

30.06.09	<b>Section 3 Vehicle Testing Scheme</b>
	<b>Operating Instructions</b>
	<b>22 – Complaints - Handling Procedure</b>

## **22 Complaints – Handling Procedure**

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VOSA receives various different types of 'complaint', normally from members of the public. For ease of administration, to aid satisfactory resolution and to ensure adherence to the DPA 1998, complaints are grouped, as follows:

- Complaints regarding any aspect of The MOT Scheme. These are logged and tracked through to resolution in MOT Computerisation (see [22.1](#) MOT Scheme Complaints).
- 'Intelligence' information about VTSs and AEs, received from members of the public. This should always be passed to the local Intelligence Officer who will log the information and refer it for further investigation (see [22.2](#) Receiving MOT Scheme Intelligence).
- Complaints about Siemens service or equipment provided to VTSs, normally from VTS staff. Siemens log and track any complaints regarding their service or equipment, via the Siemens Service Desk (see [22.3](#) Complaints Regarding Siemens).

### **Service Standard**

It should be noted that the VOSA website (Corporate Service Standards) promises that:

- "We will provide a full response to complaints quickly.
- We will respond to 90% of complaints within 10 working days"

## **22.1 MOT Scheme Complaints**

Complaints may be received regarding any aspect of The MOT Scheme and for the purpose of this section, 'complaint' cover appeals both inverted and upright. **All** MOT Scheme complaints received must be recorded within MOT Computerisation whether or not it will be investigated (refer to section 23 – [Complaints - Computerisation Record](#)). A complaint may concern aspects of a specific MOT test or it may be of a more general nature such as a lack of politeness of the VTS staff when testing a vehicle.

A complaint regarding an MOT test result may or may not be taken forward to a formal Appeal (MOT19/19I) and where this is the case reference is made to the specific section 30 – [MOT19](#) or section 31 – [MOT19i](#) where more detailed instruction is provided. Alternatively the complaint may be able to be investigated by means of an MOTDSV (refer to section 33 – [Directed Site Visit](#)).

In order to provide an efficient service, all VOSA offices should collect the information over the telephone when contact is made in this way. In all cases complete a VT80 Complaint Form (VOSA Documentation) to act a source document for entering the

complaint onto MOT Computerisation. Where the complaint does not require re-examination of a vehicle the complainant must write in to support the VT80 record. Where the complaint concerns a statutory appeal against the issue of a VT30 it is important to draw the appellant's attention to the back of the VT30 and the requirement for us to receive payment before any re-examination can take place. A note regarding any agreed payment process should be made on the VT80. There is no requirement for the appellant to send in a VT17.

If the complainant refuses to supply their name and contact details the complaint cannot be recorded within MOT Computerisation, and will have to be regarded as 'intelligence information'. See [22.2](#) - Receiving MOT Scheme Intelligence for further details.

Completion of a VT80 is unnecessary where a VT17 is received. Similarly a letter of complaint may be annotated or highlighted to act as an adequate input document in lieu of a VT80.

## **22.1.1 Test Related Complaints**

Test related complaints are those which allege that an incorrect standard was applied resulting in a pass or fail outcome being contested. Where the complaint relates to the procedure undertaken or service provided these complaints are considered to be Non-Test related. 'Appeal' complaints against a Pass (MOT19i) or a Failure (MOT19) are only normally investigated if they meet VOSA's published policy (see [22.1.6.1](#) – Published Service Standards). As elapsed time in such cases is important and test details are on MOT Computerisation, investigations may be proceeded with without the need for a confirming letter. The exception would be for a MOT19 where we require receipt of a fee if a VT20 has not been subsequently issued. When an appeal fee is received it must be accounted for in the prescribed manner (refer to section 12.9.1 – [Finance and Orders](#)).

### **22.1.1.1 Check for Associated Tests**

If the complaint relates to an MOT test recorded within MOT Computerisation, carry out searches using View Vehicle Details to check for any other recent related MOT test(s) which may have taken place just prior to or after the one subject to the complaint.

Take screen prints showing the details of the vehicle, the MOT test detailed by the complainant and also of any other tests within the series that relate to the specific test detailed by the complainant.

Check the VTS details and confirm the AE details, as linked to the

VTS at the time of the test.

### 22.1.2 Non-Test Complaints

If the complaint is not MOT test related, the complainant must submit the details in writing. If the complainant first makes contact via the telephone complete the VT80 in the normal way and record the initial complaint details in MOT Computerisation. The complaint must not be progressed until the written details are received. If, after 14 working days, the complainant has not submitted written details, the complaint should be closed.

Ensure that copies and originals of any documents supplied by the complainant relating to the complaint (receipts, letters etc) are securely attached to the VT80 Complaint.

