

Complaints' Administrative Procedures

1. Introduction

- 1.1. Any person ("Complainant") (whether or not a member) may make a formal complaint about (a) member(s) of the Association ("Respondent"), including that the Respondent(s) has/have failed to comply with the Association's Code of Conduct. Complaints should be made in accordance with the Association's Complaints Policy ("the Complaints Policy"). These Administrative Procedures set out the process for investigating and responding to complaints about members' conduct.
- 1.2. Schedule 2 to the Standard Club Rules sets out regulations in relation to misconduct by members of Branch Clubs and the procedures available to be taken by Branch Club Committees. Where there is any conflict between the provisions of Schedule 2 of the Standard Club Rules and these Administrative Procedures the former shall take precedence.

2. Principles

- 2.1. All complaints about members' conduct should be taken seriously and appropriately investigated.
- 2.2. Every effort should be made to resolve the issue as quickly as possible at the local level.
- 2.3. Flexibility in approach should be maintained; the purpose is to resolve complaints fairly.
- 2.4. Informal resolution should be offered to all participants, if it is appropriate, although it is up to the Complainant if they wish to consider informal resolution. Informal resolution must never be forced on the individual and repeated attempts should be discouraged.
- 2.5. The principles of fairness should be applied.
- 2.6. Investigations and administrative procedures should be carried out in a timely manner – acting promptly and setting clear deadlines.
- 2.7. The welfare of all those involved in the process should be considered on a regular basis. It is recognised that the resolution of complaints can be extremely stressful for the participants and it is important that appropriate welfare support is provided when required.
- 2.8. A full record of the complaint and actions taken should be maintained. This will contain personal data and must be kept confidential.

3. Complaints and Data Protection

- 3.1. Complaints about conduct invariably involve the processing of personal data and reference should be made to the Association's Data Protection Policy, its related Standard Operating Procedures and the Data Retention Policy. The Association will



follow the ICO's guidance "Access to information in complaints files". Further advice should be sought from the Director of Governance and Risk, who is the Association's Data Protection Officer.

- 3.2. Data Protection principles are to be followed when communicating with any party involved in a complaint. Personal details may need to be redacted from the complaint before forwarding it to a recipient but the Respondent must have sufficient detail on which to base their response.
- 3.3. Any information provided should not be shown or discussed with any person not directly involved in the process; this includes publication on social media and all forms of electronic communication.
- 3.4. Prior to providing any information, the Complainant, Respondents and witnesses should be advised that any information contained in any of the statements that directly relates to the complaint under investigation will be disclosed to others, and may be used to support any subsequent misconduct or administrative action.
- 3.5. Details of the complaint, any witness statements, responses and subsequent investigation findings will be disclosed (in part or in full) to others, including:-
 - 3.5.1. Complainant – person making the complaint.
 - 3.5.2. Respondent(s) – person about whom the complaint is made.
 - 3.5.3. Witnesses.
 - 3.5.4. Secretary General.
 - 3.5.5. Complaints Panel.
 - 3.5.6. Appeal Panel.
 - 3.5.7. Potentially other parties such as subject matter experts.

4. Informal complaints

- 4.1. These Administrative Procedures apply when a formal complaint about a member's conduct has been made under the Complaints Policy. However, it is recognised that there will be many occasions when an individual does not wish to make a formal complaint.
- 4.2. Early and full engagement to resolve an issue, problem or concern can lead to a satisfactory conclusion of the complaint, so the first stage should be to discuss the issue with the individual to ensure the issue is fully understood by all parties involved and an open minded approach is adopted in considering individual concerns. The resolution of an informal complaint should be documented in writing with a copy sent to the parties involved.
- 4.3. Advice in relation to an informal complaints can be sought from the relevant HQ Team at Atlas House.
- 4.4. At any stage the individual may make a formal complaint under the Complaints Policy.

5. Investigation Procedures

- 5.1. On receipt of a formal complaint, the Secretary General will appoint an investigating Officer ("IO").
- 5.2. The following procedures should be followed by the IO appointed by the Secretary General in relation to a formal complaint, and may also provide useful guidance to those investigating informal complaints.

