



## Complaints Procedure

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**Who is this for?** Anyone who uses or consumes Ri services or content, digitally and in-person who has a complaint they would like us to investigate or respond to formally. This includes Members of the Ri, non-members and Trustees, Committee members, customers, the public, visitors, our partners, tenants, contractors and suppliers.

**Who is it not for?** It does not apply to staff of the Ri who have an internal process to raise concerns.

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**Need help to complain?** We are committed to supporting people who need extra help to complain. Please let us know if we can make reasonable adjustments for you.

**We take your data protection and confidentiality very seriously.** If you have any concerns about how or who we might share information with when we deal with your complaint, please ask us.

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### What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Ri, or those acting on its behalf. It may also be if you think that someone representing or working for the Ri has breached a relevant regulation or Code of Conduct.

**If you tell us about the abuse** of a child or adult at risk or about possible criminal activity this procedure will not apply. We will deal with your report as part of our Safeguarding procedures and/or support you differently outside of this complaints procedure. We may need to involve external agencies. The Ri is committed to good safeguarding practice and your safety is our priority.

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### How can I complain?

- By email to [Governance@ri.ac.uk](mailto:Governance@ri.ac.uk)
- In writing to 'The Governance Team, Ri, 21 Albemarle Street, London W1S 4BS'
- In person or by phone to the Ri staff if you have the name of someone you have been working or dealing with at the Ri

**If you complain to us in person** and we put the matter right and you do not wish to take the matter further, we will still record your complaint and the way that we resolved it. We expect that most complaints will be dealt with in this way.

### When we cannot deal with your complaint

If we decide that we cannot deal with your complaint we will always write to you and explain why. Some of the reasons we might consider are listed below:

- It is not about the Ri
- The complaint or the issue it is about is more than six months old
- The complaint is not new or the same matter that you have raised before (this will not apply if a mistake that the Ri has made is repeated)
- Any type of legal proceedings have started

- We have already dealt with or are in the process of dealing with the matter
  - Very rarely we receive vexatious complaints. We have explained these types of complaints in our Complaints policy. We will always write and inform someone if we have made that decision and will make that decision based on evidence
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## **How we manage complaints**

### **Step One – you complain to us:**

- We will **acknowledge** your complaint within **5 working days** so that you know we have it in hand. This will normally be by email unless you request otherwise.
  - At the same time that we acknowledge your complaint, we will send you a copy of the Complaints Procedure.
  - We might contact you to ask for more details.
  - We will make a decision about your complaint within **15 working days**.
  - If we cannot make that deadline, we will contact you and explain why. We will give you a new decision date. This will only happen if it is unavoidable.
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**Step Two** –if you are still unhappy about the decision on your original complaint, you have an option to escalate.

- We will acknowledge your request to escalate the complaint within **7 working days**. This will normally be by email unless you request otherwise.
  - A senior member of staff will review the decision at Stage Two.
  - If a senior staff member dealt with your Stage One complaint, it will be reviewed by a different senior member of staff. This may be a Head of Department or a Director.
  - We will make a decision about your complaint within **20 working days**.
  - If the decision is delayed for any reason, we will always contact you and explain why. We will give you a new date for a decision. This will only happen if it is unavoidable.
  - We will not unreasonably refuse to escalate a complaint. Rarely, we may refuse if we have decided that we can offer no further remedy or response to the problem. We will always write to you and clearly explain if this is the case.
  - Once the letter concluding Stage Two is sent, we consider the complaint closed.
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### **Who will deal with my complaint?**

The complaint will be considered and answered by the most appropriate team or staff at the Ri. At Stage Two this may be a more senior member of a different team.

**If the complaint involves Directors, Trustees or Committee members** then the most appropriate and independent Trustees will make this decision. The Director of the Ri and/or Chair/vice-Chair of the Ri may decide to appoint independent persons for serious complaints at their discretion.

**For some serious matters** we report the matter to our Audit and Risk Committee, Trustees. This decision is taken by the governance team in consultation with the Director of the Ri or other Director as appropriate. We may also be required or opt to report the matter to the Charity Commission. We will tell you if we do this as they may contact you for further information.