### 22.1.3 Complaints following cessation

Occasionally a complaint is received after the authorisation of a testing station has been withdrawn or has been voluntarily surrendered. In each case the complaint, if it meets the criteria, should be investigated in the normal way as either the ex-AE or any associated NT could be re-authorised or continue within the testing scheme. The ex-AE and NT should be informed in writing that a further case is pending which may lead to further disciplinary action.

If the ex-AEDM or NT cannot be contacted, it must be noted in the record what steps were taken to contact them.

### 22.1.4 Record Complaint on MOT Computerisation

All complaint details as recorded on the Complaint Form (VT80), VT17 or letter, must be entered onto MOT Computerisation using the Record Complaint menu option. Refer to section 23.1 – [Record Complaint](#) for more details.

**Note:** Care must be taken when entering free text into any information box with regard to the DPA and FoI Act, and any possible allocation of disciplinary points must not be detailed at all.

Write the Complaint number, generated by MOT Computerisation, on the VT80 Complaint Form and securely attach all other relevant paperwork to the VT80 Complaint Form.

If the complaint has been assigned to a different Area Office, inform the complainant of the complaint reference number, Area Office phone number, contact details and then forward all related paperwork to that office and notify them by telephone as soon as possible. Similarly, if the complaint relates to MOT Scheme

Policy and has been assigned to Area Office 24SL1, telephone RTPG and forward all paperwork there.

Where the complaint is not test related and it clear that it will not progress any further, the final outcome may be entered. Refer to Section 23.4 – [Record Complaint Outcome](#) for further details.

### 22.1.5 Assign complaint for review

If the complaint is MOT test related, or where further investigation is required, it will be passed to the SVE or VE for initial assessment. The assignment must be tracked on MOT Computerisation by using the function Review Complaint and showing the SVE's or VE's user ID in the 'Assigned To' field (refer to section 23.2.1 – [Complaint Details \(Review\)](#). 'Update Complaint' should then be clicked without changing the Revised Status from LOGGED.

**Note:** The system does not send complaint notification alerts within an AO and whenever a complaint is referred to another person, that individual must be notified personally.

### 22.1.6 Review Complaint

It is VOSA's policy that all complaints should be reviewed within 5 working days. Once a complaint has been recorded within MOT Computerisation, [alert message 30](#) will be received in the AO mailbox after 3 and 5 working days and then repeated daily if the status of the complaint has not been updated to ASSIGNED or CLOSED i.e. it has been reviewed and either closed or an investigation raised.

#### 22.1.6.1 Published Service Standards

Where the complaint relates to a test outcome, reviewers must be aware of VOSA's published minimum service standards. The 'Your Car/Bike and the MOT' leaflets state that:

"If you think your Car/Bike...

#### **Has been incorrectly failed:**

- Complete appeal form VT17 available from any MOT test station or ring our enquiry line, \*0300 123 9000. You must complain within 14 working days of the test and we will require a full test fee from you. We will then offer an appointment within five days to re-check your vehicle. If your appeal is successful some or all of the test fee will be refunded to you.

#### **Has been incorrectly passed:**

- Let us know as soon as possible. Subject to acceptance of

the complaint we will offer an appointment within 5 working days to re-examine your vehicle (without charge) provided:

*Not more than 3 months has elapsed since the time of the test for a corrosion defect*

*or*

Up to 28 days for other defects”

### 22.1.6.2 Review Considerations

Managers are not forced to adhere to the above guidelines but any deviation must be supported by good reason as to why the published service was refused or exceeded. Examples are:

- If there is evidence to suggest that, for instance, a vehicle has been sold or involved in any other transaction to exploit the appeal time limits or any other evidence of deliberate deceit, the AM/SVE may, at their discretion, consider continuing with an investigation.
- Where the failure of the testable item appears to have been the direct or contributory cause of an accident. In such cases as full an examination as possible should be carried out, as if it had been reported within the 1-3 month time period.
- Where the elapsed mileage is so low that a judgement regarding a component is likely to remain reliable even though the original test was more than 28 days previous, the AM/SVE may, at their discretion, consider continuing with an investigation.
- If repairs have been carried out to some but not all of the allegedly defective items after the test. In such cases the officer carrying out the examination should make a note of any adjustments or repairs that have recently been made along with any replacement parts fitted since the Test Certificate issue
- If repairs have been carried out to such an extent that any evidence relating to the condition of the vehicle at original test will have been lost the AM/SVE may decline to carry out an investigation.
- If the nature of the alleged defect(s) could be of a transient nature i.e. inoperative windscreen washer and the related VTS staff would have to travel a long way, the AM/SVE may offer an informal re-examination only.

