

BFSS POLICY AND PROCEDURE FOR COMPLAINTS

1. General

Scope

- 1.1 This policy covers complaints made by Members of the Society, Council Members/Trustees and other members of the public. It does not apply to decisions on grant applications, which are final. Trustees may choose not to respond to certain kinds of complaints (see Section 5.1 below).

Definitions

- 1.2 BFSS defines a complaint as “an expression of discontent by a person or persons regarding an aspect of the Society’s activity or governance that cannot be immediately resolved and about which the complainant desires that follow-up action is taken and a response provided”.

General Approach

- 1.3 The BFSS Trustees aim to work to the highest standards in every way and they take complaints very seriously. They are committed to good governance, to providing support and encouragement to all Members of the Society, and to providing excellent service to all those who apply for and receive a BFSS grant or have other contact with the Society.
- 1.4 The BFSS aims to deal with any complaints fairly and swiftly according to the Complaints Procedure and to treat complaints as an opportunity to develop and improve its procedures and ways of working where appropriate.
- 1.5 Complaints will normally be handled informally, by conciliation, before a formal complaints hearing process is instituted. Where conciliation does not lead to a resolution, the procedures set out below will be followed.
- 1.6 The use of mediation will also be considered, particularly in cases of disputes or complaints between and/or about Trustees.
- 1.7 Where a formal complaints process is instituted, the complainant will be advised of detailed procedures and the timetable relating to the submission, circulation and consideration of materials relating to the complaint. The complainant will normally be invited to speak and hear the case for rebuttal at a meeting and will be advised of, and will have the right to see, the materials to be presented to a complaints panel by way of rebuttal of a complaint, provided these do not compromise the privacy and confidentiality rights of third parties (see 4.2 below). Those complained about will be informed that a complaint(s) has been brought against them and will have the right to know of any allegation(s) about them. They may be invited to attend any hearing to give evidence and to respond.
- 1.8 The outcome of a complaint, if upheld, will be determined by the Trustees.

1.9 Except where the procedure states otherwise, lead Trustees as well as Complaints and Appeals Panels of 3 will be appointed by the Council. Decisions on appointments may be made in correspondence, depending on the timing of Council meetings.

2. Complaint by a Member of the Society or other member of the public regarding a member of BFSS staff/service provided including a complaint against the Director

- 2.1 The complainant should explain the problem as soon as possible in writing¹ to the Director of the BFSS by sending a letter to the Director at Maybrook House, Godstone Road, Caterham, CR3 6RE or emailing to director@bfss.org.uk. The Director will reply substantively or ask for further details within one calendar month. In this way, most complaints will normally be resolved at a very early stage without recourse to further action.
- 2.2 If the complainant is not satisfied, the Director will ask for formal confirmation in writing of the complaint and/or for further details to be set out. The complainant will be asked to include the submission of any evidence and a statement of the desired outcome from the complaint (though determination of the outcome, in the event that the complaint is upheld, will be for BFSS). The acknowledgement will normally be sent within five working days of the complaint being received.
- 2.3 The complainant will be invited to meet the Director to discuss, and hopefully resolve, the issue through conciliation. Following the meeting, written confirmation from the Director will set out the substance of the meeting and any agreed solutions.
- 2.4 If the complainant does not want a meeting or a telephone conversation, or if neither of these is possible, after consideration of the complaint a detailed written reply, including suggestions for resolving the issue, will be sent to the complainant.
- 2.5 If the complaint refers to/concerns the Director, the complaint will be considered by a Lead Trustee other than the Chair or Vice-Chair. The same procedure will be followed as in 2.1 to 2.4 above, with a lead Trustee (rather than the Director) handling the complaint and writing to the complainant following consideration of the complaint.

First Appeal

- 2.6 If the complainant is not satisfied with the decision in the written reply, they may appeal in writing to the Vice-Chair of Trustees, giving reasons for the appeal. The Vice-Chair will review the complaint and the investigation to date, seeking further details if necessary, and, after careful consideration, will send a written decision to the complainant as soon as is practicable.

Final Appeal

¹ References to "in writing" and "correspondence" include email. In the case of email, receipt will be taken as 24 hours after the email was sent, provided that no notice of non-delivery or non-receipt is received by the sender. In the case of correspondence, receipt by BFSS will be the date the letter is date stamped as having been received in the office; receipt by the complainant or other addressee will be taken as 2 working days after the date on the letter or date of posting whichever was the later.