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## **What if I am still unhappy after Stage Two?**

We aim to resolve all complaints at Stage One. If we cannot resolve your complaint at Stage Two and you are still unhappy please let us know **within one calendar month**.

In some circumstances, and if the complaint is serious we may consider an appeal. The decision to offer an appeal will be made by the most appropriate Director and one Trustee. The Ri reserves the right to refuse requests for an appeal where there is no further or reasonable resolution that could be offered.

**If your complaint is about a breach of fundraising regulations** you may complain directly to the regulator <https://www.fundraisingregulator.org.uk/cod>

For some serious complaints a regulator or legislation may determine our decision and actions. We will let you know if this is the case.

Initially staff will refer your appeal to a Director or the most appropriate senior person to consider if any other resolution is available to you. A letter offering a further resolution or with the decision that no other resolution is available will be sent to you **within 20 working days**. If the matter is sufficiently serious we may also offer a panel hearing at our discretion.

If you accept the offer of a panel hearing, we will put together a panel **within one calendar month**. This may or may not include one or more of our Committee members or Trustees, depending on the nature of the complaint. We will advise you of an expected date for a decision at that time.

You may bring a representative or friend to the panel hearing. If you intend to bring any legal representation you must clearly state this, at the time that you accept the offer of an appeal. The panel may be held in person or online at our discretion. If there is any reason that in-person or online meetings are not possible for you, please advise us at the time that you request a panel hearing.

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## **During the Complaints process you can ask us:**

- to clarify anything we have said in response to your complaint
- to make any reasonable adjustments
- to pause the process because you are unable to take part, for example you are in hospital. We will always agree to any reasonable requests. We do reserve the right to close the complaint if such requests are repeated.

## **Sometimes we will close a complaint during the process. This can happen if:**

- Any material information provided or discovered requires referral to the Police, Charity Commission or other body with investigative powers;

- You tell us that you want to withdraw the complaint;
- We have asked you for details, have not received them within the time requested and cannot take the complaint forward without them;
- You have told us that no solution that we can offer will be accepted or only one solution is acceptable to you and it is not one that we can agree to;
- You have behaved in such a way that our staff or property are threatened or severely adversely affected by dealing with your complaint.

### **How we might resolve your complaint:**

- Apologise
- Acknowledge that we got something wrong and tell you how we are putting it right
- Reconsider a decision that we have already made
- Change what we do or how we do things in future

### **Anonymous Complaints**

It is often difficult to follow up anonymous complaints. We do however look at every complaint but we do reserve the right to close complaints that cannot be reasonably addressed.

### **Compensation**

The Ri is a charity. Our funds are committed to delivering our charitable purposes and public benefit. We do not offer a compensation scheme as a resolution to complaints. This procedure does not apply to any contractually agreed redress as part of a commercial arrangement or fetter the legal or contractual rights of any individual.

## COMPLAINTS POLICY

**STATUS:** Approved

**Policy Effective Date:** October 2022

**Policy Owner:**  
Director of the Ri

**Date approved:** September 2022

**Next Review Date:** September 2025

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### 1 Purpose

- 1.1 The aim of this policy is for staff and those representing the Ri to welcome complaints, to use them to inform improvements and practice across the organisation.
- 1.2 The purpose of this policy is to ensure that we resolve complaints as soon and as simply as is possible and to provide clarity to those dealing with complaints and wishing to complain.
- 1.3 It is the Ri policy that complaints are dealt with fairly, as quickly as is possible, and without fear or favour.
- 1.4 It is the policy of the Ri that staff and those assisting in managing complaints will at all times be mindful of discriminatory practices and views, and raise concerns if they could or appear to be a factor in accepting or deciding a complaint. All complaints will be dealt with in the same way regardless of the complainant.
- 1.5 It is the policy of the Ri that no complainant will be dismissed due to age, any protected characteristic, ability to express or communicate the complaint or where there is a need for reasonable adjustments or support.
- 1.6 A concern about someone's mental capacity and/or safety does not diminish their right to complain and for that complaint to be resolved, at the same time their safety comes first.

