

NRoSO Members Complaints Procedure

This complaints procedure reflects BASIS' commitment to valuing complaints. Our aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of each individual case. This procedure does not apply to members of the public. This procedure contains the following contents.

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What is a complaint?

1. For the purpose of this procedure, a complaint may be defined as:

“An expression of dissatisfaction by one or more members about the standard of service, action or lack of action, provided by BASIS.”
2. A complaint may relate to:
 - The quality and standard of service
 - Failure to provide a service
 - Treatment by or attitude of a member of BASIS staff, or representative
 - The failure of BASIS to follow an appropriate administrative process
 - Dissatisfaction with a BASIS policy, (although it is recognised that policy is set at the discretion of BASIS)
 - The refusal or lack of reasonable allowance in the face of personal circumstances affecting the achievement of the minimum CPD points.
3. This definition is very broad and the list above is not exhaustive. However, not every concern raised is a complaint. For example, the following **are not complaints**:
 - A request to a member of staff to revise the way in which they provide support or guidance to the member
 - A routine, first-time request for a service
 - A request under the Freedom of Information Act or General Data Protection Regulation.
 - A request for information or an explanation of policy or practice
 - An issue which is being, or has been, considered by a court or tribunal
 - An attempt to have a complaint reconsidered where a BASIS procedure has been completed and a decision has been issued
4. These issues will be dealt with directly with individuals providing a service or under alternative appropriate processes rather than under the complaints procedure. It should be noted, however, that some situations can involve a combination of issues, some are complaints and others are not, and each case should be assessed on a case-by-case basis.
5. Advice on the operation of the complaints handling procedure or on the appropriate procedure to be followed in a specific set of circumstances can be sought from the NRoSO Membership Manager.

Who can make a complaint?

6. The complaints procedure covers complaints about a member's experience during their time registered with BASIS. Only members registered on the NRoSO register, or those who have recently completed a BASIS course, may make a complaint, within the timescales set out herein.

Collective Complaints

7. The normal expectation is that members will submit a complaint which relates to their own experience only. If a service is deemed to have failed several members, a collective complaint can be submitted by a nominated individual. All correspondence, including the final outcome, will be directed through this

individual.

Frivolous or vexatious complaints

8. BASIS may reject a complaint at any time if, in the opinion of the BASIS Chief Executive Officer, or their nominee, the complaint is frivolous or vexatious.
9. A frivolous or vexatious complaint can be characterised in a number of ways:
 - Complaints which are obsessive, persistent, harassing, prolific, repetitive;
 - Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
 - Insistence upon pursuing potentially meritorious complaints in an unreasonable manner;
 - Complaints which are designed to cause disruption or annoyance;
 - Demands for redress which lack any serious purpose or value.

Anonymous complaints

10. Complaints submitted anonymously will not normally be considered. If, however, an anonymous complaint presents compelling evidence which supports the need for investigation, BASIS may give consideration to the issues raised, and will record the complaint so that corrective action can be taken as appropriate. If the complaint is considered to merit investigation for reasons of public interest, the matter might be dealt within the BASIS Whistleblowing Procedures. The BASIS Chief Executive Officer, or nominee, will review anonymous complaints, in deciding whether they will be investigated further. No correspondence will be entered into with an anonymous complainant, including acknowledgment of receipt of the complaint.

Unacceptable behaviour

11. BASIS is committed to providing a fair, consistent and accessible service for all members. However, BASIS must also provide a safe working environment for staff, and ensure that work is undertaken in an efficient and effective manner. Whilst all members have the right to be heard, understood and respected, staff have the same rights. The actions of complainants, or their nominated representative, who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards, staff. It is these actions or behaviour that is considered unacceptable and aim to manage under this guidance. These behaviours are set out below:
 - **Aggressive, offensive or abusive actions or behaviour**
Examples of actions or behaviour grouped under this heading include any actions or behaviour that may have the potential to cause staff to feel intimidated, threatened or offended. These include, but are not limited to: threats, physical violence, personal verbal abuse, derogatory remarks, sarcasm and rudeness. Inflammatory statements and unsubstantiated allegations can amount to abusive actions or behaviour. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language, whether oral or written, that may cause staff to feel afraid, threatened or abused.

- **Unreasonable demands or persistence**

Examples of unreasonable demands may include: requesting responses within an unreasonable timescale; insisting on seeing or speaking to a particular member of staff; continual phone calls, emails, or letters; demanding answers to an unreasonable, or an excessive number of, questions about the way in which staff would normally discharge their responsibilities or seeking their personal opinions on matters; repeatedly changing the substance of an appeal, or raising unrelated concerns.

When the actions or behaviour of a complainant or their representative is unacceptable they will be told why it is unacceptable and given the opportunity to modify their actions or behaviour. If the unacceptable actions or behaviour continue, BASIS will take appropriate measures, including terminating consideration of their complaint.

