**COMPLAINTS AND APPEALS**

1. Definitions

MD: Managing Director

Complaint: For the purpose of this document, a Complaint is: a criticism of the MSMK service process, a criticism of the MSMK administrative body; a criticism of a Certificate / Report holder

Appeal: For the purpose of this document, an Appeal is an appeal against MSMK or the MSMK administrative body, for failure to certify

Method: For the purpose of this document, ‘Method’ is a word used to describe an MSMK Testing methods and type of Service as: Consultancy, Witnessing, Inspection.

Category: For the purpose of this document, ‘Category’ is used to describe a Method sub group such as: Bend , Macro/Micro/Hardness, Ultrasonic, LPI/MPI/ Visual Testing

1. Delegation
	1. The MD will delegate responsibilities and actions to himself or the Quality Manager or others if appropriate. For the purposes of this document the Quality Officer will be named, however, the complaint/appeal may be dealt with by the MD or other appropriate person(s).
2. Information for complainants or appellants
	1. All complaints or appeals must be made in writing, using the appropriate form attached (see below). Each complaint or appeal will be acknowledged, investigated and resolved. Verbal complaints will not be accepted.
	2. Complaints may be made by any individual (e.g. a certificate holder, a certificate holder's employer, or a client of an employer) against the MSMK provided processes.
	3. Appeals may be made against a decision taken by MSMK not to issue a certificate or report, to withdraw or cancel a certificate or report, or not to renew a certificate, or reduce the scope of a certificate.
	4. Submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant.
	5. Any action determined by the Quality Officer regarding a substantiated complaint will be notified to the certification holder at the appropriate time.
	6. All complaints and appeals aim to be closed within 30 days of written receipt dependent on volume of complaints / appeals relevant to the same case or, nature of complaint / appeal. The 30 days is to ensure all information is gathered before a decision is made. Once all information has been received, a decision will be made. The complaint / appeal may be referred to a Complaints and Appeal panel, Containing Subcontracted Quality manager and other independent personnel
	7. If a complaint / appeal is recommended to the appointed Complaints and Appeals Panel, they will review all relevant material within 30 days of receipt of all information being received dependent on the nature of complaint / appeal or volume of complaints / appeals relevant to the same case, they will then decide upon the appropriate action to be taken by the MSMK .
	8. Any complaint or appeal received, from any source, can only be appealed against once from the decision that arises from a full investigation.
	9. Where the Complaints and Appeals Panel cannot, for whatever reason reach a decision, the matter will be referred to the MD of MSMK and appropriate Council.
	10. When a Code of Conduct complaint about a certificate holder, who is also a member of any institutes, is substantiated, the outcome of the investigation will be referred to BINDT /Engineering Council or UKAS
	11. The Constitution, Terms of Reference and Method of Working for the MSMK Complaints and Appeals Panel are included as Appendix 1.
3. Process
	1. The Quality Officer / MD will endeavor to deal with complaints and appeals without recourse to committee. Where this is not possible, or where the complainant or appellant insists, the matter will be put before a properly constituted panel.
	2. Ordinarily, complaints are handled by correspondence with the complainant/appellant who may submit written representations.
	3. As part of the investigation, the Quality Officer / MD will correspond with all appropriate parties, including the complainant and the certification holder or in order to determine the facts.
	4. On receiving a complaint or an appeal, the Quality Officer will decide whether there is sufficient information to consider the complaint or appeal and make a decision. In the case where there is insufficient information, the Quality Officer will correspond with all connected parties to gather more information and where appropriate will use one or more of the data collection forms attached.
	5. Once sufficient information has been obtained, the Quality Officer will decide whether to manage the complaint or appeal or constitute a Complaints and Appeals Panel.

In the case where a complaint is against the MSMK administration body, a Complaints and Appeals Panel must be constituted.

In all cases, outcomes will be reported to the MD of the company.

* 1. Once the complaint or appeal has been considered and a decision has been made, the outcome will be corresponded to all interested parties (as determined by Quality Officer or Complaints and Appeals Panel).
	2. Depending on the outcome, the complainant or appellant will have 15 working days to appeal the decision. After the appeal against the decision has been considered and adjudicated upon, no further appeals will be allowed unless new evidence is forthcoming.

Guidance on outcomes

* 1. Appeals

If it transpires that the MSMK has made a mistake when making a decision not to award a certificate, to withdraw or cancel a certificate, not to renew a certificate, or reduce the scope of a certificate, then the decision should be reversed as soon as possible without further costs to the appellant.