### 2 Scope

- 2.1 This policy applies to Ri staff, volunteers, contractors, Committee members and Trustees and any other person representing the Ri. It replaces any previous complaints, dispute resolution or similar policies or procedures. The policy does not apply to complaints internal to Ri staff who must refer to Human Resources processes and procedures to raise concerns.
- 2.2 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Ri, or those acting on its behalf. It may also be if someone representing or working for the Ri has breached a relevant regulation or Code of Conduct.
- 2.3 Where the matter is a dispute between Trustees and/or Committee members but not raised as a complaint, the matter, however raised, will be taken forward by the Chair of the Ri, using this policy and procedure to guide the process. Unless directly involved, the decision of the Chair of the Ri in these matters will be final.
- 2.4 If the complaint is about the abuse of a child or adult at risk or possible criminal activity then the relevant policies must be followed and this policy will not apply.

- 2.5 Other matters may be raised during the course of dealing with an allegation of a crime or abuse, that may be taken forward as a complaint. Where this is the case, the matter(s) must be clearly identified and advice taken before proceeding with the complaints procedure.

### **3 Governance and Responsibilities**

- 3.1 It is the responsibility of the department that can most appropriately deal with the complaint to ensure that they actively support the policy and adhere to the procedure and process.
- 3.2 It is the responsibility of the Director of the most relevant department to ensure that complaints dealt with by their teams are managed in line with this policy and the procedure.
- 3.3 If the complaint is about or between Trustees and/or Ri Committee members, the most appropriate and independent Trustees will decide the best way forward. In most cases, unless involving the Chair of the Ri, the Chair's decision will be final. The complaint will otherwise comply with this policy and procedure.
- 3.4 This policy is approved by the Board of Trustees, scrutinised by the Audit and Risk Committee and managed by the Ri Governance team.
- 3.5 The Director of the Ri owns this policy and Directors are responsible for its review bi-annually to ensure it meets the current needs of the Ri.
- 3.6 Reviewed policy will be scrutinised by the Audit and Risk Committee and material or substantive changes reported to the Board of Trustees who will approve the policy.

### **4 General**

- 4.1 A copy of the Complaints Procedure must be sent or given to a complainant, with the acknowledgement of the complaint at Stage One. A link to the procedure in an email will suffice.
- 4.2 All complaints must be acknowledged using the Ri Complaint templates. Where there is no appropriate template available the Governance team will advise..
- 4.3 Where exceptionally a complaint is made by a child (any person under the age of 18) or someone who may [lack mental capacity](#) and there are no safeguarding concerns involved, advice should be sought from a Director about the best way to proceed. In most cases it will be acceptable to deal with complaints from 16 and 17 year olds in the same way as an adult. The decision of the Director of the Ri will be final where there is any doubt or dispute.
- 4.4 Where there are any safeguarding concerns, the Designated Safeguarding Officer (DSO) must be informed and their guidance obtained without delay. Where someone's personal safety is a concern, the DSO and relevant Director must be informed without delay.
- 4.5 The Ri will make all reasonable adjustments to assist any person who needs them to complain.
- 4.6 This policy does not exclude the application of the Data Protection policy or procedures. Data protection concerns will be managed within the policy and be referred to the Data Protection Officer.
- 4.7 The potential for sharing of personally identifiable information with the person raising the complaint, or with individuals investigating or the subject of a complaint, must be considered in accordance with the Data Protection policy.

## **5 When this policy may be set aside:**

- 5.1 It is our policy to welcome complaints however this policy may be set aside if there is:
- a) an allegation or suspicion of abuse or harm to a child (any person under 18 years of age) or adult at risk in which case staff must contact the Designated (or Deputy) Safeguarding Officer without delay
  - b) an allegation or suspicion of a criminal offence or criminal activity including fraud in which case staff must contact their line manager (unless the complaint involves them) immediately
  - c) a compelling reason agreed with the Director of the Ri and/or the Chair of the Audit and Risk Committee and/or Chair/Vice-Chair of the Ri. This includes the decision that the complaint is vexatious (see section 7)
  - d) The Charity Commission or any other regulator have taken responsibility for the investigation or management of the complaint.
- 5.2 Only the Director of the Ri or any other Director if appropriate, may agree a decision to set aside this policy. They are equally responsible for ensuring that the complainant receives information confirming the decision unless this would compromise any criminal or safeguarding investigation. In that event, the Ri must collaborate and cooperate with the agencies concerned.
- 5.3 Where a decision is made to set aside this policy, the reason, the full names and roles of those involved and full details must be recorded and reported to the Audit and Risk Committee as part of the quarterly Standard Items for Disclosure report.
- 5.4 A Director may agree to set aside some or all of a complaint. Anonymous complaints will be reported and recorded and may be investigated depending on the nature of the complaint.

