

8.3 Complaints Procedure

1 Introduction

- 1.1 This policy sets out how the Company will deal with complaints from third parties. Complaints by employees will normally be dealt with through the Grievance Procedure of the Company. If a member of the Board receives a complaint from an employee that relates to a Director, the Board member will refer the complaint to the Chair who may deal with the complaint in accordance with Sections 5 and 6 of this policy.
- 1.2 There are 3 categories of complaint:-
 - 1.3.1 Complaints against the Company generally or against staff (other than the Chief Officer);
 - 1.3.2 Complaints against the Chief Officer; and
 - 1.3.3 Complaints against the Chair and/or other Directors.
- 1.3 Where a complaint contains allegations against persons in more than one of the categories referred to above, the complaint shall be dealt with in accordance with the procedure relevant to the highest category of persons against whom the complaint is made.

2 Responsibilities

- 2.1 The Head of Operations is responsible for ensuring that service managers operate within their area of responsibility effectively in order to minimise the number of complaints received by the Company. They are also responsible for ensuring that their staff teams are fully conversant with this procedure and the disciplinary and grievance procedures of the Company and that relevant information is available about the above procedures.
- 2.2 Company officers and Directors should strive to ensure that, at all times, services are delivered in accordance with the standards, policies and procedures of the Company. This will ensure that any cause for complaint is minimised.
- 2.3 Company officers and Directors should ensure that they are familiar with this complaints procedure and that they can advise complainants of the procedure, whenever requested or appropriate.
- 2.4 Company officers and Directors should ensure that copies are obtained of all relevant documents and notes of all meetings and investigation findings are retained on file.

3 Complaints against the Company or staff (other than the Chief Officer)

- 3.1 All members of staff are responsible for trying to resolve any difficulties in the first instance. In other words, for ensuring that people are able to make a comment, suggestion or complaint in accordance with working practices and accreditation standards.
- 3.2 Wherever possible, a complainant should be asked to submit their complaint in writing. This may include email correspondence. When a written complaint relating to service is received, the Service Manager will send an acknowledgement and holding response within three working days of receipt.
- 3.3 Complaints relating to service delivery should be lodged with the Head of Operations and investigated within 30 days.
- 3.4 If the written complaint is against a member of staff, the Chief Officer will notify the staff member within three working days that a complaint has been received and is being investigated.
- 3.5 If the complaint is verbal, and the complainant is unwilling or unable to put the complaint in writing, the Chief Officer or, (where appropriate) someone on his behalf with delegated authority will:-
 - 3.5.1 Listen and talk to the person wishing to make a comment, suggestion or complaint;
 - 3.5.2 Inform him/her that consent may be required if the person is complaining on behalf of someone else;
 - 3.5.3 Take written details from the complainant and complete a Record of Verbal Complaint form (Annex A);
 - 3.5.4 Advise the complainant of the procedures which are available to them;

Then, irrespective of whether the complaint is verbal (where it has been agreed by the complainant that it may be taken further) or in writing, the Chief Officer or (where appropriate) or someone of their behalf with delegated authority will:
 - 3.5.5 Ensure that an acknowledgement and holding response is sent to the complainant within three working days if the matter cannot be resolved immediately;
 - 3.5.6 Investigate the complaint thoroughly and as quickly as possible;
 - 3.5.7 Discuss the matter with the member(s) of staff involved (if appropriate);

3.5.8 Where appropriate, arrange an informal meeting with the complainant and relevant member(s) of staff (if appropriate);

Finally :

3.5.9 Send the complainant a full response to the comment or complaint within 40 working days, checking with him/her that this response and the handling of the complaint is satisfactory;

3.5.10 The Chief Officer will have discretion to extend this time limit where the particular circumstances of a case make it reasonable so to do. The complainant and staff member (where appropriate) shall be notified accordingly;

3.5.11 Inform all relevant staff promptly where appropriate of the outcome; and

3.5.12 Keep a record of all complaints, Ensure that the Record of Verbal Complaint form is completed (where appropriate) and filed with all other relevant documents.

