

CP21 ISSUE DATED: 1st January 2019
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COMPLAINTS AND APPEALS

1. Definitions

CEO:	Chief Executive Officer of BINDT and Senior Manager of CSD
CSD:	Certification Services Department
PCN:	Personnel Certification in NDT
AQB:	Authorised Qualifying Body
CMC:	Certification Management Committee
Complaint:	For the purpose of this document, a Complaint is: a criticism of the PCN process, a criticism of the PCN administrative body; a criticism of a PCN AQB; or a criticism of a PCN certificate holder
Appeal:	For the purpose of this document, an Appeal is an appeal against PCN or the PCN administrative body, for failure to certify
Method:	For the purpose of this document, 'Method' is a word used to describe an NDT technology such as: Ultrasonic Testing, Magnetic Particle Testing, Radiography Testing or Eddy Current Testing etc.
Category:	For the purpose of this document, 'Category' is used to describe a Method sub group such as: Magnetic Particle Testing Level 2 Welds; or Level 3 Ultrasonic Testing of Wrought Products; or Level 1 Eddy Current Testing of General Wrought Products etc.

2. Delegation

- 2.1 The CEO will delegate responsibilities and actions to the Quality Officer and CSD Office 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 CSD Office Manager or other appropriate person(s).

3. Information for complainants or appellants

- 3.1 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.
- 3.2 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 PCN process, the PCN administration body, a PCN AQB, or a PCN certificate holder.
- 3.3 Appeals may be made against a decision taken by PCN not to award a certificate, to withdraw or cancel a certificate, or not to renew a certificate, or reduce the scope of a certificate.
- 3.4 Submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellant.
- 3.5 Any action determined by the Quality Officer, CSD Office Manager or the Complaints and Appeals Panel regarding a substantiated complaint will be notified to the PCN certification holder, the PCN AQB or the PCN administration body (whichever is appropriate) at the appropriate time.

- 3.6 All complaints and appeals aim to be closed within 60 days of written receipt dependent on volume of complaints / appeals relevant to the same case or, nature of complaint / appeal. The 60 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.
- 3.7 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 Quality Officer.
For all audit appeals / complaints, these will only be heard up to 3 months after the report.
- 3.8 Any complaint or appeal received, from any source, can only be appealed against once from the decision that arises from a full investigation.
- 3.9 Where the Complaints and Appeals Panel cannot, for whatever reason reach a decision, the matter will be referred to the PCN Management Committee or in exceptional circumstances (as determined by the Certification Management Committee), BINDT Council.
- 3.10 When a Code of Conduct complaint about a PCN certificate holder, who is also a member of BINDT, is substantiated, the outcome of the investigation will be referred to BINDT Council.
- 3.11 The Constitution, Terms of Reference and Method of Working for the PCN Complaints and Appeals Panel are included as Appendix 1.

4. Process

- 4.1 The Quality Officer 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.
- 4.2 Ordinarily, complaints are handled by correspondence with the complainant/appellant who may submit written representations.
- 4.3 As part of the investigation, the Quality Officer will correspond with all appropriate parties, including the complainant and the PCN certification holder or the PCN AQB or the PCN administration body, in order to determine the facts.
- 4.4 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.
- 4.5 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 PCN administration body, a Complaints and Appeals Panel must be constituted.

In all cases, outcomes will be reported to the Certification Management Committee.

- 4.6 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).
- 4.7 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.
- 4.8 The Quality Officer or Complaints and Appeals Panel will determine whether the complaint or appeal is notified to BINDT Council as part of the CMC report or whether it is referred to BINDT Council for further consideration.

5. Guidance on outcomes

5.1 Appeals

If it transpires that the PCN administrative body 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 examination in accordance with the rules.

Other decisions by the Appeals Panel could include 'issuing a certificate subject to certain conditions', 're-sitting part of an examination', '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 for post experience (PSL-57c) where the application was submitted after the 2 year deadline or where the application was incomplete at the 2 year deadline.

5.2 Complaints

5.2.1 PCN process - For the purpose of this document, complaints about the PCN process is confined to published PCN documentation and local procedures used to manage the certification process; complaints about individuals' use and interpretation of the PCN documentation and local procedures are likely to be made against the PCN administrative body or an AQB. As the PCN published documents undergo a rigorous review and approval process, it is unlikely that complaints will be made against the content of these documents; however, if a complaint is made and upheld regarding these documents, then the document in question will be referred to the General Technical Committee for review and recommendation.