- 5.3. The IO should carry out the investigation confidentially and objectively, and treat the parties involved equally, and impartially. The IO should gather any physical evidence to support assertions made by the parties involved, including copies of e-mails and documents as required. All written reports, emails and letters must be marked as “Confidential” and care taken to secure the personal data contained.
- 5.4. The IO should aim to complete the investigation as soon as possible but within one month. If the investigation cannot be concluded within one month, the IO should write to the Complainant to advise them when they expect the investigation to be complete.
- 5.5. All interviewees / participants are to be clearly reminded that the investigation is confidential and that they must not discuss their evidence or involvement with anyone, at any stage.
- 5.6. All participants must be made aware of the principles of disclosure at the start of an interview/ any email exchange and that all relevant evidence will be disclosed to both the Complainant and Respondents.
- 5.7. The IO should offer the Complainant an initial interview. Interviews do not need to be face-to-face. Video conferencing and telephone interviews should be considered. Where an interview is declined, written / email correspondence may be used. It is important to maintain confidentiality as far as possible. Only those directly involved in the process should be made aware and only to the minimum extent required.
- 5.8. The Complainant should be asked to confirm that they want the complaint to be dealt with formally. A complaint can be informally resolved at any point and, whilst a Complainant does not have to engage in informal resolution if they do not want to, it can lead to a shorter and less stressful process for all parties concerned.
- 5.9. The IO should also seek from the Complainant any further information as necessary on:
 - 5.9.1. Exactly what wrong is being complained about.
 - 5.9.2. Who the complaint is about (“the Respondent”).
 - 5.9.3. Who the witnesses are, if any.
 - 5.9.4. What remedy is being sought.
- 5.10. No undertakings or unrealistic expectations are to be given to the Complainant regarding the process or outcome.
- 5.11. The IO should identify all Respondents. The test to use when determining if a person should be a Respondent is whether the named individual or body is “likely to be criticised in line with the actions he/she/they did?”
- 5.12. The IO should notify all Respondents in writing that they are a Respondent and should to be sent a copy of the relevant part of the complaint that involves them (this may or may not be the full complaint).
- 5.13. The IO should offer the Respondent(s) an initial interview. Interviews do not need to be face to face. Video conferencing and telephone interviews should be considered. Where an interview is declined, written / email correspondence may be used. It is important to maintain confidentiality as far as possible. Only those directly involved in the process should be made aware and only to the minimum extent required.
- 5.14. If a Respondent refuses to engage with the IO and / or the process, the IO should advise the Respondent, in writing, that the investigation will continue and that any decisions will be made on the basis of evidence which is provided by the Complainant and / or any relevant witnesses.

- 5.15. The IO should identify all witnesses and contact them confidentially. The level of detail to be disclosed should be the least necessary to obtain a fair and accurate account.
- 5.16. Where interviews are carried out (either face to face or by phone or video conferencing) the IO should make written summaries of interviews, and these are to be agreed and signed by the interviewees. The interview records will form part of the evidence supporting the IO's investigation report.
- 5.17. Once the IO has interviewed / spoken to all parties involved, a written investigation report should be prepared by the IO and submitted to the Secretary General. The timescale for the preparation and submission of the written report should be within the one month investigation period or longer period notified to the Complainant as set out in paragraph 6.3. The investigation report may conclude that the complaint is unfounded or upheld in full or part. The IO may recommend next steps to the Secretary General.
- 5.18. If the complaint appears vexatious (namely, unmeritorious and/or a recurring complaint which only seeks to annoy or distress others, or cause unnecessary administrative effort) or is malicious (namely, motivated by malice, spite or ill-will, which is intended to cause harm to others), the IO should contact the Secretary General.

6. Next steps

- 6.1. The Secretary General will consider the IO's report and decide next steps within five working days of receiving it.

