



Policy	Complaints Policy
Effective Date	June 2018
Date Last Reviewed	May 2023
Scheduled Review Date	May 2026
Supersedes	Complaints Policy October 2014
Owned by	NEBDN Executive
Monitored by	Governance Committee
Approved by	NEBDN ESC and Governance Committee on 9 th May on behalf of Board of Trustees

Purpose

The purpose of this policy is to provide all stakeholders with guidance as to NEBDN's complaints procedure. This policy covers the delivery of NEBDN qualifications, apprenticeships and end-point assessments (EPA) and should be referenced by Employees, Associates, Providers, learners and NEBDN external contractors. The policy is designed to:

- Ensure NEBDN has a clear procedure in place for individuals or organisations to follow, should they wish to make a complaint;
- Ensure all complaints are received, processed, investigated, and resolved in a consistent, fair and timely manner;
- Ensure complaints are routinely recorded and reported upon for the purposes of risk management and continuous improvement.
- Explain the steps NEBDN will follow to investigate the complaint and come to a decision.
- Help ensure NEBDN comply with all relevant legislation and guidance.
- Help improve and refine NEBDN products and services.

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. Any complaints received should relate directly to NEBDN activity as an awarding organisation or End Point Assessment Organisation (EPAO). Stakeholders must ensure the Provider complaints process has been exhausted where appropriate, prior to referring to NEBDN for support.

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).
 - Matters outside of the jurisdiction of NEBDN, such as contract disputes between learners and their Providers.
 - Matters that have not yet exhausted all options under the Providers complaints policy.



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 reserves the right to reject a complaint which is:
 - abusive in content and/or the complainant is aggressive in manner.
 - Vexatious, i.e. A complaint which is raised without sufficient evidence or cause
 - Malicious, i.e. A complaint that is advanced in bad faith and intended to cause harm, alarm, harassment and is deemed to be oppressive and without merit.

Policy statement

NEBDN is committed to providing high quality services and support to our customers. This policy exists to ensure that any exceptions to that are resolved through a clear, fair, timely and standardised approach. In the first instance an acknowledgement will be sent to the complainant within 24 hours with the aim to resolve the complaint within 5 working days of receipt. Where further investigation is required or escalation to Step 2 then the complainant will be informed and provided with an extended timescale for a full response no longer than 25 days from initial receipt of complaint.

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

Complaints Procedure

Making a complaint

Before making a complaint, please call 01772 429917 or email 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
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.

Complaints about an examination and/or assessment

If a learner or Provider has a complaint about an examination, the details must be submitted in writing (by email) to NEBDN as soon as possible from the day of the examination or assessment having taken place. A named manager will be responsible for the initial review and any escalation needed. Appropriate complaints may be shared with any appropriate individual/group to ensure assessment and awarding outcomes will not penalise any learners unfairly.

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.

<i>Nature of complaint:</i>	<i>Typical Responsible manager area:</i>
Complaints about NEBDN examinations and external assessments	Assessment and Awards
Complaints about NEBDN providers	Customer Support
Complaints about NEBDN monitoring and moderation activity	Quality Assurance
Complaints about NEBDN invoicing, payments related to qualifications, apprenticeships, End Point Assessment 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 30 days** from initial receipt of complaint.



Inappropriate complaints (i.e. without evidence or cause) or those that fall within the limitations listed in the policy 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.

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.

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	Director of Education and Regulation
Complaints about NEBDN End Point Assessment	Assessment and Awards	Director of Education and Regulation
Complaints about Apprenticeship Delivery	Customer Support	Director of Business Development
Complaints about NEBDN course providers	External Quality Assurance	Director of Education and Regulation
Complaints about NEBDN quality assurance for qualifications and pre gateway apprenticeship delivery	External Quality Assurance	Director of Education and Regulation
Complaints about NEBDN invoicing, credit control or End Point Assessment Invoicing	Finance	Director of Business Development



All other complaints	Executive Assistant (<i>who will acknowledge complaint and allocate responsibility to a named manager</i>)	Director of Education and Regulation or Chief Executive Officer
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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 Chief Executive Officer 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 Chief Executive Officer/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 the vexatious complaints received.

Maintaining Confidentiality

Complaints will be dealt with in a confidential manner. Everyone involved in the complaint procedure has a duty to maintain confidentiality. Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party, other than Ofqual as External Quality Assurance (EQA), will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

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

A summary of complaints and resolutions will be shared with regulatory bodies as required.

Conflicts of Interest

NEBDN staff or Trustees 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

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

Trustees – have a responsibility to gain assurance that complaints are effectively addressed, monitored and that lessons learned 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 Chief Executive Officer 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 the 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 Provider 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
- Inform any relevant stakeholders or regulators as appropriate

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.

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.

Malicious complaints - A complaint that is advanced in bad faith and intended to cause harm, alarm, harassment and is deemed to be oppressive and without merit.

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.



Reference Materials

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 Provider Accreditation
NEBDN Whistleblowing Policy
Ofqual General Conditions of Recognition (<http://ofqual.gov.uk/>)

Questions

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



NEBDN Complaints Process