## **6 Closing Complaints**

- 6.1 There are circumstances in which a complaint may be closed before the conclusion of the steps in the procedure, including:
- Any material information provided or discovered requires referral to the Police, Charity Commission or other body with investigative powers;
  - The complainant tells us that they want to withdraw the complaint;
  - The complainant has not provided details, within a reasonable timeframe and we cannot take the complaint forward without them;
  - No solution that we can offer will be accepted or only one solution is acceptable to the complainant and it is not one we can agree to;
  - The complaint is wholly requesting that the Ri set aside terms and conditions that the complainant contractually agreed to;
  - The complainant has behaved in such a way that Ri staff or property are at serious risk or severely adversely affected by dealing with the complaint.
- 6.2 The Ri may also close a complaint but continue an internal investigation if it is in the best interests of the organisation to do so. The decision to do so will be made by the Director of the Ri and is final. If directly involved in the complaint the decision will be referred to the Chair of the Audit and Risk Committee and/or Chair of the Ri.

## **7 Vexatious complaints**

- 7.1 Vexatious complaints are rare. Being vexatious means, taking action or bringing forward complaints without sufficient grounds for winning, purely to cause annoyance. Evidence must be presented to the Director of the Ri who will make the final decision to deem a singular or repeated complaints as vexatious, before any further action is taken.
- 7.2 Some examples of vexatious complaining include refusing to accept documented evidence or responses to complaints even when delivered by hand, continually raising repeated complaints and adding new complaints so that the volume of work is overwhelming or make an excessive number of contacts and unreasonable demands on staff in a short space of time. They may also involve unwarranted complaints being made to multiple agencies/ others such as regulators, MP's, Trustees and local authorities.
- 7.3 This policy does not intend to evade dealing with the rightful complaints of those who may struggle to control their behaviour or language because of mental health, disability or for reasons of neurodiversity. There is also no intention to use this policy as a remedy where we have not managed the complaint well and the person is upset or distressed and has needed to complain to us repeatedly to be heard.
- 7.4 If the decision is taken that a matter is vexatious the Director must ensure that a letter is sent to that person without undue delay setting out the decision, what the evidence it is based upon and any measures put in place to manage contact with the complainant.
- 7.5 A vexatious complaint may also raise matters that may be legitimate and that should be addressed regardless of the source. Those matters should be managed within the same procedures as any other complaint.

## **8 Compensation**

- 8.1 The Ri is a registered charity and its funds are used for public benefit. It is not the policy of the Ri to pay compensation.
- 8.2 This policy does not apply to any contractually agreed redress as part of a commercial arrangement or fetter the legal or contractual rights of any individual.

## **9 Reporting and monitoring**

- 9.1 All complaints must be reported to the Governance Team via [governance@ri.ac.uk](mailto:governance@ri.ac.uk) and all documents used to manage the complaint stored in line with the process.
- 9.2 The Governance team will monitor and report to the Audit and Risk Committee on complaints management quarterly.
- 9.3 The Audit and Risk Committee will scrutinise performance and report to the Board of Trustees. The Committee will also review this policy every three years.
- 9.4 The Audit and Risk Committee will be responsible for scrutinising all serious complaints reported to the Charity Commission and reporting to the Board of Trustees.
- 9.5 All Directors are responsible for ensuring that staff adhere to this policy, the complaints process and procedure at all times.

## **10 Relevant/ linked policy**

- Disclosures in the Public Interest (Whistleblowing)
- Grievance procedure (Staff handbook)
- Safeguarding children and adults at risk procedures and policies
- Staff handbook policies relating to staff conduct
- Trustees Code of Conduct