



<b>Policy</b>	Complaints Policy
<b>Effective Date</b>	June 2018
<b>Date Last Reviewed</b>	June 2021
<b>Scheduled Review Date</b>	June 2023
<b>Supersedes</b>	Complaints Policy October 2014, approved by Board of Trustees on 21 <sup>st</sup> June 2018
<b>Owned by</b>	NEBDN Executive
<b>Monitored by</b>	Governance Committee
<b>Approved by</b>	Governance Committee on 06 August 2021 and the Board of Trustees on 6 August 2021

#### **Purpose**

The purpose of this policy is to ensure that:

- NEBDN has a clear procedure in place for individuals or organisations to follow, should they wish to make a complaint;
- all complaints are received, processed, investigated and resolved in a consistent, fair and timely manner;
- complaints are routinely recorded and reported upon for the purposes of risk management and continuous improvement.

#### **Scope**

##### Who can complain?

Any individual or organisation representative may use this policy to make a complaint to NEBDN about any aspect of our service, procedures or policies, subject to the limitations listed in this policy.

##### Limitations

1. This Complaints Policy does not cover the following:
  - Matters that are dealt with through other policies such as appealing a decision, raising a concern etc. (Follow the guidance in the relevant policy).
  - Complaints made by learners that are not currently registered with NEBDN
  - Courses or centres not accredited by NEBDN;
  - Matters outside of the jurisdiction of NEBDN, such as contract disputes between learners and their centres.
  - Matters that have not yet exhausted all options under the Centre's complaints policy, unless under exceptional circumstances.
2. Third parties are not permitted to make a complaint on behalf of someone else. NEBDN will only accept complaints where the matter relates directly to the individual or organisation who is making the complaint.



3. NEBDN is unable to accept or act upon any complaints made anonymously.
4. NEBDN reserves the right to reject a complaint which is:
  - abusive in content and/or the complainant is aggressive in manner.
  - vexatious.

#### **Policy statement**

NEBDN is committed to providing high quality services and support to our stakeholders. This policy exists to ensure that any exceptions to that are resolved through a clear, fair, timely and standardised approach.

#### **Step 1 – Initial complaint**

On receipt of an initial complaint, it will be logged by a member of the Customer Support Team as an issue on TheHub (CRM) and an acknowledgement will be sent to the complainant within 24 hours.

The majority of complaints will be resolved at this stage, normally within 5 working days of receipt. Customer Support will identify which team is best placed to investigate and respond to the concerns raised. Our aim is to always seek a satisfactory resolution to the issue(s) at the first point of contact.

<b><i>Nature of complaint:</i></b>	<b><i>Typical Responsible manager area:</i></b>
Complaints about NEBDN examinations	Assessment and Awards
Complaints about NEBDN centres	Customer Support
Complaints about NEBDN quality assurance	Quality Assurance
Complaints about NEBDN invoicing, payments or credit control	Finance
All other complaints	Customer Support <i>(who will acknowledge complaint and allocate responsibility to a named member of the team)</i>

For any complaint where a longer time frame is required for investigation purposes, the complainant will be informed of this within the 5 working days and provided with an extended timescale for a full response no longer than 25 days from initial receipt of complaint.

Inappropriate complaints or those without merit should be rejected at this point and the complainant informed that there is no further merit in escalating it to step 2.

#### **Step 2 – Escalated complaint**

An initial complaint (step 1) may be escalated to step 2 if:

- a) the complainant is dissatisfied with the outcome of their initial complaint, or



b) It is considered so serious that it warrants immediate attention from more senior staff. If a Complainant is not satisfied with the outcome of their initial complaint and wishes to escalate their complaint, they must inform NEBDN in writing within 5 working days of being notified of the outcome at step 1. The Complainant must explain why they believe the outcome of the informal stage was not a satisfactory resolution.

The Operations Manager (Customer Support) is responsible for allocating an escalated complaint to the appropriate member of the Management team.