5.2.2 PCN administrative body – If a complaint is made against the PCN administrative body, then care should be taken to confine the investigation to the use and interpretation of the PCN documentation and working procedures; any issue relating to employment with BINDT will not be discussed but will be referred to the CEO of BINDT and the CSD Office Manager for separate consideration. If it transpires that a complaint against the use and interpretation of the PCN documentation and working procedures is upheld then the matter needs to be rectified as soon as possible and if appropriate an apology issued.

5.2.3 PCN AQB – With regards to a complaint against an AQB being upheld, it is very difficult to predetermine penalties without knowing the severity of the offence. However some suggestions are listed below in descending order:

- Mild response*
- Letter from the CEO or CSD Office Manager pointing out the error of their ways.
 - Letter from the CEO or CSD Office Manager demanding better performance in the future
 - Require an AQB to re-train and re-examine an individual at their own expense (or part thereof).
 - Immediate audit of an examination centre
 - Temporarily suspending operations of an examination centre
 - Immediate audit of the AQB
 - Temporarily suspending operations of an AQB
- Uncompromising response*
- Withdraw accreditation

In the event that a complaint against an AQB is not upheld, then subject to discussions with the AQB, it may be possibility to publish the outcome in NDT News, in order to avoid an unwarranted impact on commercialisation; the AQB has the final say on whether to publish or not.

- 5.2.4 PCN certificate holder – If a complaint is made against a PCN certificate holder, it is likely to be for one of two fundamental reasons, either there is an issue relating to technical competence or there is an issue relating to the Code of Conduct.

If a complaint is made about a PCN certificate holder's technical competence, then only penalties relating to the Method should be considered. However, within the Method, you may wish to apply the penalties to one or more Categories, for example: if a Certificate Holder holds Ultrasonic plate, pipe, nozzles and nodes but the complaint is about a specific pipe inspection, you may wish to apply the penalties just to the pipe category, alternatively, if the complaint is more generic in nature, like incorrect calibration, incorrect choice of probes or incorrectly setting of ultrasonic gain, you may wish to apply the penalties to the whole ultrasonic Method. The penalties could include:

- Immediate re-training and re-examination of the Category
- loss of Category and/or Method certification for a short period of time, then reissue certification
- loss of Category and/or Method certification for a short period of time, then re-training and re-examination
- loss of Category and/or Method certification for a long period of time, then reissue certification
- loss of Category and/or Method certification for a long period of time, then re-training and re-examination
- loss of certification for a year or more and reversion to initial candidate

Note: all of these penalties should have a time period associated with them.

If the complaint is about a PCN certificate holder not complying with the Code of Conduct then penalties ought to be considered for all Methods and not just the Method for which the complaint applied to, for example: if the PCN certificate holder is found guilty of falsifying ultrasonic reports and apart from Ultrasonic Inspection he/she holds certification in MPI and Radiography, then the penalties should apply to all three Methods. Depending on the severity of the offence, penalties could include:

- loss of Method certification for a short period of time, then reissue certification
- loss of Method certification for a long period of time, then reissue certification
- loss of all Methods certification for a short period of time, then reissue certification
- loss of all Methods certification for a long period of time, then reissue certification
- suspension for a year or more and reversion to initial candidate
- Suspension from BINDT membership
- Reporting to the Police

Note: all of these penalties should have a time period associated with them.

6. Appendices and Data Collection Forms

Appendix 1 PCN 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 PCN certificate holder
Form 2	Complaints against a PCN AQB
Form 3	Complaints against the PCN administrative body
Form 4	Complaints against a PCN process
Form 5	Appeal against PCN or the PCN administrative body, for failure to certify

Authorised for PCN

Jennifer Cook
Office Manager, Certification Services Department

Appendix 1

PCN Complaints and Appeals Panel

1. Constitution

- 1.1 Chairman: Quality Officer or CSD Office Manager.
- 1.2 Panel members: Minimum of 3 individuals selected by the Chairman from the BINDT Certification Services Department and/or the CMC.
- 1.3 Other attendees: Individuals who have been involved in the complaint or appeal may attend meetings of the Panel at the invitation of the Chairman. Such persons shall not be considered a Panel member or be involved in any decisions concerning certification.
- 1.4 No person having a direct interest in the complaint or appeal shall serve on the Panel. One of the Certification Management Committee members will chair the meeting of the Panel.

