



AoMRC Complaints Policy

External Complaints

1. Purpose

This procedure sets out the process for handling complaints made from outside the organisation to the Academy about any of its actions or activities.

The governance responsibilities within the Academy mean that complaints will need to be managed through different processes according to their subject.

1. Scope

Staff complaints

There are separate existing policies for staff concerns or complaints. This policy is therefore unlikely to be appropriate for complaints by staff. The existing policies are

- 1.1. **Raising Concerns Policy** which is intended for staff to raise concerns about potential misconduct within the organisation
- 1.2. **Fairness at Work Policy** for raising and handling the grievances of staff
- 1.3. **Bullying and Harassment Policy** for staff to raise concerns specifically about these issues

Potential types of complaint

- 1.4. Complaints from outside of the organisation are likely to fall into the following categories

- 1.5. Concerning the behaviour or performance of a member of staff
- 1.6. Concerning the behaviour or performance of an Academy Officer or representative i.e. Committee chair, appointed representative on an external body
- 1.7. Concerning actions or perceived failures by the Academy to deliver an expected service e.g. an MTL complaint; failure to pay an invoice; not providing reasonable adjustments for a meeting etc.
- 1.8. Concerning a particular policy or decision made the Academy Council or a Committee e.g. a position statement on a controversial topic (abortion, gender reassignment etc) or a disagreement with specific advice or guidance
- 1.9. Other complaints

2. Responsibility for Managing Complaints

At the Academy, the Board of Trustees has responsibility for the governance of the organisation including management of resources, staffing and risk. The Council has responsibility for all medical and professional matters.

This requires different processes for complaints according to the subject matter. In essence:

- 2.1. Complaints relating to a member of staff or the failure of the organisation to deliver a service will be the ultimate responsibility of the Board
- 2.2. Complaints relating to clinical representatives or committee members are most likely to be the ultimate responsibility of the Academy Officers on behalf of the Council, although could involve the Board in some circumstances
- 2.3. Complaints about a policy decision or action will be the ultimate responsibility of the Officers on behalf of the Council

All complaints are initially considered by the Chief Executive. The Chief Executive may delegate the investigation and drafting of a response to an appropriate member of staff.

Complaint responses will always be reviewed by the Chief Executive before they are sent to the complainant.

3. Process

First stage – initial investigation and response

Any complaint should be sent in writing to the Chief Executive and should state the resolution the complainant is seeking. If the complaint relates to the Chief Executive, or there is another reason why it is not appropriate to raise with the Chief Executive, it may be raised with the Chief Operating Officer or the Chair of Trustees.

The Chief Executive will investigate the complaint and make a response to the complainant, usually within 10 working days. If the issue is unusually complex, necessitating a lengthier investigation, a response may take longer. If it is not possible to complete the investigation within 10 working days, the Chief Executive will inform the complainant.

In responding to the complaint, the Chief Executive will conclude:

- 3.1. The complaint is upheld and set out the actions that will be taken. This could be the requested resolution, alternative remedial action, an apology or a decision to refer the matter to the Academy Officers or Board of Trustees as appropriate
- 3.2. The complaint is partially upheld and set out which issues are and are not accepted and what action will be taken. This could be the requested resolution, alternative remedial action, an apology or a decision to refer the matter to the Academy Officers or Board of Trustees as appropriate
- 3.3. The complaint is not upheld. The complainant will be informed; if they are not satisfied the issue can be referred to the Academy Officers or Board of Trustees as appropriate

Second stage – escalation or appeal

- 3.4. If the Chief Executive believes a complaint to be sufficiently serious, or if the complainant is not satisfied with response of the Chief Executive, the issue will be referred to the Academy Officers or Board of Trustees, according to the subject matter, for them to consider it in detail.
- 3.5. The Academy Officers or Board of Trustees will consider an issue referred by the Chief Executive within 15 working days of the referral. The Chair of Council or Chair of Trustees will determine whether the issue should be considered by the whole Officers Group/Board or a subgroup of no fewer than three members. This can be conducted virtually or in person.

- 3.6. If the complaint relates to a Board member or Officer, they should take no part in considering the issue.
- 3.7. The Officers/Board subgroup will make a decision about the complaint and decide what action, if any, needs to be taken. The Chair of Trustees or Chair of Council will write to the complainant setting out the decision of the group with brief explanation of its rationale.
- 3.8. The decision of the Officers/Board group is final and there is no further appeal. This will be made clear to the complainant.