

## **National Governance Association**

### **Complaints Procedure: external guidance for customers**

#### **Our promise**

The National Governance Association is committed to providing a quality service and achieving the highest standards of conduct. One of the ways we can continue to improve our service is by listening and responding to the views of our customers and members.

#### **We aim to ensure that:**

- making a complaint is as easy as possible;
- we treat any clear expression of dissatisfaction with our service, which calls for a response, as a complaint;
- we treat it seriously in whatever form (e.g. post, fax, telephone email) it is made;
- we deal with it promptly, politely and, where appropriate, informally (for example, by telephone);
- we respond in the right way – for example, with an explanation or an apology where we have got things wrong, or information on any action taken and
- we learn from complaints and use them to improve our service. We will maintain a complaints log and publish information on complaints – for example, in our annual report at the Annual General Meeting.

If the complaint involves questions about the actions or competencies of individual members of staff or trustees, other processes may subsume the complaints procedure and the NGA may not be able to provide the person raising the complaint with all the relevant information (for instance, employment legislation may prevent publication of the results of disciplinary processes).

#### **Definition of Customer**

For the purposes of this procedure, customers are defined as any external person or body who has any dealing with the NGA. It does not cover NGA staff (who should use the NGA staff grievance procedure) or NGA Trustees who should contact the Chair of the NGA.

#### **What to do if you have a complaint**

If possible let us know straight away.

Most complaints received by the NGA can be resolved informally by the relevant member of staff. Occasionally, however, because of the complexity of the matter - or because a satisfactory resolution cannot be agreed - the formal Complaints Procedure described below must be followed. In addition, the formal Complaints Procedure will be followed at any stage at the request of the complainant.

You can use the online form on our Contact Us page, or you can write, phone or fax us using the details provided on this page.

Please provide us with as much detail as you can to help us investigate your complaint:

- say what the problem is;
- say what outcome you are looking for;
- provide information on any relevant communication with us on the subject, including for example any correspondence reference numbers, or times/dates of conversations and
- address a complaint to the NGA's Office Manager

### **Contact details**

Complaints

National Governance Association

4th Floor, 36 Great Charles Street

Birmingham

B3 3JY

Telephone: 0121 237 3780

Website: <https://www.nga.org.uk/Contact-us.aspx>

### **Complaints procedure**

Making a complaint: What happens next?

There is a three stage procedure.

#### **Stage 1**

New complaints will be passed to the relevant team manager to deal with. S/he will formally acknowledge the complaint within three working days. The manager will also send a copy of this complaints procedure.

The NGA will use its reasonable endeavours to provide a full response in writing within 15 working days of the complaint being received. If it is not possible to give you a full reply within this time, for example, if your complaint requires more detailed investigation, we will give you an interim response telling you what is being done to deal with your complaint, when you can expect the full reply and from whom.

We will always acknowledge where things could have been done better and tell you what will be done to avoid the same thing happening again. Equally, if we don't uphold your complaint, we will let you know why.

The full reply will include details of who to contact next if you believe that your complaint has not been dealt with properly.

## **Stage 2**

If you are unhappy about the actions taken at stage 1 then you may ask for your complaint to be taken to stage 2. It is helpful if you can set out why you are dissatisfied with the way in which your complaint has been handled, but your complaint would still be investigated. You should submit any request to have your complaint taken to stage 2 within 20 days of the date of the letter informing you of the outcome of your stage 1 complaint.

Complaints at stage 2 will be dealt with by either NGA's Chief Operating Officer (COO) or Chief Executive (CE). The COO or CE will review your complaint and will endeavour to respond within 10 working days. The response will include the findings and conclusions behind the decision, and any action/additional action taken to address the complaint and subsequent appeal.

The response will also include details about what to do if you remain dissatisfied and wish to move to stage three, the final stage of our complaints procedure.

## **Stage 3 – the Final stage**

If following a reply from the COO/CE you remain unhappy you can complain to the NGA Trustees – this will usually be to the NGA's Honorary Secretary. You should raise your complaint within 20 days of receiving the response to your Stage 2 complaint.

The nominated NGA Trustee(s) will review all records relating to stage one and two of the complaints procedure. The NGA Trustees may either uphold the findings, decisions and actions taken or identify and offer to implement an alternative way of resolving matters (which may not necessarily include upholding the original complaint).

As the NGA trustees are all volunteers it may take longer to deal with your complaint, but you will receive a reply within 25 working days.

If you remain dissatisfied with the response following stage 3 you will have reached the end of NGA's internal complaints procedure and we will be unable to take the matter further and no further correspondence concerning the complaint will be entered into.

If you are still unhappy, you can refer your complaint to the Charities Commission: <https://www.gov.uk/complain-about-charity>

## **Vexatious or unreasonable complaints**

We sometimes receive complaints which can be deemed 'vexatious' or 'repetitive'.

In deciding whether a complaint is vexatious we will in each case take into account the context and history of the complaint. By its ordinary meaning, the term 'vexatious' refers to activity that "is likely to cause distress or irritation, literally to vex a person to whom it is directed".

For a complaint to be vexatious, we will consider whether there is a proper or justified cause for it. We will not only examine the complaint itself, but also its context and history. That context may include other complaints made by the applicant to us (whether complied with or refused), the number and subject matter of the complaints, as well as the history of other dealings between the complainant and ourselves.

We will take into consideration the following factors (which are not an exhaustive list) when determining whether a complaint is vexatious:

- where the complainant requests information which has already been provided
- where the nature and extent of the complainant's correspondence with us suggests an obsessive approach to disclosure
- where the tone adopted in correspondence by the complainant is confrontational and/or haranguing and demonstrates that the purpose is to argue and not really to obtain information
- where the correspondence could reasonably be expected to have a negative effect on the health and well-being of our staff
- where the complaint, viewed as a whole, appears to be intended simply to re-open issues which have been disputed several times before, and is, in effect, the pursuit of a complaint by alternative means
- where responding to the complaint would likely entail substantial and disproportionate financial and administrative burdens for us
- where it is not a one-off complaint, but a case of the same complaints having been made repeatedly, or where on repetition, the particulars of the complaints have been varied making it difficult to know exactly what the complainant is seeking and making it less likely that the request can be satisfied

No single one of the above factors would lead to a decision, by itself, that a complaint was vexatious. However, based on the strength of the various factors, taken together with the history and context of a complaint, a complaint may be deemed vexatious by the NGA.

Where the NGA determines that the complaint is vexatious we will terminate the correspondence. The decision to terminate a complaint will only be made by the Deputy CE/CE or Trustees after ensuring that the matter has been investigated thoroughly and in line with our procedures. We will always tell you when we are terminating an investigation and the reason we are doing so. A complaint about an entirely new matter will be investigated and dealt with under the procedure.

### **Results of Complaints**

The Trustee Board will receive a report at least once a year showing how many complaints have been received, the general nature of the problem and a list of remedial actions that have been taken.

The Trustee Board may, at their discretion, require more frequent reports. At their discretion a summary may be included in our Annual Report.

April 2019