



Complaints, Investigation and Appeals Policy

NOPS Policy

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SCOPE

1. This document outlines how Smart Awards Limited deals with complaints, investigations and appeals in relation to the Network Operative Passport Scheme (NOPS).

RESPONSIBILITIES

2. This policy is for use of the Network Operative Passport System (NOPS). This policy is for individuals and organisations recording and accessing individual information stored on NOPS. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

COMPLAINTS

3. Smart Awards is committed to providing a high-quality service to all our customers and views complaints as an opportunity to learn and improve our services to customers as well as an opportunity to put things right for the person or organisation that has made the complaint.
4. Smart Awards aim is to ensure complaints are handled sensitively and speedily to enable us to:
 - Demonstrate our commitment to our customers
 - Demonstrate our commitment to providing the best possible service
 - Help to find out about things that have gone wrong so we can fix them
 - Help to prevent things going wrong again in future
 - To show tractability of all complaints received
 - To satisfy contractual needs
5. A complaint is defined as an expression of dissatisfaction with a product or service delivered by Smart Awards whether justified or not.
6. Our policy principles are to:
 - Provide a fair complaints procedure which is clear and easy to use
 - Publicise our complaints procedure so that people know how to contact us
 - Make sure everyone at Smart Awards knows what to do if a complaint is received
 - Make sure all complaints are investigated fairly and in a timely way
 - Ensure complaints are, wherever possible, resolved and that relationships are repaired
 - Gather information which helps us to improve what we do
 - All complaint information will be handled confidently.
7. Smart Awards will not normally investigate complaints which are received more than six months after the incident or occurrence took place. If a complaint cannot be resolved immediately and requires to be formally addressed by Smart Awards, then the complaint process applies.
8. Allegations of misuse or breach can be reported to Smart Awards by: telephone; email; written statement; using the whistleblowing policy.

9. Any allegation, misuse or breach of NOPS terms and conditions shall be recorded by Smart Awards. The record of information must include:

- Name of individual(s) / organisation(s) and contact details reporting the allegation
- Date reported
- Method of communication / report
- How the misuse or breach was identified
- Method of communications to Smart Awards if reported by a third party
- Details and nature of the allegation
- Details of person recording the allegation
- Evidence or basis of allegation.

COMPLAINTS PROCESS

10. Complaints process

- Step 1 - the complaint information received by Smart Awards
- Step 2 - the information added to Smart Awards complaints log
- Step 3 – acknowledgment of receipt of the complaint will be sent with 1 day
- Step 4 – the complaint will then be investigated following the investigation policy
- Step 5 – outcome of complaint is communicated within 28 days of receiving a complaint, confirming our final position

11. Whether the complaint is justified or not, the reply to the complainant will describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken because of the complaint.

12. If the complainant feels that the problem has not been satisfactorily resolved at this stage, they can request that the complaint is reviewed through Smart Awards appeals process.

INVESTIGATION

13. The investigation procedure details the process followed by Smart Awards in determining noncompliance, breach or misuse of the NOPS policies or terms and conditions.

14. All allegation shall be reviewed by the Managing Director (MD) or their nominated representative, this being a first line report to the MD. The allegation shall be reviewed to check:

- It is related to the NOPS.
- All the information is recorded in line with this process.
- The integrity of data and if there is evidence to suggest a potential or actual data breach
- If the allegation relates to a criminal / legislative offence and whether the police or other legal entity need to be involved
- If there is any risk (potential or imminent) to the NOPS or individuals.

15. The MD will be the decision-making authority following the initial review on whether the allegation is relevant and if the police, legal entity or the information commissioner's office (ICO) needs to be notified.

16. The MD will appoint an investigation officer to investigate the allegation and will be a person who is not involved in the allegation. This maybe an independent person or an expert appointed by the MD.
17. If there is pending criminal or legal prosecution and there is no other breach or noncompliance, the investigation and any information shall be passed to the relevant authorities to make a judgement.
- All NOPS services may be suspended to the person / organisation until the outcome of the prosecution by the authorities
 - If a person or organisation is determined by the authorities to have committed a criminal act, Smart Awards have the right to seize / terminate all NOPS services.

INVESTIGATION PROCESS

18. The investigation officer shall collect the information and evidence related to the allegation. Evidence shall be collected in the following order:
- **Witness Statement:** Those able to give information about what occurred
 - **The incident(s) and the circumstances, including cause:** Identify the underlying causes of the suspected breach(es) by seeking further information.
 - **Speaking to the suspect(s):** Speak to those people suspected of having committed a breach by formal interview. A record of the interview must be documented. The respondent(s) must be informed that this is a formal interview in advance and has the right to have a representative in attendance.
19. **Witness Statement:** The investigation officer shall ensure that:
- The witness statement includes what the witness had seen, heard, or felt and other relevant information regarding the breach or noncompliance.
 - The witness statement is documented and provided voluntarily.
 - Witness statement made by person under 18 years of age must have the age of the person recorded on the statement.
 - The Witness Statement must include:
 - Name of witness
 - Contact details
 - Witness statement must not be influenced by the investigation officer and must be in the words of the witness.
 - Date and signature of the witness, ensuring that the witness has checked the contents of the statement and made any corrections before signing.
 - The witness statement is signed in ink.
20. **The incident(s) and the circumstances, including cause:** The investigation officer shall seek any additional information from within Smart Awards and the NOPS and shall:
- Seek to identify the underlying causes of the suspected breach(es) or noncompliance
 - Seek further information if available
 - Speak to those responsible for managing the services
 - Review in line with copies of any documents relevant to the investigation
 - Review in line with process and relevant policies.
 - Review in line with the terms and condition(s) applicable to breach or noncompliance.

