



# **Complaints Against Board Members Policy & Procedure**

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## Complaints Against Board Members Policy & Procedure

### 1. INTRODUCTION

- 1.1 This policy and procedure applies to any complaint received by the University College of Osteopathy (UCO) about one or more member(s) of the Board of Directors, a co-opted or lay member of a Board Sub-Committee or the Clerk to the Board (Clerk).
- 1.2 Such complaints may be brought by:
- a) other directors on the board
  - b) members of the public
  - c) UCO staff, students or patients.
- 1.3 The Board is governed by company law and, as such, no individual director has any special powers, except for the Chair of the Board (Chair) who is authorised to act in limited circumstances on behalf of the Board when a delay would be detrimental to an individual, the UCO or the Board. The power that lies with the Board does so corporately and decisions are reached by a majority of directors present and voting, following relevant discussion.
- 1.4 Whilst directors are required to act as 'critical friends' to the senior managers and staff, they should do so constructively and from a position of trust. Directors are required to promote high standards within the UCO. Directors do not bring a mandate from the group that may have selected, or elected, them to the Board. Although directors are volunteers, they are obliged to follow the Seven Principles of Public Life ("Nolan Principles"):
- i. Selflessness
  - ii. Integrity
  - iii. Objectivity
  - iv. Accountability
  - v. Openness
  - vi. Honesty
  - vii. Leadership
- 1.5 UCO's Board has adopted a Code of Conduct which ensures that all directors know the agreed way of working and behaving in order that their work can focus on the key role of UCO's improvement, and any concern regarding a director's conduct is challenged at the earliest opportunity.
- 1.6 Occasionally concerns may arise relating to the behaviour and / or actions of an individual director. This document sets out the procedure that will be followed in the event of this happening. This policy and procedure applies only to complaints about the director's conduct as a director and not as a UCO staff member or student; nor does it apply to complaints about decisions made by the UCO Board. Such complaints should be brought under the student complaints procedure, staff grievance procedure or applicable patients' procedure as appropriate.
- 1.7 The overall responsibility for dealing with complaints under this policy and procedure is that of the Clerk who can be contacted by emailing [allan.scott@uco.ac.uk](mailto:allan.scott@uco.ac.uk).

## 2. GENERAL PRINCIPLES

- 2.1 The general principles of a complaint include the following, which should be respected by all those involved:
- a) Resolution should be sought informally in the first instance and only at a formal level where that isn't possible.
  - b) Complaints should be resolved as quickly as possible.
  - c) The process of resolving a complaint should not undermine the work of the Board.
  - d) Complaints will be treated seriously, fairly, and in a consistent fashion.
  - e) Complaints will be treated in a rigorous and fair manner with sensitivity and with minimum stress to all parties concerned.
  - f) Confidentiality will be respected throughout, and the UCO will endeavour to make sure that such a complaint is known to the fewest staff needed to undertake a thorough investigation.
  - g) Submission of a complaint will not lead to recrimination or adversely affect academic progression, employment with UCO or services provided by UCO provided it is made in good faith and not maliciously or vexatiously.
  - h) The use of this complaints policy and procedure does not affect an individual's right to pursue legal remedies outside the UCO.

## 3. COMPLAINTS PROCEDURE

### 3.1 INTRODUCTION

- 3.1.1 The Complaints Procedure contains the following stages:
- a) Stage 1: Informal resolution of the complaint may be achieved through discussion between the individual(s) directly involved.
  - b) Stage 2: Formal process led by the Designated Officer.
  - c) Stage 3: Appeal should the complainant be dissatisfied with the response to the outcome of Stage 2.
- 3.1.2 At any point prior to the completion of Stage 3, a request for mediation made by a complainant can be instigated. Mediation will only occur with the agreement of all parties involved, and the formal complaints procedure will be suspended while mediation takes place.

### 3.2 TIMESCALES

Complaints need to be considered, and resolved, as quickly and efficiently as possible, with the expectation being that complaints will be raised at Stage 1 as soon as possible after the incident arises but no later than three months following the incident (although there may be exceptions). The complainant will be informed about the expected timescales associated with dealing with the complaint at each formal stage of the procedure. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay, ensuring that where possible the process is completed within three months of the complaint being lodged.

### 3.3 STAGE 1: INFORMAL RESOLUTION:

- 3.3.1 A complaint about the conduct of a director in their role as director of UCO should in the first instance be raised directly with the director concerned, with a view to reaching an agreed resolution. The complainant may approach the Clerk to ask for assistance in facilitating a meeting with the director, if necessary.
- 3.3.2 UCO recognises that some complaints may not be amenable to informal resolution, or the complainant may not feel able to discuss the complaint directly with the director. In such cases the complainant should proceed straight to Stage 2 of this procedure.

