These time scales apply at each stage. If these time limits to respond or to rectify the complaint cannot be achieved the customer will be advised why and given an expected period and the complaint will be moved to the next stage of the process.

10 Your Rights

You are entitled to: -

- a) A full and impartial investigation of the complaint.
- b) Response within the laid down time limits.
- c) A full written response to the complaint or subsequent appeal within stages 2 and 3.
- d) If the complaint is justified, then one of the following remedies will be recommended.
- e) The opportunity to indicate whether your complaint has been dealt with satisfactorily. This can be via a telephone call, letter or email

11 **Remedies**

- a) An apology.
- b) The provision of the service you want.
- c) Repayment of any nominal out of pocket expenses.
- d) Where it is considered an ex-gratia payment would be appropriate the matter should be referred to the Chief Executive.

12 **Complaint Monitoring**

- a) A record will be kept by the Quality Manager of the number, nature and outcome of complaints; (including date received; acknowledged; responded).
- b) The Quality Manager will prepare annual monitoring reports setting out numbers, categories of complaint and results of stage 3 appeals and report the findings. The Senior Management Team will also monitor reports on a monthly basis to assess trends and what actions should be taken.
- c) Annually the Chief Executive and the Senior Management Team will review the operation of the complaints procedure.
- d) SETA will publish an annual report on the number of complaints: the categories of the complaints, the length of time to resolve them; how your satisfaction or otherwise was assessed; and how the provision of services has changed as a result of the complaints made.

13 **Suspension of Procedure**

In exceptional circumstances the Chief Executive can suspend this complaints procedure to enable investigation by a panel of officers or Members.

14. NEBOSH Complaints

NEBOSH supports the right of students and/or accredited course providers to enquire about a result, to appeal against the outcome of that enquiry and has procedures to ensure that such enquiries and appeals are dealt with in a thorough and equitable manner.

If you believe that your result does not match reasonable expectations, an Enquiry About Result (EAR) must be made in writing within **one calendar month** of the date of issue of the result to which it relates.

If a candidate or accredited course provider remains dissatisfied with the EAR outcome/s, they may request an appeal. There are two stages in the appeal process. Stage 1 consists of a review of the case by NEBOSH. Stage 2 consists of consideration of the case by an Appeals Panel. When making an appeal, the candidate or accredited course provider should establish the grounds for the appeal. These may include:

- a reasonable belief that the case was not dealt with in accordance with the policy and procedures;
- a reasonable belief that the evidence has been misinterpreted;
- further evidence that changes the basis of the decision coming to light ;
- a reasonable belief that the outcome is not in line with the guidelines or procedure.

Stage 1 Appeal

Application

Notification of an intention to appeal must be made **within fourteen days** of the date of issue of the outcome of the EAR.

To submit a Stage 1 Appeal, please write to NEBOSH at the address overleaf including the following details:

- candidate and/or Head of accredited course provider name (as appropriate);
- NEBOSH student number
- accredited course provider name;
- assessment name and date (found on the candidate examination entry confirmation / confirmation of examination registration, where applicable);
- consent form signed by the candidate;
- grounds for the appeal and any supporting evidence where applicable;

NEBOSH will acknowledge the request within **five working days** of receipt.

Cost

The Stage 1 Appeal fee covers the administrative costs of the investigation.

For the cost of submitting a Stage 1 Appeal, please see the current NEBOSH Fees List available from the NEBOSH website: www.nebosh.org.uk. Cheques or postal orders should be made payable to 'NEBOSH'. NEBOSH also accepts credit/debit card and BACS payments.

Outcomes

If the Stage 1 Appeal investigation recommends a re-mark of the script/s *and* it results in an upward re-grading of a unit (eg from Refer to Pass) and/or an overall qualification grade of the candidate:

- appeal and EAR fees will be refunded to the candidate or accredited course provider (as appropriate). Any relevant re-registration fee already paid by the candidate will also be refunded;
- if the outcome requires the issue of unit certificates or re-issue of qualification parchment, this will be done free of charge.

