

## Complaints Procedure and Disciplinary Policy (the Policy)

### National Association of Professional Sourcing Agents (NAPSA) Ltd

Date: 1st August 2021

#### 1. Introduction

- 1.1 NAPSA takes complaints made about its Members very seriously and by ensuring complaints are dealt with in a specific manner, NAPSA seeks to ensure that the service delivered by its Members to their clients is of the highest standards.

#### 2. Definitions

- 2.1 For the purpose of this Policy the following definitions shall apply:

<b>"Benefits"</b>	means the benefits of Membership as defined in the Membership Terms from time to time.
<b>"Business"</b>	has the meaning given to "trader" in the Regulations.
<b>"Consumer"</b>	has the meaning given to it in Regulations.
<b>"Complainant"</b>	means an entity, whether a Consumer, Business or other corporate body (including, but not limited to, governmental and supervisory bodies), bringing a complaint against a Member.
<b>"Chair"</b>	means the Chair of NAPSA's board of directors from time to time.
<b>"Code of Practice"</b>	means NAPSA's Code of Practice as amended from time to time.
<b>"Investigator"</b>	means an individual appointed by NAPSA to investigate a complaint.
<b>"Member"</b>	means the entity, whether an individual or corporate body, who has undertaken to abide by all the provisions of the Code of Practice and who has entered into a contract with NAPSA in relation to Membership and Members shall be construed accordingly.
<b>"Membership"</b>	means membership of NAPSA.
<b>"Membership Terms"</b>	means the Terms and Conditions of Membership of NAPSA from time to time.
<b>"NAPSA"</b>	means the National Association of Professional Sourcing Agents, a company registered in England and Wales with registration number 13002455 and whose registered office is at 22/28 Willow Street, Accrington, Lancashire, United Kingdom, BB5 1LP. VAT Reg No: 385 4371 71
<b>"Redress Scheme Provider"</b>	means a provider of alternative dispute resolution services which is approved: <ul style="list-style-type: none"><li>· by the Government under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015;</li><li>· as an ADR Competent Authority by the Chartered Trading Standards Agency;</li><li>· by the National Trading Standards' Estate and Letting Agency Team; and</li><li>· by NAPSA from time to time.</li></ul>

**Small Business:** means a:

- Business (or group of companies) with an annual turnover of less than £3 million;
- registered charity with an annual income of less than £3 million; or
- trust with a net asset value of less than £3 million.

**“The Regulations”**

means The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

### **3. The Purpose of this Policy**

3.1 The purpose of this Policy is to enable NAPSA to:

- 3.1.1 maintain the integrity of NAPSA’s Code of Practice;
- 3.1.2 assure the integrity of NAPSA;
- 3.1.3 ensure that interested parties know how to lodge a complaint and how a complaint will be handled by NAPSA;
- 3.1.4 ensure that complaints are dealt with consistently, fairly and sensitively within clear time frames;
- 3.1.5 provide individuals with a fair and effective way to make a complaint; and
- 3.1.6 ensure that complaints are monitored to improve the quality of services provided by the Members.

3.2 This Policy shall only be effective once the Member’s ‘in-house’ complaints policy has been exhausted and Members should direct their clients to this policy in such circumstances.

3.3 This Policy does not apply to complaints brought by Members in relation to dissatisfaction with the services provided by NAPSA in relation to Membership.

### **4. Responsibility**

The Chair shall be responsible for the implementation of this Policy and for ensuring that all officers, staff and Members are aware of its application and that all parties implement and comply with its requirements.

### **5. Definition of a Complaint**

5.1 A complaint is any expression of dissatisfaction by a Complainant, whether justified or not.

5.2 A Complainant may file a complaint with NAPSA if they feel a Member has:

- 5.2.1 failed to provide a service or an acceptable standard of service or made a mistake in the way the service was provided;
- 5.2.2 failed to act in a proper way;
- 5.2.3 provided an unfair service; and / or
- 5.2.4 breached the Code of Practice

### **6. Complaints Procedure**

NAPSA aims to settle all complaints quickly and satisfactorily. It operates a three-stage complaints procedure:

- 6.2.1 Stage One: Complaint.

6.2.2 Stage Two: Investigation.

6.2.3 Stage Three: Appeal.

## **7. Stage One: Complaint**

- 7.1 All complaints should be submitted by the Complainant to NAPSA in writing to: [hello@napsa.org.uk](mailto:hello@napsa.org.uk). Please include the word 'Complaint' in the 'subject Line' so that your complaint can be highlighted quickly. Where it is not possible for a Complainant to put a complaint in writing, NAPSA will make all reasonable attempts to accommodate this wish, such as making verbal contact with the person and taking a statement by phone and sending it to them to check, sign and return.
- 7.2 The Complainant should include in the initial correspondence full, complete and accurate details of the Member to which the complaint concerns, the Complainant's name and address, the nature and, where appropriate, date of the complaint. In addition to this information the Complainant should provide details of the outcome of the Member's investigation of the complaint using the Member's 'in-house' complaints procedure.
- 7.3 On receipt, a complaint will be allocated a reference number and logged on NAPSA's complaints register. Complainants shall receive an acknowledgement within 3 working days of receipt of a signed complaint.