3.6 If, as a result of a written complaint/comment, the Chief Officer decides that disciplinary action is to be taken against a member of staff, they shall ensure that such action is taken in accordance with the Disciplinary Procedures of the Company.

3.7 If the complainant is dissatisfied with the outcome of the procedure, an appeal may be made to the Investigation Committee (as described in paragraph 6.5). The appeal must be lodged within 20 working days of receipt of the full response and set out full grounds for the appeal. It will then be heard and a full response given to the complainant within 30 working days of receipt of the written appeal.

3.8 After each complaint has been dealt with, the Chief Officer shall inform Trustees of the complaint and file a report.

4 Complaints against the Chief Officer

4.1 Any written complaint against the Chief Officer must be referred to the Chair (or if the Chair is absent, unable or unwilling to act, to the Vice Chair and if he/she is absent, unable or unwilling to act, to the Company's Solicitors. In the remainder of paragraphs 4 to 6 of this procedure the term "the Chair" will be used to refer to either the Chair, the Vice Chair, the Company Secretary or the Company's Solicitors as appropriate, unless the context does not permit).

- 4.2 The Chair shall send an acknowledgement and holding response to the complainant within three working days and notify the Chief Officer within three working days of any complaint that is made. The chair shall also notify all Board members within three working days that a complaint against the Chief Officer has been received.
- 4.3 If the complaint also contains allegations against the Chair and any other Director he/she must not attend the meetings at which the complaint is discussed.
- 4.4 Steps 3.5.5 to 3.5.12 should be followed in dealing with the complaint. The outcome of the investigation should be reported to the Board of Directors, in closed session, as soon as possible. The Chair has discretion to extend the time limit in paragraph 3.3.9 where the particular circumstances of a case make it reasonable so to do. The complainant and the Chief Officer shall be notified accordingly.
- 4.5 Any disciplinary action taken against the Chief Officer must be taken in accordance with the terms of the Disciplinary Procedures of the Company.
- 4.6 The chair shall act at all times in accordance with the terms of the Organisational Structures of the Company.
- 4.7 If the complainant is dissatisfied with the outcome of the procedure, an appeal shall be made to the Board of Directors. The appeal must be lodged within 20 working days of receipt of the full response and set out full grounds for the appeal. It will then be heard and a full response given to the complainant within 30 working days of receipt of the written appeal.

5 Complaints against the Chair

- 5.1 The Chair is a Director.
- 5.2 Any written complaint against the Chair should be referred to the Head of HR (Complaints director).
- 5.3 The Designated Complaints Director will send an acknowledgement and holding response to the complainant within three working days of receipt.
- 5.4 The Designated Complaints Director shall notify the Chair within three working days of any complaint that is made. The Designated Complaints Director shall also notify all Board members within three working days that a complaint against the Chair has been received.
- 5.5 The Designated Complaints Director must refer the complaint promptly to either the Investigation Committee established by the Board or to the Company's Solicitors. The procedure as outlined in paragraphs 6.3 to 6.11 shall then be

followed. The Chair must not attend the meetings or the relevant part thereof, at which the complaint is discussed.