However, the candidate will be required to return any unit certificate/s and/or qualification parchment already issued and NEBOSH will *not* issue replacement/s until the original/s has/have been received. The parchment issued for the original result will become invalid from the date that the revised result is issued.

Please note that (as with EARs) units or qualifications may be downgraded as the result of an appeal. In this case no refund will be issued but unit certificate/s and/or the qualification parchment will be re-issued (where necessary) free of charge.

Stage 2 Appeal

If a candidate or accredited course provider remains dissatisfied after a Stage 1 Appeal they may proceed to Stage 2.

Application

Notification of an intention to appeal must be made **within 14 days** of the date of issue of the outcome of the Stage 1 Appeal.

To submit an appeal write to NEBOSH including the following:

- candidate or Head of accredited course provider name;
- NEBOSH student number;
- accredited course provider name;
- examination name and date (found on the candidate examination entry confirmation / confirmation of examination registration, where applicable);
- consent form signed by the candidate;
- grounds for the appeal and any supporting evidence where applicable;

NEBOSH will acknowledge the request within **five working days** of receipt.

Cost

The appeal incurs a fee to cover the administrative costs of organising the Appeals Panel.

Procedures

The case will be presented to an Appeals Panel consisting of:

- two senior NEBOSH representatives (eg managers) who have not been involved in the original investigation and;
- one independent representative, who has not at any time during the past seven years been a member of the awarding body's board or committees, or an employee or Examiner of the awarding body.

In line with the regulatory criteria, in the case of appeals against assessment decisions, the investigation will focus on whether:

- NEBOSH used procedures that were consistent with the regulatory criteria;

- NEBOSH applied procedures properly and fairly in arriving at judgements;
- the candidate has been disadvantaged by a failure to apply these procedures;
- any further work relating to the appeal should be authorised (eg re-marking of scripts).

The Appeals Panel is *not* concerned with making judgements about a candidate's work and does *not* re-mark candidate scripts. However, further re-marking can be ordered by the Panel, if it finds that procedures have not been satisfactorily followed.

The Head of accredited course provider or candidate will receive written confirmation of the outcome within **50 working days** of the Stage 2 Appeal request being received.

Outcomes

In the event that the Stage 2 Appeal leads to an upward re-grading of a unit (e.g. from Refer to Pass) and/or an overall qualification grade of the candidate:

- appeal and EAR fees will be refunded to the candidate or accredited course provider (as appropriate). Any relevant re-registration fee already paid by the candidate will also be refunded;
- if the outcome requires the issue of unit certificate/s and/or the qualification parchment, this will be done free of charge.

However, the candidate will be required to return any unit certificate/s and/or qualification parchment already issued and NEBOSH will *not* issue replacement/s until the original/s has/have been received. The parchment issued for the original result will become invalid from the date that the revised result is issued.

Please note that (as with EARs) units or qualifications may be downgraded as the result of an appeal. In this case no refund will be issued but unit certificates and/or qualification parchment will be re-issued (where necessary) free of charge.

Unresolved appeals

If following the outcome of an appeal, the candidate or accredited course provider remains dissatisfied, and where the relevant NEBOSH qualification is accredited in Scotland by SQA Accreditation *and* was assessed within the UK, they may seek regulatory advice from SQA Accreditation.

Appeals relating to qualifications not accredited by SQA Accreditation or cases where an SQA-accredited qualification has been assessed outside the UK, may not be submitted for SQA regulatory review.

Application

The candidate or Head of accredited course provider has **fourteen days** from the date of issue of the Stage 2 Appeal outcome.

Costs, procedures, outcomes

These will be communicated by SQA Accreditation following receipt of the application for regulatory review.

SETA's Customer care promise

- All customers are entitled to a prompt, courteous and efficient service
- All customers can expect a full and fair investigation of their complaint
- However it is possible that customers will not always like the outcome of their complaint, but be reassured that it is investigated thoroughly
- SETA will explain rules and procedures if they are not clear
- Customer confidentiality will be respected
- Customers will be informed of the progress and the outcome of their complaint