

## SoBRA Complaints and Appeals Policy

This policy outlines the procedures for lodging a complaint or appealing a decision in the following instances:

1. Complaint regarding customer service.
2. Complaint regarding the conduct of an assessment for admission to the register of risk assessors.
3. Appealing a decision to refuse the award of Registration as SoBRA Risk Assessor.
4. Complaint regarding the conduct of a SoBRA member.
5. Appealing a decision to be expelled from SoBRA or removed from the Register of SoBRA risk assessors.

Please note that SoBRA is run by volunteers and therefore all timescales for responses reflect this fact. We will endeavour, but cannot guarantee, to respond within the times set within this policy.

### 1. Complaint regarding customer service

- 1.1 Any complaints relating to the SoBRA website, events, correspondence or any other SoBRA business should be made in writing and sent to the SoBRA Secretary at [info@sobra.org.uk](mailto:info@sobra.org.uk).
- 1.2 The Secretary will review the complaint and respond within 10 working days.
- 1.3 If the complainant is still dissatisfied, he or she should write to the SoBRA Chair who, with the Executive Committee, will review the complaint and respond within 20 days. The Executive Committee's decision is final.

### 2. Complaint regarding the conduct of an assessment for admission to the Register of Risk Assessors

- 2.1 Complaints concerning the conduct of an assessment should ideally be raised with the Scrutineer Panel at the time of the assessment.
- 2.2 Written complaints concerning the conduct of an assessment must be made to the SoBRA Scheme Administrator within 10 working days of the interview date.
- 2.3 The SoBRA Accreditation Lead on the Executive Committee will review the complaint, hold an internal investigation and respond within 20 working days.
- 2.4 If the complainant is still dissatisfied, he or she should write to the SoBRA Chair who, with the Executive Committee, will review the complaint and respond within 20 days. The Executive Committee's decision is final.

### 3. Appealing a decision to refuse the award of Registration as SoBRA Risk Assessor.

3.1 All applicants have the right to appeal a decision not to award Registration as a SoBRA Risk Assessor provided the following criteria are met:

- The appeal is lodged within 20 working days of the date shown on the communication notifying the candidate of the result.
- The applicant has paid the appeal administration fee (this fee will be refunded should the appeal be successful).
- The appeal sets out the grounds for the appeal clearly and in detail, being made on one of the following grounds:
  - a) The applicant believes that a SoBRA administration or procedural error occurred which affected the outcome of the assessment.
  - b) The applicant believes that the SoBRA Scrutineer Panel has misapplied the assessment criteria.
  - c) The applicant believes that assessment did not have due consideration of their Equal Opportunity rights.
  - d) There were extenuating circumstances that the Scrutineer Panel were not aware of.

3.2 The SoBRA Scheme Administrator will acknowledge receipt of the appeal within 5 working days.

3.3 SoBRA will seek clarification from the candidate if the substance of the appeal is not clear.

3.4 A SoBRA Appeal Review Panel will be formed for each appeal. The Panel will consist of the SoBRA Chair (who will act as the panel chair), a Scrutineer and one other SoBRA Executive Committee member who has no prior connection with the applicant. The Appeal Review Panel Chair may also call on expert advice from an appropriate person depending on the nature of the appeal. The applicant may also be called for a second interview. No Scrutineer involved in the original assessment decision may form part of the Appeal Review Panel.

3.5 The appeal evidence will be reviewed and the outcome sent to the applicant usually within 20 working days of the date when all the appeal evidence had been gathered, or following a second interview if required.

3.6 The decision of the SoBRA Appeal Review Panel will be final.

3.7 If the appeal is upheld and in the opinion of the SoBRA Appeal Review Panel it calls into question the integrity of the recent assessment, the matter will be referred immediately to the SoBRA Executive Committee who will then take steps to ensure that:

- the interests' of candidates are protected; and
- the integrity of scheme is maintained.

3.8 A log will be kept of all appeals received within each calendar year and of the action taken. This will be reviewed annually by the SoBRA Executive Committee. This will inform necessary changes or improvements to the scheme.