Responsibility for complaint resolution in Step 2 will be allocated as follows:

<i>Nature of complaint:</i>	<i>Typical responsible manager area:</i>	<i>Responsible senior manager (oversee):</i>
Complaints about NEBDN examinations	Assessment and Awards	Head of Operations
Complaints about NEBDN course providers	Quality Assurance	Head of Quality & Standards
Complaints about NEBDN quality assurance	Quality Assurance	Head of Quality & Standards
Complaints about NEBDN invoicing or credit control	Finance	Head of Strategy and Innovation
All other complaints	Executive Assistant ( <i>who will acknowledge complaint and allocate responsibility to a named manager</i> )	Head of Operations or Chief Executive Officer

Complainants should expect a written response to their Stage 2 Formal Complaint within 25 working days of receipt of their complaint. In exceptional circumstances where this timescale cannot be met, the complainant will be notified in writing.

During the course of the investigation, the Complainant may be required to produce additional information either verbally or in writing or in the form of documentation or other evidential material.

If the Complainant is dissatisfied with the outcome of the formal investigation under step 2, they may have grounds to request a review of complaint handling (step 3).



### Step 3 – Appeal of complaint response

Step 3 is entirely concerned with a review of how a complaint has been dealt with and whether this has been fair and reasonable. We will consider a step 3 review on the following grounds:

- It is alleged the formal step 2 investigation was not conducted fairly.
- It is alleged the formal step 2 investigation failed to take account of relevant material.
- It is alleged the decision reached was wholly unreasonable.

No new complaint or additional aspect of the original complaint may be introduced at this stage.

The CEO or a nominated trustee will take lead responsibility for stage 3. In cases where the Chief Executive Officer has been involved/responsible at stage 2, a member of the NEBDN Board of Trustees will lead the stage 3 review.

A request for a stage 3 review must be made in writing to the Chief Executive Officer within 10 working days of being notified of the outcome at stage 2. The Complainant must explain their grounds for requesting a stage 3 review and supply evidence to support their claim that a review of the complaint handling is necessary.

The CEO/nominated trustee will examine the original complaint and all of the evidence and material assessed during the formal investigation at stage 2. The complainant may be asked for additional information either verbally or in writing or in the form of documentation or other evidential material.

As a result, the CEO /nominated trustee may:

- conclude the matter by offering a resolution
- instigate a new and independent investigation into the original complaint
- convene a panel\* to review the case and offer a resolution

\*The panel will include, as a minimum, the Chief Executive Officer and two trustees. In cases where a trustee is leading the stage 3 review, the panel will include 3 trustees as a minimum and will not include the Chief Executive Officer.

Complainants should expect a written outcome within 25 working days. In exceptional circumstances where this timescale cannot be met, the complainant will be notified in writing of what further action is deemed necessary and the timeline for completion.

A summary complaints report is issued to the Board of Trustees at each of their Board meetings. This will not account for vexatious complaints received.

### **Confidentiality**

Complaints will be dealt with in a confidential manner. Everyone involved in the complaints procedure has a duty to maintain confidentiality. However, for a complaint to be fully investigated and resolved, it may be necessary to disclose the identity of the complainant to the subject of the complaint and/or to anyone who may be directly involved in the complaint and/or its investigation. We may need to provide relevant parties with a copy of your complaint and any evidence relating to the complaint.



Where a learner makes a complaint directly to NEBDN, we will inform the learner's centre where appropriate to ensure transparency unless this would cause significant hardship to the complainant or otherwise prejudice any other investigation arising from the complaint.

#### **Conflicts of Interest**

NEBDN staff involved in dealing with the complaint should not have a personal Interest regarding the matter being complained about or previous involvement in the complaint. Where this is not possible or feasible to use alternative staff, any findings should be scrutinised by another manager of at least equal seniority who is not conflicted.

#### **Responsibilities**

Centres should ensure that their staff undertaking management, assessment or quality assurance activities and their learners are aware of NEBDN's complaint policy. Additionally, they should have and share their own complaints policy with these 2 groups.