- 2.7 If the complainant is still not satisfied, they may write, giving reasons, within 14 days of receipt of the letter in 2.6 above, to the Chair of the BFSS who will appoint an Appeals Panel of 3. The Appeals Panel will be appointed and will meet within one calendar month of the request being received. The members of the Appeals Panel will not previously have been party to the detail of the complaint. Should the situation arise that there are no Trustees who have not been previously involved in the complaint, the Chair may choose to appoint third parties. The Appeals Panel will review the handling of the complaint. It will not consider the complaint afresh unless new evidence is presented. The complainant will be notified of the Panel's decision within one month of the Panel meeting. The decision of the Appeals Panel will be final and binding.

3. Complaint against Trustees, President or Vice President (including complaints by Trustees against other Trustees)

- 3.1 A BFSS Trustee, a Member of the Society or other person wishing to make a complaint about individual Trustees, the President, Vice President or the Trustees as a whole should write to the Chair of the BFSS giving a full explanation of the nature of the complaint. The Chair will acknowledge receipt of the complaint in writing within five working days.
- 3.2 If the complaint is against the Chair then the Member or other person should write to the Vice-Chair (and "Vice-Chair" should be substituted where appropriate for "Chair" in the following clauses).
- 3.3 In the case of a minor complaint on operational or procedural matters the Chair will seek to resolve it by conciliation via correspondence and/or a meeting and will then send the complainant a written reply, including suggestions for resolving the issue. If conciliation does not lead to resolution, the Chair will refer the matter to the Trustees and a panel of three Trustees will be appointed to review the complaint and advise the Trustees on the necessary steps to address the situation or to dismiss the complaint.
- 3.4 In the case of a complaint that concerns the governance of the Society, the Chair will seek to resolve it by conciliation via correspondence and/or a meeting and will then send the complainant a written reply, including suggestions for resolving the issue. If conciliation does not lead to resolution, or if the complainant wishes to move straight to a formal complaints process, the Trustees will appoint a panel of three of their number to consider the complaint. The Panel will normally hold a hearing to which the complainant will be invited and to which the person(s) complained about may also be invited. Having considered the complaint, the Panel may:
- a. Advise the Trustees on the necessary steps to address the situation.
 - b. Dismiss the complaint.
- 3.5 The timescale taken to reach a resolution on a complaint about governance will vary according to the procedure adopted to resolve it. It is the responsibility of the Trustees to ensure that the complainant is kept fully informed about the progress of the complaint.

Appeal

- 3.6 If the complainant is not satisfied with the decision made, they may appeal in writing, giving reasons for the appeal, within 14 days of receipt of the decision. The appeal should be sent in writing to the Chair/Vice-Chair of the Society who will appoint an Appeals Panel of three Trustees of the BFSS. Should the situation arise that there are no Trustees who have not been previously involved in the complaint, the Chair/Vice-Chair of the Society may choose to appoint third parties. The members of this Trustees Appeals Panel will not have been involved in the previous consideration of the complaint. The Appeals Panel will be appointed and will meet within one month of the request being received. The Appeals Panel will review the handling of the complaint. It will not consider the complaint afresh unless new evidence is presented. The decision of the Trustees Appeals Panel will be final and binding.

4. Confidentiality and Recording of information

- 4.1 Raising a complaint places an obligation on the Society, subject to section 5 below, to investigate the facts and gives permission to the Society to discuss them with appropriate people, if necessary. Information submitted will remain confidential as far as this is consistent with other parties' right to know of any allegations that are made against them. All information will be handled in line with the Data Protection Act.
- 4.2 The complainant has a right to see documents used in reaching a decision, provided these do not compromise the privacy and confidentiality rights of third parties.
- 4.3 Discussions and decisions will be minuted and a schedule of materials considered will be attached to the notes of meetings of the Complaints Panel and the Appeals Panel. All information will be handled in line with the Data Protection Act and documents will be stored securely in accordance with the Society's Data Protection Policy.

5. The scope of the complaints process

- 5.1 BFSS Trustees take complaints very seriously. However, they may choose not to respond to complaints that are:
- about something over which Trustees have no control or influence or about which the complainant has no first-hand knowledge;
 - deemed abusive or offensive in tone;
 - vexatious, or which have been previously covered through a complaints procedure;
 - incoherent or illegible;
 - clearly part of a bulk mailing or email sent to BFSS and numerous other organisations;
 - clearly timewasting;
 - made anonymously. However, BFSS will investigate the complaint and use the information to improve its procedures where appropriate.

December 2016
British and Foreign School Society