The PCN Complaints and Appeals Panel shall be constituted of not less than 4 ordinary members including, a member of the PCN Management Committee 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, e.g., for a complaint or appeal concerning a Radiation Protection Adviser, the Panel will include a certificated RPA member.

2. Terms of reference

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

3. Method of Working

- 3.1 The Quality Officer will gather all necessary information from the parties concerned in order that the case can be fully assessed by the Panel.
- 3.2 A Panel shall be convened by the Quality Officer within 42 days of receipt of a complaint; a scheduled PCN Management Committee meeting could be used to facilitate such a meeting.

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.

- 3.3 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 of the Certification Management Committee.
- 3.4 If the decision of the Panel is not unanimous, it shall be referred to the next ordinary meeting of the Certification Management 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 a PCN certificate holder

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:	PCN Number of Individual:
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: alicia.carroll@bindt.org – Alicia Carroll (Quality Officer)

CC: jennifer.cook@bindt.org – Jennifer Cook (Certification Services Department Office Manager)

Certification Services Department
Midsummer House
Riverside Way, Bedford Road
Northampton
NN1 5NX

FORM 2 – This form is for initiating a formal complaint against a PCN AQB

Name of complainant:	Date of complaint:
Complainant's telephone number:	Complainant's email address:
Complainant's address:	
PCN Number of complainant:	
If you are making a complaint on behalf of an Employer please complete the shaded boxes:	Complainant's Company/Employer:
Nature of Company/Employer business:	Complainant's position in Company:
Name of AQB subject to complaint:	
Is the complaint to do with an AQB's remote examination centre: (If yes please state location)	
Address of AQB subject to complaint:	
Summary of complaint:	
Signature of Complainant:	Date:

All complaints or appeals must be made in writing. Please email to the following contacts:

To: alicia.carroll@bindt.org – Alicia Carroll (Quality Officer)

CC: jennifer.cook@bindt.org – Jennifer Cook (Certification Services Department Office Manager)

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Midsummer House
Riverside Way, Bedford Road
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NN1 5NX

FORM 3 – This form is for initiating a formal complaint against the PCN administrative body

Name of complainant:	Date of complaint:
Complainant's telephone number:	Complainant's email address:
Complainant's address:	
PCN Number of complainant:	
If you are making a complaint on behalf of an Employer please complete the shaded boxes:	Complainant's Company/Employer:
Nature of Company/Employer business:	Complainant's position in Company:
PCN Number of complainant:	
If you are making a complaint against an individual within the PCN administrative body, please complete the box below:	
Name of individual the complaint is about:	
Summary of complaint:	
Signature of Complainant:	Date:

All complaints or appeals must be made in writing. Please email to the following contacts:

To: alicia.carroll@bindt.org – Alicia Carroll (Quality Officer)

CC: jennifer.cook@bindt.org – Jennifer Cook (Certification Services Department Office Manager)

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 Riverside Way, Bedford Road
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 NN1 5NX

FORM 4 – This form is for initiating a formal complaint against a PCN process

Name of Complainant:	Date of complaint:
Complainant's telephone number:	Complainant's email address:
Complainant's address:	
PCN number of complainant:	
If you are making a complaint on behalf of an Employer please complete the shaded boxes:	Complainant's Company/Employer:
Nature of Company/Employer business:	Complainant's position in Company:
PCN number of complainant:	
What specific process/processes are you complaining about (summary):	
Summary of complaint:	
Signature of Complainant:	Date:

All complaints or appeals must be made in writing. Please email to the following contacts:

To: alicia.carroll@bindt.org – Alicia Carroll (Quality Officer)

CC: jennifer.cook@bindt.org – Jennifer Cook (Certification Services Department Office Manager)

Certification Services Department
Midsummer House
Riverside Way, Bedford Road
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NN1 5NX

FORM 5 – This form is for initiating a formal Appeal against PCN or the PCN administrative body for failure to certify

Appeal forms will not be accepted for any application for post experience (PSL-57c) where the application was submitted after the 2 year deadline or where the application was incomplete at the 2 year deadline.

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 the failure to certify affected if different from the Appellant:	PCN Number of Individual:
Summary of appeal:	
Signature of Appellant:	Date:

All complaints or appeals must be made in writing. Please email to the following contacts:

To: alicia.carroll@bindt.org – Alicia Carroll (Quality Officer)

CC: jennifer.cook@bindt.org – Jennifer Cook (Certification Services Department Office Manager)

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