21. **Speaking to the suspect(s)**: The following will be adhered to when speaking to the person(s) responsible suspected of breach or noncompliance.
- Must be done under formal interview conditions
 - A record of the interview must be documented
 - The suspect must be informed that this is a formal interview prior to the interview date and has the right to bring a representative with them.
 - Provide copy of the interview to the respondent.
 - Ask the suspect to sign and date the interview
 - Any disagreements to the content of the interview highlighted, documented, and recorded.

DECISION OF INVESTIGATION

22. The investigation officer shall provide a full investigation report to the Smart Awards Board who will review all the evidence and agree the outcome of the investigation and apply an appropriate action based on the following matrix.

Minor Breach	Major Breach
Use of Smart Awards logo and company reference without permission	Criminal Offence
Breach of confidentiality of a single person's information	Breach in GDPR (Reportable to ICO)
Purposely providing false information regarding operative accreditations	Using the NOPS for recruitment or poaching
	Misuse of the NOPS to gain a competitive advantage
	Granting NOPS access to individuals who have no legitimate reason for access
	Repeated minor breaches and failing to take agreed corrective action

23. Minor breaches may result in part or all of the NOPS service being suspended until the breach or non-compliance is corrected.
24. Major breaches may result in part or all of the NOPS service being seized and/or terminated
25. If the investigation confirms a breach under the GDPR then Smart Awards GDPR policies and procedures will be followed and the information commissioner's office (ICO) shall be informed.

APPEALS

26. An appeal is defined as an application for a decision taken by Smart Awards in relation to NOPS, after investigation, to be overturned. Smart Awards is committed to providing a fair and transparent appeals process.
27. Appeals can be made by individuals or organisations who have authorised access to information on NOPS.

28. An individual or an organisation can appeal against a decision made by Smart Awards after an investigation of a complaint, noncompliance or breach of Smart Awards terms and conditions. Appeals will only be considered after the initial issue has been investigated by Smart Awards and a formal outcome has been communicated.
29. An appeal needs to be in writing to the MD of Smart Awards referencing the original complaint and investigation and the reasons for the appeal.
30. Appeals will be logged. The appeal will be conducted by an expert in the subject matter as appointed by the Smart Awards MD. This person shall not be the person who investigated the original complaint, investigation, or noncompliance.
31. Any appeals relating to endorsements or revocations will be in line with the industry-agreed endorsement and revocation rules.

APPEAL PROCESS

32. Appeals must be made in writing within 30 calendar days of formal notification of the outcome of the investigation process related to the appeal.
- Step 1 - The appeal information is logged
 - Step 2 - A letter acknowledging receipt of the appeal is sent within one business day of receiving it, enclosing a copy of this policy, a contact name and date of expected reply.
 - Step 3 – The appeal is investigated following Smart Awards' appeals process
 - Step 4 – Smart Awards will respond in writing within 7 days of receiving an appeal, confirming the final position
33. As much detail as possible should be submitted along with any supporting evidence available. Appeals can be emailed to info@smartawards.co.uk or by post to: Smart Awards, Beechwood House, Tanners Lane, Berkswell, Coventry, CV7 7DA. An individual must add in the covering email/letter the following information:
- Full name or person lodging the appeal
 - Contact phone number
 - Email address
 - NOPS Smart ID card number (if applicable)
 - Organisation (if applicable)
 - Investigation reference
 - Basis of appeal
 - Evidence to support appeal

Smart Awards Board shall review the original information and evidence provided and any additional information or evidence provided to support the appeal. Any new evidence or information shall be investigated in line with the investigation process where appropriate.

The outcome of the appeal may:

- Amend the original decision after considering new evidence
- Confirm the original decision stands

34. The decision made by the appeal process shall be the final decision and no further appeals for the same issue will be considered.

35. In situations where an appeal has been successful Smart Awards will give due consideration to the outcome and will take appropriate actions such as:

- Review the investigation process and procedures
- Review the policies and terms and conditions of NOPS.
- Reviewing our associated processes and policies to ensure that the 'failure' does not occur again or mitigate the situation as far as possible if the failure that occurred cannot be corrected.
- We will also cooperate with any follow-up investigations required by the regulators and if appropriate agree any remedial action with them.
- Identify any other parties who have been similarly affected and correct and mitigate as far as possible the effect of the failure.

REVIEW OF THIS POLICY

36. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance and from other appropriate organisations.

COMPLAINTS, INVESTIGATION AND APPEALS PROCESS FLOW