### 3.4 STAGE 2: FORMAL INVESTIGATION

- 3.4.1 When a complaint cannot be resolved informally at Stage 1, then the matter is dealt with through a formal investigation process with reference to the Board of Directors' Code of Conduct.
- 3.4.2 The complainant should write to the Clerk who will acknowledge receipt within seven days and refer the matter to the Chair, who will either manage the complaint or appoint a Designated Officer from the Board.
- 3.4.3 Where the complaint is made against the Chair then it will be passed to the Vice-Chair of the Board who will follow the same process.
- 3.4.4 If the complaint is against the Clerk it should be addressed directly to the Chair who will follow the same process and who can be contacted on [jo.price@uco.ac.uk](mailto:jo.price@uco.ac.uk).
- 3.4.5 Henceforth the person leading the complaint shall be referred to in this document as the "Designated Officer".
- 3.4.6 If the Designated Officer does not have sufficient information to determine whether or how the matter should proceed, they may appoint an Investigating Officer unrelated to the complaint to investigate the complaint. The Investigating Officer may be a member of UCO staff or someone external to the institution.
- 3.4.7 The process for the investigation will involve:
- Requirement that all parties treat the matter as confidential.
  - The outcomes expected by the complainant.
  - Recognition that the office of director is a voluntary one.
  - Gathering of evidence which may include interviews with third parties.
  - Conclusions for the Designated Officer to consider.
- 3.4.8 The Investigating Officer may interview the individual who made the complaint and any other individuals who they consider to be relevant to the investigation, including anyone named in the complaint. Any individual being interviewed under this policy and procedure may be accompanied to an investigatory interview by a colleague or other representative.
- 3.4.9 When the Investigating Officer has concluded the investigation, they will provide a report with their findings to the Designated Officer. The Designated Officer will determine what action, if any, should be taken in the circumstances, which may include one or more of the following:
- The complaint was unfounded, a misunderstanding or that there was no case to answer
  - Apology
  - Mediation or conciliation

- d) Training (training and support may be needed for the whole Board and not just the director who is the subject of the complaint)
  - e) Recommendation that one or more directors should be removed from the Board (see Articles 44 to 46 in the UCO Articles of Association)
  - f) Recommendation that the matter should be referred for action under the appropriate staff disciplinary procedure (those directors who are UCO employees) or student disciplinary procedure (student director).
- 3.4.10 The complainant will be advised of the outcome and agreed actions, normally within 10 working days of the Designated Officer receiving the investigation report.

### 3.5 STAGE 3: APPEAL

- 3.5.1 If the complainant is dissatisfied with the response to the complaint, or the outcome of the investigation, an appeal may be made in writing to the Clerk stating the grounds for dissatisfaction which may fall within one or more of the following, and providing supporting evidence:
- a) There is evidence of procedural irregularity, or
  - b) There is evidence of prejudice or bias, and/or
  - c) There is further evidence that was not available at the time the original complaint was made.
- 3.5.2 The Clerk will appoint a member of the Board of Directors who has had no previous involvement in the case to consider the appeal and determine the outcome(s). This will normally involve a review of the papers only, unless the member wishes to meet with the complainant and/or the subject of the complaint.
- 3.5.3 The complainant will be advised of the outcome of the appeal, normally within 20 working days of receipt of the appeal. The decision on the appeal is final.

## 4. ANONYMOUS COMPLAINTS

- 4.1 UCO generally discourages anonymous complaints. In order to take effective action in respect of a complaint it is likely to be necessary to reveal a complainant's identity on a "need to know" basis during any investigation.
- 4.2 Where a complaint is received anonymously, the Clerk will determine whether, on the information available, a problem can be identified and if so, whether action should be taken under this procedure. It may, however, be difficult to carry out a detailed enquiry into the complaint without being able to interview the complainant and obtain the information necessary to undertake a more robust enquiry.

## 5. MEDIATION AND DISPUTE RESOLUTION

- 5.1 On completion of the complaint proceedings the UCO recognises that irrespective of the outcome it is likely that relationships and trust will need to be rebuilt. The UCO will offer mediation to all parties concerned if required to aid this process.

## 6. CONFIDENTIALITY

- 6.1 All complaints made under this policy and procedure will be treated in a sensitive and, where possible, confidential manner. If necessary, the identity of the individual making the complaint will be kept confidential for as long as possible, provided that this is compatible with an effective investigation. The investigatory process may have to reveal the identity of the individual making the complaint and they may be requested to make a statement and/or attend an investigatory interview as part of the process.

## 7. MONITORING & REVIEW OF THIS POLICY & PROCEDURE

- 7.1 The Clerk will be responsible for preparing an annual report to the Board monitoring the operation of this policy and procedure.
- 7.2 The Clerk will be responsible for monitoring the implementation of remedies agreed under this policy and procedure.

CORE DOCUMENTATION RECORD PAGE

**Complaints Against Board Members Policy & Procedure**

Version number	Dates produced and approved (include committee)	Reason for production/ revision	Author	Location(s)	Proposed next review date and approval required
V1.0	Dec 2022 Board Chair	To set out the policy and procedure to follow should a complaint be made against a Board Member.	Board Chair & Board Clerk	All master versions will be held in: J:\0 Quality Team - Core Documentation	Dec 2025

**Equality Impact**

Positive equality impact (i.e. the policy/procedure/guideline significantly reduces inequalities)

Neutral equality impact (i.e. no significant effect)

X

Negative equality impact (i.e. increasing inequalities)

**If you have any feedback or suggestions for enhancing this policy, please email your comments to: [quality@uco.ac.uk](mailto:quality@uco.ac.uk)**