IO report findings	Next steps
No case to answer – complaint unfounded	No further action, Complainant advised of right to ask Secretary General to review the complaint
Complaint upheld in part / full – accepted by Respondent & apology made & accepted	No further action – complaint closed
	Secretary General considers there are wider implications for governance and reputation of the Association and convenes a Complaints Panel
Complaint upheld in part / full, outcome not accepted by Respondent	Secretary General convenes a Complaints Panel

- 6.2. The Secretary General will advise the IO of the next steps and the IO will write to the Complainant to advise them ("Outcome Letter"). The Outcome Letter shall be sent to the Complainant without delay and within five working days of the investigation report being submitted to the Secretary General.
- 6.3. If the Complainant is not satisfied with the outcome they may request that the complaint is reviewed by the Secretary General. The request for a review should be made in writing within ten working days of the receipt of the Outcome Letter. The Secretary General's review will be carried out within ten working days and the Complainant will be notified of the Secretary General's decision ("Review Letter").
- 6.4. Where the Complainant is still not satisfied they may request that the complaint, investigation and Secretary General's review be reviewed by the Chair of Council. A request to the Chair of Council should be made within ten working days of the date of the Secretary General's Review Letter. The determination of the Chair will be made in writing within ten working days of the receipt of the request and will be final.

6.5. Where the Secretary General decides that a Complaints Panel should be convened, no further action will be taken until the time period for the Complainant to request a review by the Secretary General has expired. In the event that the Complainant requests a review no Complaint Panel will be convened until the review process, including any escalation to the Chair of Council, has been completed.

7. Complaints Panel Procedure

- 7.1. The Secretary General will appoint a Complaints Panel consisting of at least three persons, including a Chair, within ten working days of the Outcome Letter being sent to the Complainant or the review period being completed.
- 7.2. The Secretary General will also appoint a Complaints Panel Secretary, whose role is to administer, take notes and advise on the procedure to be followed. The Complaints Panel Secretary will not be a member of the Complaints Panel and will not have a vote.
- 7.3. The composition of the Complaints Panel shall depend on the nature of the complaint and /or the position of the Respondent within the Association. For example:-
 - 7.3.1. Complaints about branch members relating to branch activities should generally be handled by the relevant Branch Committee, utilising non-conflicted committee members. However, where there is a conflict of interest or the Branch Committee request it to be dealt with elsewhere, or the nature of the complaint is such that the Secretary General considers it should be dealt with elsewhere then the Secretary General may establish a Complaints Panel comprising Area Council members.
 - 7.3.2. Complaints about Branch and Regional officers should be handled by a Complaints Panel comprising non-conflicted Area Council members.
 - 7.3.3. Complaints about Area Council members should be handled by a Complaints Panel comprising non-conflicted Branch and Membership Committee members (the Branch and Membership Committee being a Council Committee).
 - 7.3.4. Complaints about Council members should be handled by a Complaints Panel comprising non-conflicted members of Council.
- 7.4. The Complaints Panel shall confirm in writing to the Secretary General that they have no conflict of interest in relation to the Respondent.
- 7.5. The Secretary General will notify the Respondent in writing of his decision to convene a Complaints Panel and the members of the Complaints Panel.
- 7.6. The Complaints Panel shall meet as soon as conveniently possible to consider the complaint and within one month of being convened. The Complaints Panel Secretary will give at least 14 days' written notice (by post by recorded delivery and / or email) to the Respondent at their last known address of the time, date and place of Complaints Panel's meeting and will be sent a copy of the investigation report together with other documentary evidence. The Respondent will be asked to submit any evidence or papers in advance of the meeting, in support of their case, to be received at least four days before the meeting, for consideration by the Complaints Panel.
- 7.7. The Respondent shall be entitled to attend the Complaints Panel in person (with a representative, if they so wish, who must be a member of the Association and