6 Complaints against Directors (other than the Chair)

- 6.1 Any written complaint against a Director or a number of Directors must be referred to the Chair. The Chair shall send an acknowledgement and holding response to the complainant within three working days of receipt and will then refer the complaint to the Designated Complaints Director. The Chair shall also notify all Board members within three working days that a complaint against a Director or a number of Directors has been received.
- 6.2 The Director(s) whose conduct is complained of must be notified in writing by the Chair within three working days of any complaint that is made.
- 6.3 If a complaint alleges conduct detrimental to the interests of the Company and, in the reasonable opinion of the Chair there is, on the face of it, a case for the complaint, it shall be investigated in accordance with the provisions of this complaints procedure.
- 6.4 Conduct detrimental to the interests of the Company includes, but is not limited to :-
 - 6.4.1 Any breach of a Director's obligations as set out in the Statement of Obligations of Directors signed by a Director under Article 26 or otherwise; and
 - 6.4.2 Conviction of any offence which is likely to bring the Company into disrepute.
- 6.5 The Chair must refer the complaint promptly to either the Investigation Committee established by the Board or to the Company's Solicitors. The Investigation committee may call upon the Company's Solicitors to advise them or otherwise assist them in carrying out their investigation and must involve the Company's Solicitors if they are asked to do so.
- 6.6 The Investigation Panel (or the Company's Solicitors) must carry out its investigation promptly and during the course of its investigation:-
 - 6.6.1 Give to the Director(s) whose conduct is complained of an opportunity to answer the complaint and justify why he/she (they) should not be removed from office as a Director; and
 - 6.6.2 Consider the evidence supporting the complaint and any evidence presented by the Director(s).
- 6.7 On completion of its investigation the Investigation committee (or the Company's Solicitors) will submit a report within 40 working days to the Chair.

The Chair will have discretion to extend this time limit where the particular circumstances of a case make it reasonable so to do. The complainant and Director(s) shall be notified accordingly.

6.8 The Chair will then consider the report and will either:-

6.8.1 Conclude that no further action be taken; or

6.8.2 Refer the matter to the full Board with a recommendation for further action, which may be a recommendation that the Director(s), or any of them, be removed from office as a Director under Article 27.

6.9 The Investigation Committee (or the Company's Solicitors) must promptly notify the Director(s) whose conduct is under investigation of their decision in writing. If its decision is that no further action be taken or that some further action not including the removal of the Director(s) be taken it shall file a report justifying its decision with the Designated Complaints Director.

6.10 In accordance with the Memorandum and Articles of Association, the Board may resolve by a 75% majority of the Directors present and voting at a Board meeting to remove the Director(s) whose conduct is deemed unfit. Neither the Chair nor members of the Investigation Committee shall be precluded from voting on the resolution(s). The Director(s) whose conduct is complained of shall be entitled to be present at the Board meeting, or the relevant part thereof, for the purposes only of putting his/her/their case and to justify why he/she/they should not be removed as a Director(s). If the Board resolves to remove a Director(s) from office then the Director(s) will be deemed to have been removed from office with effect from the date upon which the written notice of the Board's decision is given to him/her/them.

6.11 There shall be no appeal against the decision of the Board as referred to above.

RECORD OF VERBAL COMPLAINT

The Manager should complete this form on receipt of a verbal complaint and ensure that all subsequent actions are recorded.

Date Occurred:	Date reported/received :
How received: <input style="width: 50px; height: 20px;" type="text"/>	Telephone: <input style="width: 50px; height: 20px;" type="text"/>
Face to Face	
Name of complainant :	Contact address/telephone number :
Description of complaint :	

I confirm that the above describes my complaint accurately.

I have been asked if I want an independent person to witness my acceptance and signature of this form.

If you are making a complaint on behalf of another individual, please complete the following:

I have made a complaint on behalf of and am entitled to do so in the capacity of.....

Signature.....

Date.....

Delete **one** of the following two statements :

**I wish my complaint to be taken further.

**I do not wish my complaint to be taken further and have been handed a photocopy of this form.

Signed

Date

Independent witness signature

Date

(where appropriate)

If the complainant does not wish the complaint to be taken further, the remainder of this form should be marked appropriately and signed by the Chief Officer.

If it is agreed by the complainant that the complaint may be taken further, the remainder of this form should be completed.

Date acknowledged : (Copy letter to be attached)	Date staff member notified : (where applicable)
Action taken as a result of complaint : (Copy correspondence to be attached)	
Date of full response to complainant : (copy to be attached)	
Was the complainant satisfied :	Yes <input type="checkbox"/> <input type="checkbox"/>
If no, why?	
Was complainant advised of their right of appeal?	
Date of appeal to Investigation Committee :	
Date report sent to Designated Complaints Director :	
Date appeal decision notified to complainant :	

Signature of Chief Officer :

Date:

This form, together with its attachments, is to be stored in accordance with the retention policy.