Trustees – are ultimately accountable for monitoring complaints and to ensure outcomes and learning points are actioned.

The Governance Committee is responsible for reviewing this policy on a regular basis to ensure that it is fit for purpose. The Committee will be guided by feedback from NEBDN staff members who operate the policy, in particular the CEO and management team.

The CEO is responsible for ensuring that this policy is communicated and implemented effectively throughout the organisation. The CEO is also responsible for ensuring that summary complaints reports are provided to the Board of Trustees at their Board meetings.

The Senior Management team are responsible for operating the complaints policy and for ensuring that NEBDN staff members understand what to do when complaints are received. Staff assigned to a complaint will have the appropriate level of competence and experience to investigate effectively. This person will be responsible for adhering to NEBDN's documented complaints process, including investigation and response times and, where relevant, escalation of the complaint.

NEBDN staff can provide guidance regarding the complaints process but cannot change or reverse a decision once it is made, no matter what informal approaches or appeals are made by the complainant.

Any regulatory notifications about failures in other Awarding Organisations' assessment processes will be treated as a complaint to see if the same issue could affect NEBDN awarding activity.

#### **Outcomes of a complaint**

Where a complaint has identified weaknesses or issues in our processes, we will take appropriate action such as:

- Identify any learner and/or Centre who has been affected by that failure
- Correct, or where it cannot be corrected, mitigate as far as possible the effect of that failure, and



- Review and amend our arrangements, where appropriate, to reduce the likelihood that the failure will reoccur

#### **Definitions**

**Complainant** - A complainant is the person making a Complaint to NEBDN.

**Vexatious complaints** -Vexatious complaints are defined as:

Complaints which are obsessive, persistent, harassing, prolific, repetitious;

- Insistence upon pursuing unmerited complaints and/or unrealistic outcomes;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

#### **Review Arrangement**

We will review this policy and its associated procedure regularly as part of our annual self-evaluation arrangements and revise it as and when necessary, in response to customer, learner or regulatory feedback and any trends that emerge in the complaints received.

#### **References**

NEBDN Appeals Policy  
NEBDN Bribery and Corruption Policy  
NEBDN Bullying and Harassment Policy  
NEBDN Learner Conduct Policy  
NEBDN Confidentiality Policy  
NEBDN Conflict of Interest Policy  
NEBDN Data Protection Policy  
NEBDN Disciplinary Policy  
NEBDN Equality and Diversity Policy  
NEBDN Exceptional Mitigating Circumstances Policy  
NEBDN Fees and Invoicing Policy  
NEBDN Gifts and Hospitality Policy  
NEBDN Reasonable Adjustments Policy  
NEBDN Right to Work Policy  
NEBDN Risk Management Policy  
NEBDN Standards for Centre Accreditation  
NEBDN Standards of Performance and Conduct  
NEBDN Student Fitness to Practice Policy  
Volunteer Recruitment and Management Policies  
NEBDN Whistleblowing Policy  
Ofqual General Conditions of Recognition (<http://ofqual.gov.uk/>)

#### **Questions**

If you have any questions about this policy, please contact the Customer Support Team  
[Customersupport@NEBDN.org](mailto:Customersupport@NEBDN.org)



## Complaints Procedure

### Making a complaint

NEBDN is committed to providing high quality services and support to our stakeholders.

Before making a complaint, please call 01772 429917 or email [customersupport@nebdn.org](mailto:customersupport@nebdn.org) to speak to us if there is something you are not happy about so that we can try to address your concerns.

However, if you do still wish to make a complaint to us directly, you can do this in the following ways:

#### Contact us

Telephone: 01772 429917

Email: [customersupport@nebdn.org](mailto:customersupport@nebdn.org)

Post: NEBDN  
First Floor  
Quayside Court  
Chain Caul Way  
Preston  
PR2 2ZP

Complainants should ensure that they provide their full name and accurate contact details, including a contact email address if possible. NEBDN advises Complainants to read any relevant guidance, qualification documents and/or additional policies that may be relevant to their complaint which can be found on our website:

### How we will deal with your complaint

When a complaint is received by NEBDN we typically follow a 3 step process in order to try to resolve the issue satisfactorily.