- identified and notified to the Complaints Panel Secretary at least four days before the Complaints Panel).
- 7.8. In the event that the Respondent refuses to engage with the Complaints Panel and / or the process, the Complaints Panel Secretary should advise the Respondent in writing that the Complaints Panel's meeting will proceed regardless and that any decisions will be made on the basis of evidence which is provided by the Complainant and / or any relevant witnesses.
 - 7.9. The Complaints Panel may call any person to give information to it and the Respondent shall be entitled to ask any relevant questions of such person through the Chair, and shall be entitled to address the Complaints Panel. Subject to this, the Complaints Panel shall have the power to decide the form and nature of any hearing but any such procedure must be fair and reasonable to all parties.
 - 7.10. At the conclusion of the hearing, the Complaints Panel must adjudicate on the complaint and decision may be reached by a majority. In most cases it is expected that the Complaints Panel should be able to decide the outcome on the day of the meeting and verbally notify the Respondent face-to-face. In any event, the Complaints Panel Secretary should notify the Respondent of the outcome in writing within 24 hours of the decision being made.
 - 7.11. In the event that the Complaints Panel consider that further investigation is required, they may appoint the original IO to carry out further investigation or appoint another IO.
 - 7.12. In the event that the complaint is not upheld, the Respondent and the Complainant will be advised and no further action will be taken by the Association in relation to the complaint.
 - 7.13. In the event that the complaint is upheld, the Complaints Panel shall have full discretion to determine what sanction(s) to impose. These may include, but are not limited to:
 - 7.13.1. A written caution / warning as to future behaviour.
 - 7.13.2. Requirement to undergo additional training.
 - 7.13.3. Suspension from any office (e.g. as a committee or council member) for a fixed period together with conditions as to when the member may apply for a new office.
 - 7.13.4. Revocation of any awards or honorary positions awarded by the Association.
 - 7.13.5. Suspension of membership from the Association for a fixed period.
 - 7.13.6. Expulsion from membership of the Association.
 - 7.14. Before determining what sanction to impose, the Respondent will be given an opportunity to provide any mitigation.
 - 7.15. Suspension or expulsion from membership of the Association would be reserved for the most serious cases, for example in relation to serious criminal offences. In such cases, the Association reserves the right to suspend or expel a member regardless of whether legal proceedings are initiated or completed. Where there is the potential for suspension or expulsion to be considered as a sanction, the Respondent will be made aware when they are invited to attend the Complaints Panel hearing.
 - 7.16. At any stage a Respondent may choose to resign their membership, at which point no further action under these Procedures will take place.

8. Appeal Panel Procedure

- 8.1. If the Respondent is dissatisfied with the decision of the Complaints Panel, he or she may, within 14 days of receiving the written decision of the Complaints Panel, appeal the decision in writing, to the Secretary General.
- 8.2. The appeal must clearly set out the reasons for the appeal, e.g. setting out which parts of the original decision they are not satisfied with and why. The Respondent may submit new evidence or further mitigation in relation to the sanction imposed.
- 8.3. The Secretary General shall convene a three member Appeal Panel within ten working days of receiving the appeal. Membership of the Appeal Panel will be taken from the following:-

Complaints Panel	Appeal Panel
Branch Committee	Area Council
Area Council	Branch & Membership Committee
Branch & Membership Committee	Council
Council	The President

- 8.4. No member of the Complaints Panel will be a member of the Appeal Panel and the Secretary General will appoint an Appeal Panel Chair and Secretary. The Appeal Panel shall confirm in writing to the Secretary General that they have no conflict of interest in relation to the Respondent.
- 8.5. The Secretary General will notify the Respondent in writing of the membership of the Appeal Panel.
- 8.6. The Appeal Panel shall meet as soon as conveniently possible to consider the appeal and within one month of being convened. The Appeal Panel Secretary will give at least 14 days' written notice (by post by recorded delivery and / or email) to the Respondent at their last known address of the time, date and place of the Appeal Panel's meeting. The Respondent will be asked to submit any further evidence or papers in advance of the meeting, in support of their appeal, to be received at least four days before the meeting, for consideration by the Appeal Panel.
- 8.7. The Respondent shall be entitled to attend the Appeal Panel in person (with a representative if they so wish who must be a member of the Association and identified and notified to the Appeal Panel Secretary at least four days before the Appeal Panel.
- 8.8. The Appeal Panel may call any person to give information to it and the Respondent shall be entitled to ask any relevant questions of such person through the Chair, and shall be entitled to address the Appeal Panel. Subject to this, the Appeal Panel shall have the power to decide the form and nature of any hearing but any such procedure must be fair and reasonable to all parties.
- 8.9. At the conclusion of the hearing, the Appeal Panel must adjudicate on the complaint and decision may be reached by a majority. The Appeal Panel has full power to reduce, increase, cancel or confirm any penalty imposed.

8.10. Written notice of the decision of the Appeal Panel shall be given to the member by the Secretary on behalf of the Appeal Panel within 24 hours of the decision being made. This decision will be final and binding with no further right of appeal.

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