

## **Complaints and Appeals concerning ECITB's Grant decisions**

Any party who has a legitimate interest may:

- complain about, or challenge any aspect of the ECITB's Grant Policy, or
- submit an appeal with regard to any decision taken by the ECITB in the application of the Grant Policy.

Parties who are regarded as having a legitimate interest in such matters include:

- Any employer in the engineering construction industry whose workers attend, or might attend, training courses and facilities;
- Any learner in the engineering construction industry who might attend training courses;
- Any training provider or educational institution which provides, or might provide, training courses or training facilities for learners in the engineering construction industry; or
- Any party who is involved in the development of training course or related matters for use by learners in the engineering construction industry.

The ECITB's Board has delegated authority for discharging its statutory functions in connection with grants to its Operations and Grants Committee (OGC). In the first instance, any complaints in connection with such matters will be referred to and considered by the OGC, which will seek to resolve the issue.

If the OGC concludes that the matter can only be resolved by the ECITB's Board, or if the complainant is dissatisfied with the OGC's outcome, the matter may be referred to the ECITB's Board for review.

### **Procedure**

The following procedures will be followed:

Any such complaints, challenges and appeals (described as "grievances" for the purposes of this procedure) should be made either in accordance with the process described below, which reflects the ECITB's Complaints Policy and Procedures set out on the ECITB's website.

#### *Informal Review and Resolution*

ECITB will acknowledge receipt of a complaint within 5 working days.

Upon receipt, an authorised representative of the ECITB will contact the complainant, in an attempt to resolve the issue in good faith, and without the need to refer the matter to the OGC. Such discussions should take place during a period of twenty (20) Working Days following the date of receipt of the complaint.

1. The ECITB aims to provide a full response to the complaints within 30 working days of that acknowledgment. However, this may not always be possible (for example, when a detailed investigation is required, or the issue is complicated, or because the involvement of many individuals is required in order to deal with the issue correctly). If it is not possible to give a full reply within this time, an interim response will be given, explaining what is being done to deal with the complaint, when a full reply can be expected and from whom.
2. Any information exchanged during the discussions described above between the parties shall be privileged, confidential and without prejudice to either the complainant's or the ECITB's legal position in any formal proceedings.

*Review and decision by the Operations and Grants Committee*

3. In the event that:
  - It is not possible to achieve agreement; or
  - The complaint is still outstanding after 30 days of receipt, and the complainant is not prepared to wait longer for the full response;

the ECITB's representative will complete his/her investigation, and will submit a written report to the OGC. The report must include details of the complaint and the circumstances giving rise to it.
4. Upon receipt of the report the OGC will consider the complaint at its first available meeting.
5. The nature or circumstances of the complaint may lead the OGC to conclude that the matter can only be resolved by the ECITB's Board, and in such circumstances the complaint will be referred directly to the Board, together with a written report, which must include details of the complaint, the circumstances giving rise to it, and the OGC's reasons for referring the matter to the Board for review.
6. If the OGC feels that it is competent to address the complaint, the OGC must consider the matter afresh and objectively. Prior to reaching any conclusions or making any decisions, the OGC must satisfy itself that an adequate investigation has occurred, and it has received sufficient information.
7. The OGC must have regard to the following factors, insofar as they are relevant to the complaint, when it considers the aspect of the Grants Policy, and/or the ECITB's decision, which is/are the subject(s) of the complaint.
  - a. The Board's statutory role, purposes and functions;
  - b. The terms of the Board's delegated authority to the OGC to perform the functions defined in the OGC's Terms of Reference;
  - c. The ECITB's Strategy and Operating Plans;
  - d. The concepts of regularity and propriety, supported by the Seven Principles of Public Life ; and
  - e. The need for efficiency, economy, effectiveness and prudence in the administration of public resources, to secure value for public money.
8. The OGC may reach a conclusion or make decisions with regard to the complaint, which may involve a modification to the ECITB's Grant Policy, and/or a reconsideration of the decision which was the subject of the complaint.

9. The outcome of the OGC's review shall be communicated to the complainant in a timely, comprehensive and appropriate manner. This may either in writing or by an agreed meeting between an authorised representatives of the ECITB and the complainant.

#### *Appeals to the Chair of the ECITB's Board*

10. If the OGC's decision fails to resolve the complainant's complaint to the complainant's satisfaction, the OGC will refer the complaint to the Chair of the ECITB's Board, together with a written report, which must include details of the complaint, the circumstances giving rise to it, and the OGC's review.
11. The Chair of the Board will decide either how the matter should be resolved or whether the matter should be referred to the Board for a decision. If the Chair of the Board should decide to resolve the complaint, he/she will have regard to the factors described in 8 above, insofar as they are relevant to the complaint.

#### *Referral to the ECITB's Board*

12. In the event that the OGC has referred the complaint directly to the Board, or if a decision of the Chair of the Board does not resolve the complaint to the complainant's satisfaction, the complaint will be referred to the Board for a decision at its next meeting. The Board will be provided with a written report, which must include details of the complaint, the circumstances giving rise to it, and the OGC's and the Chair's reviews.
13. The Board will attempt to settle the complaint having regard to the factors described in 8 above, insofar as they are relevant to the complaint. The Board will consider the matter collectively at a meeting. The outcome of the Board's review and conclusion shall be communicated to the complainant, either in writing or by an agreed meeting between an authorised representatives of the ECITB and the complainant.
14. In the event that the complainant should not accept or agree with the findings, recommendations or decision arising from the Board's review of the complaint, the complainant shall not be bound by such findings, recommendations or decision(s). Nothing in this procedure shall prevent the complainant from seeking from any legal remedy relating to the matter.