12. If a member's complaint is considered frivolous or vexatious, or if the complainant's behaviour is unreasonable, the Chief Executive Officer of BASIS will write to the member explaining that BASIS is terminating further consideration of the complaint, setting out the reasons for doing so, and issue a Completion of Procedures letter.

Time limit for making complaints

13. Complaints should be raised with BASIS as soon as problems arise to enable prompt investigation and swift resolution. This complaints procedure sets a time limit of 28 calendar days to raise a complaint with BASIS, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.
14. Beyond the 28 day time limit, any discretion in the way that the time limit is applied must be agreed with the BASIS Chief Executive Officer, or nominee, and will require evidence of mitigating circumstances that prevented the complainant from making their concerns known in a timely way, within the deadline.

The Complaints Procedure

15. The complaints procedure is intended to provide a quick, simple and streamlined process with a strong focus on early resolution. The procedure involves up to three stages, as illustrated below, the first two being dealt by staff at BASIS and the third and last stage referred to the NRoSO Advisory Board.

Early Resolution

(Stage 1)

For all issues that are straightforward and easily resolved, requiring only limited investigation and dealt with by staff with responsibility for the area of concern.

'On-the-spot' apology, where appropriate, explanation, or other action to resolve the complaint quickly, within 21 calendar days, unless there are exceptional circumstances.

Complaints addressed by any relevant member of staff, or alternatively referred to the appropriate point for frontline resolution.

Complaint details and outcome are recorded by the complaints handler, NRoSO Membership Manager, to be made available in the event that the complainant subsequently refers a complaint within the formal, stage 2, procedures.

Complainants referred to formal complaints stage, should they remain dissatisfied.

Formal Complaints

(Stage 2)

For issues that have not been resolved to the satisfaction of the complainant through the early resolution stage.

Formal complaints are dealt with by staff independent of the area of concern – BASIS Chief Executive Officer.

A definitive response normally provided within 28 calendar days following a thorough investigation of the points raised.

Senior management have an active interest in complaints and use information gathered to improve services.

Independent Review

(Stage 3)

For issues that have not been resolved to the satisfaction of the complainant.

Complainants who remain dissatisfied after an investigation has been completed by BASIS have the right to ask the NRoSO Advisory Board to review the outcome.

A Completion of Procedures letter will be issued, setting out that the NRoSO Advisory Board has reviewed the complaint and the steps taken so far to achieve a resolution and arrived at a final conclusion.

16. **Stage 1 Early complaints resolution** seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made. Complaints should be made in writing and addressed to the NRoSO Membership Manager at BASIS. The complainant should make it clear that they are making a complaint, as opposed to making an observation, asking a question or providing feedback. Complainants should also ensure that they include the following within the information that they provide as part of their complaint, irrespective of the way in which they make their complaint known:

- They are making a complaint within the terms of this procedure, so that the staff member knows that they must deal with the concerns accordingly
- The specific concern and the impact of the problem on the member
- Where relevant, the staff, Approved Trainers or contractors who the complainant believes are involved
- The outcome that they are hoping for.

The purpose of early resolution is to attempt to resolve as quickly as possible, and normally within **21 calendar days**, as close to the point of the problem as possible. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint at the early resolution stage (for example, by obtaining information from other areas where no single area of BASIS is responsible for the issue(s) being complained about). The complainant must be told of the reasons for extending the deadline and advised of the new timescale for resolution.

The outcome will be communicated to the complainant by the staff member handling the complaint. This may be face-to-face, by phone or by email. If the outcome is given orally, the decision must also be summarised within an email to the complainant headed, "*Early resolution complaints outcome*", setting out the following:

- Date of receipt of the first stage, informal complaint
- The specific concern raised by the member and their assessment of the impact of the problem on them
- The outcome that the member was hoping for
- The outcome(s) that the NRoSO Membership Manager determined, including, where applicable, any apology, explanation or change to existing arrangement for the member and/or for other members, or a commitment to identify the need for approved BASIS policies or procedures to be resolved by the appropriate postholder or committee
- Advice to the member that the early resolution complaint has been closed and advice on the availability of the a second stage, formal complaints procedure, if they remain dissatisfied

17. **Stage 2 A formal complaint** is appropriate where a complainant is dissatisfied with the outcome of early resolution (stage 1). These should be addressed to the BASIS Chief Executive Officer.

Members must make a formal complaint, **within 14 calendar days** of notification of the Stage 1, early resolution outcome, by completing the Formal Complaints Form in Annex 1 of this document and submitting it to "complaints@basis-reg.co.uk". Formal, Stage 2, complaints which are received after 14 calendar days of notification of the early resolution, first stage complaint outcome will normally be rejected as out-of-time. In such instances, BASIS will issue a Completion of Procedures letter. The only exceptions to this are where a member provides evidence of mitigating circumstances that prevented them from submitting a formal, second stage complaint within the approved timescale, for example through unexpected incapacitation or through disability.