### 22.1.6.3 Review of Associated Test(s)

MOT Computerisation may expose other recent tests not disclosed by the complainant. It may be that significant work was

carried after a previous test and enquiries should be made of the complainant to gain more details. It is important for data protection reasons that identifying details of any such tests are not released during the enquiry other than the fact we are aware of such a previous test.

Dependant upon any information received, consideration should be given to inviting any other AE/NT involved to the re-examination. Similar enquiries should be made regarding any subsequent test to the subject one, and although it is likely that any such test would be known to the appellant, for the same reasons, we should only supply the date of the test without location or result and invite comment.

The AM/SVE will, on the evidence available, decide whether to investigate or not. They will have to take into account, time elapsed since issue of the Test Certificate, whether a VT30 Refusal of an MOT Test Certificate was previously issued, interference i.e. repairs carried out since the test certificate was issued, and the nature of the alleged defects. The complainant should be advised not to have repairs carried out and that VOSA cannot assist directly in obtaining financial redress.

#### 22.1.6.4 Outcome of Review

If the complaint is going to be investigated, either by means of a re-examination or a visit to the VTS, it must be passed to the VE. The complaint must be ASSIGNED within MOT Computerisation, to the person who is investigating the details further. That person must be notified personally as the system does not generate any alert that they have been assigned. Refer to section 30 – [MOT19](#) or section 31 – [MOT19i](#) if the vehicle is going to be re-examined, or to section 33 – [MOTDSV](#) if the matter does not involve a re-inspection.

The reviewer must update the MOT Computerisation record with outcome of this review. Refer to section 23.2.1 – [Complaint Details \(Review\)](#) and 23.3.1 – [Complaint Details \(Process\)](#).

If the AM/SVE intends not to investigate a complaint he must notify the complainant of the decision and the reason, by telephone. If the complainant has no further information to add to the complaint, confirmation of the decision must be made in writing within 5 working days stating the reasons for not pursuing the investigation and thanking them for the interest shown.

**Note:** The reply should fully explain why no action could be taken. The MOT Computerisation record can now be closed off. Refer to section 23.3.1 – [\(Process Complaint\) Complaint Details](#) and section 23.4.1.1 - [\(Record Complaint Outcome\) Complaint not Investigated](#).

### 22.1.7 Proceed with Complaint

If the complaint relates to an MOT test, and consideration is to be given to take it forward as a formal Appeal or Directed Site Attendance, it is passed to the VE and assigned to them.

The VE is able to access the MOT Computerisation complaint record and will normally update the complaint record as their investigation progresses, using the Process Complaint menu option (refer to section 23.3.1 – [Complaint Details \(Process\)](#)).

They may also return to the Review Complaint screen to update the assigned person (refer to section 23.2.1 – [Complaint Details \(Review\)](#)).

The 'Process' function also provides a facility to record **important** verbal communications that take place between all parties involved in the complaint. For example, the details of the call made when making arrangements for an appeal inspection should be recorded, etc (refer to section 23.3.3 – [New Communication](#))

**Note:** Care must be taken when entering free text into any information box with regard to the DPA and FoI Act, and any possible allocation of disciplinary points must not be detailed at all.

### 22.1.8 Agree Complaint Outcome

The AM/SVE of the Area Office that 'own' the NT and VTS should review all the complaint papers and the VE's recommendation.

In particular the AM/SVE must review the MOT Computerisation record and VE's recommendation against the Assessment Action, Follow Up Action and Test Number Assess Code fields and especially check the suitability of free text under 'Reason' and 'Assessment Text' which can be seen by VTS staff. Refer to section 23.4.1 – [Complaint Details \(Record Outcome\)](#) for more details.

- **Test Related Complaint** - If it is an MOT test related complaint which was taken forward to an Appeal inspection, the VE will have given the complainant written notification of the inspection outcome, and no further contact will need to be made with the complainant.
- **Non-test Related Complaint** - The AM/SVE will notify the complainant of the decision and the reason, by telephone. If the complainant has no further information to add to the complaint, confirmation of the decision must be made in writing.

The AM/SVE must clearly annotate the complaint papers to show any amendments to the VE's comments and must record their

final decision of the overall complaint. Any required amendments to the Test Number Assess Codes and any other details **must** be made before the final outcome of the overall complaint is confirmed within MOT Computerisation.

The AM/SVE can either enter the amended details and overall outcome of the complaint into MOT Computerisation themselves, or return the papers to the Area Office MOT Administrator for entry.

#### 22.1.9 Final Processing

If the complaint has reached a conclusion, file the paperwork on the appropriate file.

If the AM/SVE decides the Appeal inspection or investigation found grounds for initiating disciplinary action, this will now progress following normal procedures. Refer to Section 7 - [Disciplinary Action](#) for full details.