All other appeals will be considered on their own merits; however, no decision by the Appeals Panel should be seen to be circumventing due process, inasmuch as, a certificate holder must have demonstrated his/her competence by passing the appropriate test in accordance with the standard and specification.

Other decisions by the Appeals Panel could include ‘issuing a certificate subject to certain conditions’, ‘re- testing, ‘gaining more experience’, ‘additional surveillance’ or any other measure that is seen to be fair and appropriate.

Appeal forms will not be accepted for any application where the application was submitted after the 30 days deadline or where the application was incomplete at the 30 days deadline.

* 1. Complaints
		1. MSMK Services - For the purpose of this document, complaints about the Any MSMK provided process, Content of Tests reports or Certificates documentation and local procedures used to manage the certification process; complaints about individuals’ use and interpretation of the Standards are likely to be made against the MSMK.
		2. MSMK – If a complaint is made against the MSMK administrative body, then care should be taken to confine the investigation to the use and interpretation of the MSMK documentation and working procedures; any issue relating to employment with MSMK will not be discussed but will be referred to the MD for separate consideration. If it transpires that a complaint against the use and interpretation of the MSMK documentation and working procedures is upheld then the matter needs to be rectified as soon as possible and if appropriate an apology issued.
1. Appendices and Data Collection Forms

Appendix 1 MSMK Complaints and Appeals Panel

Because the information required may be different depending on whom the complaint is about, a number of data collection forms have been created to accommodate different circumstances.

Form 1 Complaints against a MSMK Services provided

Form 2 Appeal against MSMK Services provided

V Kruk Managing Director

# Appendix 1

**PCN Complaints and Appeals Panel**

1. Constitution
	1. Chairman: MD / Quality Manager
	2. Panel members: Minimum of 2 individuals selected by the MD
	3. Other attendees: Individuals who have been involved in the complaint or appeal may attend meetings of the Panel at the invitation of the MD. Such persons shall not be considered a Panel member or be involved in any decisions concerning certification.
	4. No person having a direct interest in the complaint or appeal shall serve on the Panel.

The Complaints and Appeals Panel shall be constituted of not less than 2 ordinary members and one other to be concerned solely with the interests of the complainant or appellant. At least one member of the Panel will have technical expertise relevant to the complaint or appeal under consideration.

1. Terms of reference

The Panel will be responsible to the for assessing individual cases of complaint or appeal.

1. Method of Working
	1. The Quality Officer / MD will gather all necessary information from the parties concerned in order that the case can be fully assessed by the Panel.
	2. A Panel shall be convened by the Quality Officer within 42 days of receipt of a complaint

Note: If an appeal or complaint is urgent, the Quality Officer has the authority to convene a panel as soon as the appropriate information is gathered.

* 1. The Panel shall take into consideration all of the material submitted when reaching a decision. Where the Panel is able to reach a unanimous decision, the Quality Officer will implement the decision and submit a brief report of the circumstances and decision to the next meeting
	2. If the decision of the Panel is not unanimous, it shall be referred to the next ordinary meeting of the Committee whom shall either make a decision by a majority of 75% of attending voting members or if thought appropriate, refer the case to BINDT Council.

**FORM 1 - This form is for initiating a formal Complaint against MSMK Services provided**

|  |  |
| --- | --- |
| Name of Complainant: | Complainant’s Company/Employer: |
| Complainant’s position in Company: | Nature of Company/Employer business: |
| Complainant’s address: |
| Complainant’s telephone number: | Complainant’s email address: |
| Date of complaint: | Isolated / Repetitive Incident: |
| Name of individual subject to complaint: |  |
| Is the nature of complaint ‘Technical’ or ‘Code of Conduct’: |
| Summary of complaint: |
| Signature of Complainant: | Date: |

All complaints or appeals must be made in writing. Please email to the following contacts: To: krukvasyl@googlemail.com – Vasyl Kruk (MD)

**FORM 2 – This form is for initiating a formal Appeal against MSMK Services provided**

|  |  |
| --- | --- |
| Name of Appellant: | Date of appeal: |
| Appellant’s telephone number: | Appellant’s email address: |
| Appellant’s address: |
| If you are making an appeal on behalf of an Employer please complete the shaded boxes: | Appellant’s Company/Employer: |
| Nature of Company/Employer business: | Appellant’s position in Company: |
| Name of individual if different from the Appellant: |  |
| Summary of appeal: |
| Signature of Appellant: | Date: |

Please email to the following contacts: To: krukvasyl@googlemail.com – Vasyl Kruk (MD)

All complaints or appeals must be made in writing.