## **8. Stage Two - Investigation**

- 8.1 At this stage the complaint shall be allocated to an Investigator by the Chair.
- 8.2 Where the allegation made by the Complainant is, in the Investigator's opinion, of a sufficiently serious nature the Investigator may recommend that the matter be investigated by the Chair. The process outlined in this paragraph 8 shall continue to apply irrespective of the office held by the Investigator.
- 8.3 Where a complaint against a Member is deemed sufficiently serious, NAPSA reserves the right to suspend the Member with immediate effect pending investigation of the complaint.
- 8.4 NAPSA warrants to fully investigate all complaints, and the Investigator shall provide a written response to the Complainant within fifteen working days of the Investigator being appointed. Occasionally investigations may take longer, particularly if the complaint is complex. Should this be the case a holding letter will be sent after ten working days and a final date given for a conclusion to be reached.
- 8.5 Pursuant to paragraph 8.2, once the investigation has been completed, the Complainant and Member will receive written confirmation of the outcome of any investigation any recommendations/remedies and details of NAPSA proposed next steps. NAPSA's complaints register should be updated accordingly.
- 8.6 Where the complaint is upheld, the disciplinary procedure (as outlined in paragraph 10) shall be enacted.
- 8.7 If a Complainant is dissatisfied with the outcome from Stage Two, they can appeal to NAPSA within fourteen working days of the date of the outcome and progress to Stage Three. Any appeal should be made in writing to the email address outlined in paragraph 7.1.

## **9. Stage Three – Appeal**

- 9.1 If the complaint cannot be resolved to the Complainant's satisfaction at stage two the complaint shall be referred to the Chair. Where the Chair has previously acted as the Investigator in relation to the specific complaint, NAPSA may appoint either another member of its board of directors or person independent of NAPSA to adjudicate the appeal (an Appeal Adjudicator).
- 9.2 The Appeal Adjudicator will acknowledge receipt of the referral with the Complainant within three working days. They shall review the Stage Two investigation and recommend one of the following actions within ten working days of the date of the referral:

- 9.2.1 Uphold the action taken at Stage Two; or
- 9.2.2 Make changes to the Stage Two recommendation/actions.

- 9.3 The Complainant should be informed in writing of the outcome of stage three. Any decision reached about this complaint will then be final but other options available to the complainant (as listed in paragraph 9.4) should be detailed in the letter.
- 9.4 If, after NAPSA has completed the three stages, the Complainant is still not satisfied with the result, they should be advised that there is no further right of appeal with NAPSA. However, the Complaint may choose to approach the Redress Scheme Provider which the Member is associated with.

## **10. Disciplinary Policy**

- 10.1 Where a complaint is upheld, NAPSA may;
  - 10.1.1 decide that no action should be taken against the Member;
  - 10.1.2 issue the Member with a written warning informing them that their conduct has fallen below the overriding obligation outlined in the Code of Practice and that they are subsequently required to take remedial action. This remedial action may take a number of forms depending on the nature of the original complaint. Here, the Member will be required to provide proof to NAPSA that appropriate remedial action has been taken as directed and within any specified timeframe. Failure to adhere to a written warning may result in the sanction being escalated;
  - 10.1.3 suspend the Member from Membership of NAPSA for a period of time. Once the period of suspension has been served the Member will be automatically readmitted without the need for any reapplication for Membership but will have forgone the proportion of their Membership Subscription covering this period of suspension and access to the Benefits; or
  - 10.1.4 only with the unanimous agreement of NAPSA's board of directors, expel the Member from NAPSA. For the avoidance of doubt, the expulsion of a Member will result in contract for Membership between NAPSA and the Member being terminated with immediate effect.

### **(a Sanction)**

- 10.2 Where NAPSA believes that a Sanction should include suspension or expulsion NAPSA reserves the right, where it deems appropriate, to inform any relevant professional or statutory body of this Sanction.
- 10.3 NAPSA reserves the right to publish on its website the details of Members who have been suspended or expelled from Membership together with a brief description of the grounds for the suspension or expulsion.

## **11. Disciplinary Appeals**

- 11.1 A Member may appeal within 10 days of the date of the passing of a Sanction. Appeals relating to Sanctions may also be considered if it is alleged that the procedure laid down in this document or the Membership Terms has not been duly followed.
- 11.2 When an appeal relating to a Sanction is lodged by a Member it will be directly forwarded to the Chair for consideration regarding the grounds for appeal. Where the Chair acted as the initial Investigator or the complaint was subject to an appeal pursuant to paragraph 9, the appeal should be directed to a non-conflicted member of the NAPSA's board of directors.
- 11.3 Where the request for an appeal is granted, it will be presided over by a member of NAPSA's board of directors who had no prior involvement in the initial investigation and have no conflict of interest. Where there are no non-conflicted board members a person independent of NAPSA may be appointed by NAPSA's board of directors.

11.4 All appeals shall be concluded within 28 days from when it is agreed that there are grounds for that appeal.

11.5 Any decision made by pursuant to this paragraph 11 shall be final.

## **12. Data protection**

To process a complaint NAPSA will hold personal data about the Complainant, which the individual provides, and which other people give in response to the complaint. NAPSA shall hold all data in accordance with its Privacy Policy (a copy of which is available on request).

## **13. Monitoring**

13.1 Complaints are an important tool, which alongside data provided by exit surveys, user feedback and focus groups, will allow NAPSA to learn about the services provided by its Members. They provide a useful source of information about how individuals view NAPSA as an organisation and its Members. To ensure NAPSA and its Members can learn from complaints the following data may be retained:

13.1.1 Date of complaint and response;

13.1.2 Nature of complaint; and

13.1.3 Action(s) taken/recommendations made in response to the complaint.

## **14. Updating this Policy**

This Policy shall be reviewed and, where relevant, updated by the Chair no longer than 12 months after the date of this policy (and every anniversary thereafter).

### **This policy has been approved & authorised by:**

**Name:** Christina Walsh

**Position:** Director

**Date:** 13th July 2021

**Signature:** C. C. Walsh