

COMPLAINTS POLICY AND PROCEDURES

Adopted: Open Morris AGM, 12th November 2016
Amended: Open Morris AGM, 26th November 2017
Reviewed:

**This document is not part of the constitution.
It will only be modified by agreement at an AGM or EGM.
It will be saved as a separate document to be published on the website.**

1) COMPLAINTS POLICY

- a) A complaint is an expression of dissatisfaction, whether justified or not, about any aspect of OM or person in OM.
- b) A complaint may be lodged verbally, by phone, or in writing by mail or email.
- c) The policy of OM is:
 - i. to provide fair procedures which are clear and easy to use for anyone wishing to make a complaint, namely:
 - a Complaints Procedure for dealing with a complaint from the public;
 - a Personnel Procedure for dealing with a complaint or a dispute within OM.
 - ii. to respect confidentiality:
 - by handling all information sensitively and on a strictly need-to-know basis;
 - following any relevant data protection requirements.
 - iii. to investigate all complaints fairly and in a timely way;
 - iv. to resolve complaints wherever possible, and try to restore relationships;
 - v. to make sure everyone in OM knows:
 - what to do if a complaint is received from the public;
 - what to do if in dispute with OM or another **member**.
- d) Overall responsibility for this policy and its implementation lies with the five elected Officers of OM; and at any stage:
 - i. the Committee may modify how the Complaints Procedure or Personnel Procedure is implemented to avoid any conflict of interest with individual Officers;
 - ii. the Committee may decide it is appropriate to seek outside help, eg from the Police, Citizens Advice Bureau, etc.
- e) As and when necessary, the Committee may convene a "Personnel Panel" to act independently of the Committee; and to that end:
 - i. the Committee will compile and keep updated a register of volunteer members who are willing and suitably experienced to be appointed to a Personnel Panel and/or as mediators in a dispute;
 - ii. none of those volunteers may be an Official or a member of any OM committee or subcommittee.
- f) In the event of a complaint or dispute regarding the Committee, the Committee will convene a Personnel Panel, none of whom will be associated with the matter in hand, and the members of the Panel will implement the Complaints and/or Personnel Procedure to resolve the matter.
- g) The OM Complaints Procedure and Personnel Procedure may only be applied to matters involving the membership category "**All of OM**" or any person acting in an official capacity for OM; therefore a complaint about any other person in OM will be referred to the appropriate Member Side to deal with.
- h) Open Morris views a complaint as an opportunity to learn and improve for the future, as well as a chance to put things right for the person that has made the complaint.
- i) The Committee will review complaints every year before AGM to identify any trends.
- j) If a need for change is indicated, the Committee will propose appropriate updates to the Complaints Policy and Procedures for adoption at AGM or EGM.

2) COMPLAINTS PROCEDURE

Dealing with complaints from the public

a) RECORDING A COMPLAINT

- i. The person who receives a complaint will:
 - Note down the key points made by the complainant;
 - take the complainant's contact details;
 - avoid making any comment on the complaint itself;
 - avoid making any admission of fault on behalf of Open Morris;
 - tell them that OM has a complaints procedure;
 - explain that the complaint will be passed to an Officer;
 - suggest that the person submits an account in their own words in writing by mail or email, and provide the complainant with the appropriate contact details.
- ii. The person who receives a complaint should try to comply with these guidelines:
 - When noting down the complaint, ask for clarification wherever necessary;
 - confirm your understanding by reading back what has been noted down;
 - remain calm and respectful throughout the conversation;
 - listen and allow the person to talk;
 - do not argue, especially if the person is angry.

b) COMPLAINTS PROCEDURE: STAGE ONE

- i. Any complaint will be referred as soon as possible to an Officer to deal with the complaint.
- ii. The complainant will receive an acknowledgement in writing as soon as possible, together with a copy of the Complaints and Personnel Procedures.
- iii. The acknowledgement will say who is dealing with the complaint; will say when the complainant can expect a reply; and will ask what they would like done to resolve the issue.
- iv. If the complaint relates to a specific **OM Member** or Official, they will also be informed and given an opportunity to respond.
- v. The investigation should take no longer than four weeks, and the complainant should then be sent a progress report or told of the outcome.
- vi. Once the investigation is completed, whether it upholds the complaint or not, the Officer will reply to the complainant and:
 - Describe the action taken to investigate the complaint;
 - state the conclusions from the investigation;
 - explain that they have the right to ask for a review under our Procedure;
 - if the complaint relates to a specific **OM Member** or Official, they will be informed of the outcome.
- vii. If further action is deemed necessary involving any **OM Member** or Official, the Personnel Procedure will be followed.

c) COMPLAINTS PROCEDURE : STAGE TWO

- i. If the complainant feels that the complaint has not been satisfactorily resolved at Stage One, and asks for the outcome to be reviewed, the complaint will be referred to the Committee to resolve.
- ii. The complainant will have the referral acknowledged in writing as soon as possible and no later than one week after receipt of the request for a review.