#### Step 1 – Initial complaint

On receipt of an initial complaint, it will be logged and an acknowledgement will be sent to the complainant within 24 hours.

The majority of complaints will be resolved at this stage, normally **within 5 working days** of receipt. Our aim is to always seek a satisfactory resolution to the issue(s) at the first point of contact.

For any complaint where a longer time frame is required for investigation purposes, the complainant will be informed of **this within the 5 working days** and provided with an extended timescale for a full response **no longer than 30 days** from initial receipt of complaint.



### Step 2 – Escalated complaint

An initial complaint (step 1) may be escalated to step 2 if:

- a) the complainant is dissatisfied with the outcome of their initial complaint, or
- b) It is considered so serious that it warrants immediate attention from more senior staff

Commented [TS1]: Should this be a and b?

If a Complainant is not satisfied with the outcome of their initial complaint and wishes to escalate their complaint, they must inform NEBDN in writing **within 5 working days** of being notified of the outcome at step 1. The Complainant must explain why they believe the outcome of the informal stage was not a satisfactory resolution.

Complainants should expect a written response to their escalated complaint (Step 2) **within 25 working days** of receipt of their complaint. In exceptional circumstances where this timescale cannot be met, the complainant will be notified in writing.

If the Complainant is dissatisfied with the outcome of the formal investigation under step 2, they may have grounds to request a review of complaint handling (step 3).

### Step 3 – Appeal of complaint response

Step 3 is entirely concerned with a review of how a complaint has been dealt with and whether this has been fair and reasonable. We will consider a step 3 review on the following grounds:

- It is alleged the formal step 2 investigation was not conducted fairly.
- It is alleged the formal step 2 investigation failed to take account of relevant material.
- It is alleged the decision reached was wholly unreasonable.

### **No new complaint or additional aspect of the original complaint may be introduced at this stage.**

A request for a stage 3 review must be made in writing to the Chief Executive Officer **within 10 working days** of being notified of the outcome at stage 2. The Complainant must explain their grounds for requesting a stage 3 review and supply evidence to support their claim that a review of the complaint handling is necessary.

Complainants should expect a final written outcome **within 25 working days**. In exceptional circumstances where this timescale cannot be met, the complainant will be notified in writing of what further action is deemed necessary and the timeline for completion.

### Complaints about the conduct of an examination:

If a learner or centre has a complaint about an examination, the details must be submitted in writing (by email or by letter) to NEBDN **within 5 working days of the examination having taken place**. A named manager will be responsible for the initial review and any escalation needed.



Complaints about examinations have the potential to affect examination results:

Appropriate complaints may be shared with any appropriate individual/group to ensure assessment and awarding outcomes will not penalise any learners unfairly. For this reason, complaints about examinations may not be considered if they are received **beyond 5 working days** of the examination having taken place.

Complaints from learners about their centre:

If a learner has a complaint against their centre then they must use the centre's complaints policy as the first step and see their process through to a conclusion. If after this has been followed and the learner still has concerns, then the Complainant may follow NEBDN's Complaints Policy.

Complainants will be expected to provide full details of their complaint including documentation to evidence that they have exhausted the relevant centre's complaints procedure.

We aim to treat everyone politely and with respect. In return, we expect our staff to be treated respectfully and not in a way that is abusive or threatening.

NEBDN is committed to handling and resolving all complaints in a consistent, fair and timely manner. However, complainants should be aware that they have the option to refer their complaint to an external body, such as a regulator, at any time.

Questions

If you have any questions about this process or the supporting policy, please email NEBDN at [info@nebdn.org](mailto:info@nebdn.org) and your enquiry will be directed to the appropriate member of staff.



### NEBDN Complaints Process