#### 22.1.10 Tracking Outstanding Complaints

It is important that all complaints reach a conclusion, and that the conclusion is recorded against the complaint record within MOT Computerisation.

On a fortnightly basis, order and print the report Outstanding Complaints for the Area Office. Ensure the correct Area Office number is used when setting the report criteria e.g. 18, 18SL2 etc.

This report lists all recorded complaints that have a status of LOGGED or ASSIGNED, and where a final decision is outstanding. Appropriate action should be taken to track these complaints through to a final outcome being entered.

#### 22.1.11 Enquiries regarding a complaint

If the request for the progress or outcome of the appeal is made by telephone the Area Office must ensure that the person making the enquiry is the appellant, or has the authority of the appellant to make the request. The Area Office must ensure the caller can quote either the test number, complaint number or the V5(C) reference number for the vehicle involved in the appeal before releasing any data.

Any data released must be limited to whether or not the items giving rise to the appeal were founded or not, and whether substandard testing had been identified. Details of the type of action taken (if any) or any other information **must** not be

released. To supply any other information may result in both the individual staff member and VOSA contravening the DPA and FOI Act.

## **22.2 Receiving MOT Scheme 'Intelligence'**

VOSA are often contacted by members of the public wishing to pass on information about MOT Garages. Intelligence information may be given to VOSA in person, via fax, telephone, email or letter.

VOSA have a duty of care to ensure that the identity of those members of the public and members of staff who pass on information that could be subsequently used in any investigation are adequately protected.

Whilst VOSA would not normally reveal the personal details of informants there are circumstances where, if the information given to VOSA is revealed under the Data Protection Act without personal details being included, it would still be possible to identify the source thus placing them at risk.

Therefore, to be able to make good use of the information it receives and still adequately protect the identity of individual/s who pass on information, there is an agreed procedure for handling and processing information received in this manner. No matter where the information has come from or who receives it this procedure must be adhered to at all times.

### **22.2.1 Completing the Information Report Form**

Print the [Information Report form](#) from VOSANET (Forms > Operational Support > VOSA Intelligence Log) and complete it with the relevant information by hand. This is to ensure that only one copy of the report is in existence.

Refer to Appendix 8.2 – [Information Report Form Completion](#). Attach any original letters/emails/faxes or notes made during a verbal conversation securely to the form.

Send the form and any attachments by Special Delivery to either the local Intelligence Officer or to the Intelligence Officer who covers the area in which the operator or garage that is the subject of the information is located. If the information relates to more than one person the form and attachments must be sent by point to point transfer by a secure courier. Further advice can be found on VOSAnet > IT Directorate > Information Policy > Compliance, Assurance and Security.

In order to ensure VOSA meets the duty of care towards the

source of the information, do not keep copies of the Information Reports, letters or e-mails in local offices.

The Intelligence Unit will record the details and maintain them within a secure environment and will feedback the information to Enforcement staff in such a way that it can be used and held on file without revealing the identity of the informant.

### 22.3 **Complaints regarding Siemens**

Complainants regarding Siemens service or equipment should always be asked to contact the Siemens Service Desk. If the VTS has tried to contact Siemens without success, they should be passed to VOSA's Enquiry Unit who will then forward the details to RTPG Contracts Manager.

If an Area Office receives a written complaint regarding the above this should be forwarded to the Contracts Manager at RTPG and acknowledged by means of the standard letter [SL1-066](#).

### 22.4 **Resolving Trade/Siemens Disputes**

By supplying, installing, maintaining and collecting MOT computer equipment, Siemens are acting as VOSA's agents. The code of practice for their Service Operation is outlined in part 6.6 of the [Requirements for Authorisation for an Authorised Examiner](#). In carrying out these activities there may be occasions when AEs, AE applicants or local VTS staff disagree with Siemens' decisions relating to their equipment or environment, or fail to co-operate with Siemens. It is anticipated that disputes between Siemens and an AE can arise in two main areas of involvement:

- AE's claim that equipment damage is due to fair wear and tear.
- AE's refusal to sign an equipment "call report" for Siemens.

Detection of damage will arise from Siemens visits to exchange equipment following Call Centre reports, following a report from a VE or to collect equipment from a closed VTS. Where AE's claim that equipment damage is due to fair wear and tear, the dispute will be resolved centrally.

Local VOSA involvement at VE or SVE level will be restricted to situations where VTS staff refuse to sign Siemens' Call Report. This will detail the damage to defective equipment that Siemens believe was not caused by fair wear and tear. In such cases, the local VOSA office will be contacted by the Siemens Service Desk to arrange for a VOSA representative to attend a joint VTS meeting within the next 5 working days. The VOSA representative will be asked to agree the description of the damage only, not the cause, and to countersign the Call Report



| confirming that the VTS disagrees with the cause of the damage.