- iii. The acknowledgement will say who is dealing with the complaint and when the person complaining can expect a reply.
- iv. If the complaint relates to a specific **OM Member** or Official, they will also be informed and given a further opportunity to respond.
- v. The outcome of the review by the Committee should take no longer than four weeks, and if longer, the complainant will be sent a progress report.
- vi. The outcome of the review must have the agreement of a majority of Officers.
- vii. Once the review is completed, whether it upholds the complaint or not, the Committee will reply to the complainant and:
 - describe the action taken to review the complaint;
 - state in writing the conclusions from the review;
 - state that their decision is final; and
- viii. If the complaint relates to a specific **OM Member** or Official, they will be informed of the outcome, and if further action is deemed necessary, the Personnel Procedure will be followed.

3) PERSONNEL PROCEDURE

Dealing with a complaint or a dispute within OM

a) OVERVIEW OF THE PROCEDURE

- i. If any person in OM wishes to complain about, or has a dispute with OM, any of its Officials or another **OM Member**, they should in the first instance contact one of the Officials, who will note down the key points and alert the Committee to the situation.
- ii. If mediation is appropriate, a mutually acceptable mediator will be sought to resolve the issue.
- iii. If mediation is refused by either party, or is not appropriate, or is unsuccessful, the Committee will convene a Personnel Panel who will attempt to resolve the matter.
- iv. The Personnel Panel's subsequent decision will be circulated to the parties but will otherwise remain confidential.
- v. Either party may appeal in writing within 10 days of receipt of the Statement.
- vi. An Appeal Panel will hear the appeal and agree a Statement which will be circulated to the parties.

b) MEDIATION

- i. Mediation seeks to help parties find a way forward where there is a dispute between individuals or groups of individuals:
 - It will assist the parties to identify and explore options for resolution and settlement;
 - Mediation is suitable for relationship difficulties between **members**, including bullying and family disputes;
 - Mediation is not appropriate in cases of financial irregularity, election malpractice, intimidation, prejudice, harassment, threatening behaviour, and/or when one of the parties is not a **member**.
- ii. Initially the mediator will meet with the parties separately until they are in a position to meet each other.
- iii. A written agreement will be signed by the parties and witnessed by the mediator if the process is successful.
- iv. The agreement must contain workable objectives and will be circulated to the parties and to the mediator for their record, but will otherwise remain confidential.

c) ACTION BY THE PERSONNEL PANEL

- i. When necessary, the Committee will convene a Personnel Panel from the register of volunteers, one of whom will be appointed as Chairperson of the Panel, and none of whom will be associated with the matter in hand.

- ii. Members of the Personnel Panel may speak or meet with the parties involved individually and/or jointly, and may speak or meet with witnesses.
- iii. If agreement between the parties cannot be reached, or if disciplinary measures may be appropriate, the Personnel Panel will draft and agree a Statement of their conclusions and recommendations.
- iv. Each member of the Personnel Panel has one vote, and agreeing the Statement requires a simple majority.
- v. The Personnel Panel's Statement will be circulated to the parties involved, but will otherwise remain confidential.

d) APPEAL FOLLOWING ACTION BY THE PERSONNEL PANEL

- i. Within 10 days of receipt of the Personnel Panel's Statement, either party may appeal in writing to any Official of OM, enclosing a written statement of their grounds for appeal.
- ii. That Official will convene an Appeal Panel, to meet within 15 days of receipt of the written appeal.
- iii. The Appeal Panel will comprise the Officials, excluding either party to the matter and any other person associated with the matter;
- iv. The Chairperson of the Appeal Panel will be the Official who received the Appeal;
- v. Members of the Appeal Panel may speak or meet with the parties involved individually and/or jointly.
- vi. If agreement between the parties still cannot be reached, the Appeal Panel will draft and agree a Statement of their conclusions and recommendations.
- vii. To agree the Statement, each member of the Appeal Panel has one vote, and agreement requires a number of votes in favour equal to or greater than **two-thirds** of the total number of votes cast.
- viii. The Appeal Panel's Statement will be circulated to the parties involved, and will state that the Panel's decision is final.

e) TERMINATION OF MEMBERSHIP

Membership may be rescinded or an Official may be dismissed if a Personnel Panel or Appeal Panel concludes that actions to the detriment of OM and its reputation were taken:

- i. To wrongly or fraudulently receive or misapply funds of Open Morris;
- ii. to harass or threaten another person or persons;
- iii. to discriminate against another person or persons, on the grounds of gender, gender reassignment, sexuality, ethnic origin, disability, pregnancy/maternity, religion or age;
- iv. to make any allegation whether in person, in writing, by email or on social media which was unsubstantiated, derogatory, inflammatory or likely to be misinterpreted;
- v. that failed to carry out, or were contrary to, the policies of Open Morris;
- vi. that brought a personal dispute into the public domain; and/or
- vii. that were in any way prejudicial to the interests of Open Morris or in any way that brings Open Morris into disrepute.