

THE WEST STOCKWITH GERTRUDE MORRIS MEMORIAL HALL CHARITY

HANDLING COMPLAINTS

INTRODUCTION

This procedure explains how a complaint can be made against a representative of The West Stockwith Gertrude Morris Memorial Hall Charity.

Under the Localism Act 2011, the Charity must have in place a procedure by which allegations can be investigated and a decision made on such allegations. The Charity is required to appoint at least one independent person. The Independent Person's views must be sought by the Charity before making a decision on an allegation which it has decided should be investigated. The Charity may also seek the views of the Independent Person at any other stage of the procedure. The views of the Independent Person may also be sought, at any stage of the procedure, by a Charity representative against whom a complaint has been made.

HOW TO MAKE A COMPLAINT

If you wish to make a complaint, please email the Secretary of the Charity at gmhvillegehall.weststockwith@outlook.com or write to himr at Benedict Cottage, Canal Lane, West Stockwith, DN10 4ET.

Please provide your name and a contact address or email address, in order for the complaint to be acknowledged and to keep you informed of its progress. If there is a reason why you may need to keep your name and address confidential, please indicate this in the space provided on the complaint form.

The Secretary will consider the request and may, in exceptional circumstances, agree not to disclose the name and address to the Charity representative against whom the complaint has been made, without your prior consent.

The Charity will not usually investigate complaints made anonymously, unless there is a clear public interest in doing so.

The Secretary will acknowledge receipt of the complaint within 3 working days of receiving it and will keep them informed of the progress of the complaint as appropriate.

The Secretary will normally write to the Charity representative informing them that a complaint has been received (unless a request to withhold this information has been granted) together with the nature of the complaint and will be advised not to contact the complainant.

The Complaints Procedure is set out in the flowchart attached at Appendix 1. A more detailed description of the procedure is set out below.

WILL THE COMPLAINT BE INVESTIGATED?

Initially the Secretary will validate the complaint by subjecting it to the Initial Intake Test set out in Appendix 2.

If the complaint fails the Initial Intake Test it will not be considered further and the Complainant/Charity representative will be informed of this

The complaint will be progressed in line with the criteria set out in Appendix 3

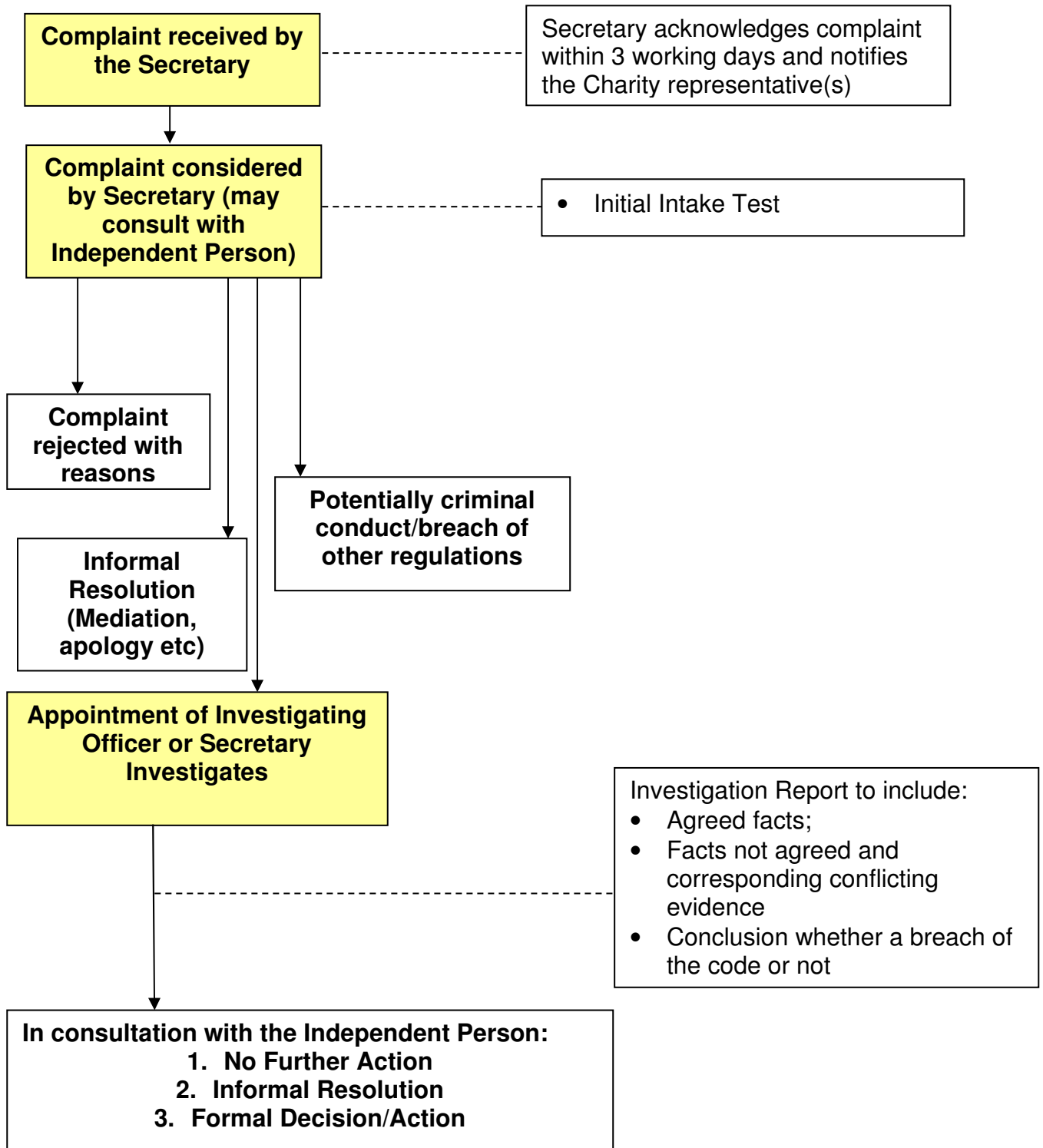
The Secretary will review each complaint received, and may consult with an Independent Person before taking a decision as to whether the complaint:

- Merits no further action
Failure of the Initial Intake Test
- Whether to attempt informal resolution.
Informal resolution may involve the Charity representative agreeing that their conduct was unacceptable and offering an apology, or agreeing to other remedial action by the Charity
- Merits formal investigation

If your complaint identifies criminal conduct or breach of other regulation by any person, the Secretary will inform the complainant/Charity representative of this and may notify the Police or other regulatory agencies.

This decision will normally be taken within 28 working days of receipt of the complaint, and all parties will be informed of the outcome.

APPENDIX 1



APPENDIX 2

Initial Intake test

Before assessment of a complaint begins, the complaint has to meet the following tests:

	Tick box
It is a complaint against one or more named Charity representative(s) of The West Stockwith Gertrude Morris Memorial Hall Charity	
The Charity representative was a Charity representative at the time of the alleged conduct.	
The behaviour took place within the last 90 days.	
The complainant has given their name and address.	
The complaint is an allegation against the Charity representative rather than a service, officer or a statement of policy disagreement.	
The complaint is not an allegation that could constitute a criminal offence (Section 34 of the Localism Act 2011).	
The complaint is not being dealt with by the police, ombudsman or another complaint process (in this case the complaint will not be processed until after the other process has been completed).	
The complaint is not the same or substantially similar to a complaint that has already been assessed even if this was prior to 1st July 2012.	

If the complaint fails one or more of these tests, it cannot be considered for assessment and the complainant will be informed that no further action will be taken in respect of the complaint. The Charity representative concerned will also be told that the complaint had failed the Initial Intake test. The Secretary may advise the complainant that the complaint needs to be referred elsewhere, if appropriate.

APPENDIX 3

Assessment test

A complaint will be considered in relation to the following criteria:

Sufficiency of Complaint

- Does the complaint state sufficient and detailed information as regards the allegation and alleged misconduct?
- Does the complaint and related documents include sufficient independent evidence supporting the claim and establishing the facts on which it is based such as witness statements and documentary evidence to show a reasonable prospect of establishing a breach
- Can it be shown that the Charity representative was acting in a public capacity

Evidence

- Is the evidence sufficiently reliable i.e. is it first-hand evidence or hearsay evidence?
- What weight can be given to the evidence
- Is the evidence relevant to the alleged breach?
- Could any further evidence be revealed by an investigation?

Suitability for Investigation

- Is it sufficiently serious
- Would an investigation serve any useful purpose?
- Have the circumstances changed
- Is it serious enough to warrant a sanction
- Is the conduct seriously and unreasonably disrupting the business of the authority?
- How long ago did the alleged conduct occur
- Is an investigation likely to prove on the balance of probability that a breach took place?
- Is it likely that an investigation will prove only a technical or inadvertent breach?
- Has the same or a substantially similar complaint already been the subject of an investigation
- Is the complaint really about dissatisfaction with a Charity decision?
- Is the complaint about the administrative practices of the Charity rather than a Charity representative's behaviour?

Extenuating Circumstances

- Has the issue been publicised in the local press?
- Is the complaint malicious
- Is the complaint minor
- Is the complaint tit for tat?
- Is the case politically motivated

Possible Defences

- Was the breach made in all innocence i.e. without knowledge?
- Are there strong mitigating circumstances?
- Was there provocation

In order to facilitate the making of a decision the following definitions are given:

- Lack of respect means derogatory comments that are aimed at a person or their personal qualities. However, Charity representatives should be able to express disagreement publicly with each other and have the freedom to disagree with the views and opinions of others.
- Bullying or intimidation means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient (Advisory, Conciliation and Arbitration Service (ACAS)). Such conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature or when the behaviour by both the complainant and the Charity representative contributed equally to the breakdown in relations.