The formal complaint must include:

- An attached copy of the early resolution, first stage complaint outcome notification email, where relevant
- Explanation of why the early resolution, first stage complaint outcome is not satisfactory
- Details of the specific concern and the impact of the problem on the member, including any supporting, independent evidence
- Where relevant, the staff, Approved Trainers or contractors the complainant believes to be involved in the problem
- The outcome that they are hoping for.

Stage 2 complaints will normally be acknowledged in writing within 7 calendar days. BASIS will provide a full response to the complaint as soon as possible **but no later than 28 calendar days** from the time that the stage 2 complaint was received for investigation.

The outcome of the formal complaint will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, will also be recorded. The recorded outcome of the formal complaint will include the following:

- The member's name and membership number
- Date of receipt of complaint
- Name of the complaints handler
- The specific concern raised by the member and their assessment of the impact of the problem on them
- The staff, Approved Trainer or contractor who the member identified as involved
- The outcome that the member was hoping for
- A summary of any investigations undertaken, including with whom the complaints handler discussed the complaint and any documents reviewed
- The conclusion(s) drawn from any investigations
- The outcomes that the complaints handler determined, including, where applicable, any apology, explanation or change to existing arrangements for the member and/or for other member, or a commitment to identify the need for approved BASIS policies or procedures to be resolved by the appropriate post holder or committee
- Advice to the member that the formal resolution complaint has been closed, the date of notification of outcome, and advice on the availability of a third and final review stage, within 7 calendar days of the notification, through representation to the NRoSO Advisory Board, if they remain dissatisfied.

Formal complaint outcomes are recorded by the BASIS Chief Executive Officer or nominee through copy to the complaints@basis-req.co.uk email address.

18. **Stage 3 Complaints review** enables a member who remains dissatisfied with the outcome of the formal complaint investigation to request a review of the decision by the NRoSO Advisory Board, or nominee. Where a member remains dissatisfied with the outcome of the formal complaint investigations, they are permitted to request a review of the decision on the following grounds, **within 7 calendar days** of notification of the second stage complaint outcome:

- Appropriate procedures were not followed at the formal complaints stage
- The outcome was not reasonable
- New material evidence is presented which the member was unable, for valid and evidenced reasons, to provide at the formal stage.

The member should submit a letter using the complaints@basis-req.co.uk email address setting out the basis on which they are requesting that the decision be reviewed, including a copy of the formal complaint outcome notification. The BASIS Chief Executive Officer, or nominee, will consider the request to review the outcome and provide the outcome of any review normally **within 20 calendar days** of receipt of the written request. Where the review request is received after the deadline for doing so, and there are no mitigating circumstances for lateness, the review request will be rejected and a Completion of Procedures letter will be issued.

The Chief Executive Officer, or nominee, will investigate the claim(s) made and provide a definitive outcome, detailed as set out in paragraph 16, with the exception of referral to the third, internal review, stage. On completion of any review and outcome conclusion, they will request the NRoSO Membership Manager to issue a Completion of Procedures letter at the conclusion of the NRoSO Advisory Board proceedings.

Maintaining confidentiality

19. Confidentiality is an important factor in conducting complaints investigations. BASIS will always have regard to any legislative requirements; for example, data protection legislation and policies on confidentiality and the use of complainant information. 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 will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.
20. Where a complaint has been raised against a member or member of staff and has been upheld, the complainant will be advised of this. However, it would not be appropriate to share specific details affecting specific members or staff members, particularly where disciplinary action is taken.

Data security and records retention

21. Records of complaints will be retained for a period of 18 months, following the conclusion of study, or 15 months from the issue date of a Completion of Procedure letter, whichever is the longer, for the purpose of addressing any complaints or appeals.
22. For members where a dispute is ongoing or is in reasonable contemplation for which there is a statutory limitation period, the records relating to the issue in dispute will be kept for the relevant statutory limitation period.

Annex 1 – Stage 2 Formal Complaints Form

The form will expand if you need to type more words

Member's details		
Name		
Address		
Membership number		
Employer		
Outcome of Stage 1 Early Resolution Complaint		
Please append the written outcome of your stage 1 complaint, including when you made the informal complaint, who dealt with it and the outcome of that complaint.	Tick to confirm outcome of Stage 1 complaint appended	<input type="checkbox"/>
Please explain why you are not satisfied with the outcome of the Stage 1 complaint		

Details of Stage 2 Complaint and Outcome You are Seeking		
Please detail the specific concern and how the problem is impacting on you		List of evidence to support each claim ¹ :
Please confirm the service(s) involved in the problem, including individuals who will need to be consulted as part of any investigation		List of evidence to support each claim ¹ :
What is the outcome that you are seeking?		List of evidence to support each claim ¹ :
Please include any other detail that you believe is relevant		List of evidence to support each claim ¹ :

Member's signature to confirm that all claims made within this complaints form are truthful and that all evidence is genuine:

¹ All evidence must be appended to the submitted complaints form within the deadline.

The completed form should be e-mailed, along with supporting evidence, to the BASIS Chief Executive Officer via complaints@basis-reg.co.uk within 14 calendar days of being notified of the Stage 1 outcome.