#### 4. Complaint regarding the conduct of a SoBRA member

- 4.1 Complaints against any SoBRA member should be made in writing to the SoBRA Chair. The written complaint should include details of the SoBRA member including their full name, a reference to the part (s) of the SoBRA Code of Professional Conduct that is/are alleged to have been infringed and evidence to support the allegation. The formal complaint must be signed and dated.
- 4.2 A Disciplinary Panel will investigate all such complaints. The Disciplinary Panel will comprise the Chair of SoBRA (who will act as the Panel Chair), and two other SoBRA Executive Committee members who have no prior connection with the member. Where the complaint is against a registered member (either RSoBRA or ASoBRA), at least one of the Panel members must be a SoBRA Register Scrutineer (not involved in the original assessment of the member). The Panel Chair may also call on expert advice from an appropriate person depending on the nature of the complaint. All acts, proceedings and decision of the members of the Disciplinary Panel will be minuted. No actions are taken against a registered member until the matter has been thoroughly investigated.
- 4.3 The Chair (or their nominated representative) will circulate copies of the complaint and any supporting documents to the members of the Disciplinary Panel, after which the Chair of the Panel will consult the members of the Panel.
- 4.4 If, following the Chair's consultation with the Disciplinary Panel, it is decided that the complaint is of a trivial nature or that there is insufficient evidence to support the complaint, it will be dismissed.
- 4.5 In all other cases the Chair (or their nominated representative) will notify the SoBRA member of:
  - the nature, particulars and source of the complaint;
  - the fact that such a complaint will be considered by a Disciplinary Panel;
  - the members right to submit a written statement to the Panel;
  - the Panel's powers of investigation, and its authority in the absence of any reply from the member, to proceed without further reference to the member, provided due notice has been given.
- 4.6 At least 28 days notice will be given to all parties when the Disciplinary Panel intends to hold a meeting, unless all parties agree to a shorter time period.
- 4.7 All parties will provide the Chair (or their nominated representative) with copies of all documents on which they intend to rely by at least 14 days before the meeting.
- 4.8 On considering the evidence, the Disciplinary Panel will either:
  - Dismiss the complaint if it considers there is no case to answer

- Suspend membership (and registration in the case of RSoBRA and ASoBRA members) where the complaint appears to be justified but is not serious enough to expel the member from SoBRA or remove them from the Register of Risk Assessors. In such instances, the Disciplinary Panel will determine the content of a letter to be sent to the member setting out what reparations require to be made and in what timescale for their membership and registration to be re-activated. If no such reparations are made then the member will be expelled from SoBRA and removed from the register of risk assessors.
- Expel from SoBRA and in the case of RSoBRA and ASoBRA remove from the Register of Risk Assessors with consequential withdrawal of the permission to use SoBRA post-nominals. A complaint to the member's Professional body may also be made.

4.9 The Chair (or their nominated representative) will inform the relevant parties of the Disciplinary Panel's final decision in writing within 14 days of it being made.

4.10 If it becomes known to SoBRA at any time during the process that the facts giving rise to the complaint are *sub-judice* or subject to investigation by any other competent tribunal or body, the SoBRA complaint procedure will be suspended immediately until the matter has been resolved elsewhere.

4.11 If a person who has been expelled from SoBRA membership (and had their registration withdrawn, where relevant) will subsequently apply for re-admission, such application will be considered at the discretion of the Executive Committee.

## 5. Appealing a decision to expel from SoBRA or remove from the Register of Risk Assessors.

5.1 Should a decision be reached to expel a member from SoBRA (and remove them from the Register of Risk Assessors where relevant), the member may appeal this decision within 20 working days of the date of the decision. The appeal must be made to the SoBRA Chair and must set out the grounds for the appeal clearly and in detail. The Executive Committee will consider appeals submitted only on the grounds of:

- procedural impropriety;
- unreasonable decision or sanction;
- further significant evidence that could not reasonably have been made available to the Disciplinary Panel.

5.2 The SoBRA Chair (or nominated representative) will acknowledge receipt of the appeal within 5 working days.

5.3 The appeal will be reviewed by the SoBRA Executive Committee and the outcome sent to the applicant within 20 working days.

5.4 The decision of the SoBRA Executive Committee will be final.