



## **Comments and Complaints Procedure**

### **1. Introduction**

Brockenhurst Village Trust (BVT) is committed to providing our Users with the best service possible in line with the objects stated in our Articles of Association.

However, we know that there may be times when we do not meet our own high Standards. When this does happen we want to hear about it, deal with the situation as quickly as possible and put measures in place to stop it happening again. We take complaints very seriously and see them as an opportunity to help us see where our services or procedures might be improved. They also give us the chance to put things right for the person or organisation that has made the complaint.

#### **Our policy is:**

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- To make sure everyone at BVT knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information helping us to improve what we do

### **2. Definition of a Complaint**

A complaint is an expression of dissatisfaction by any one or more members of the public about the BVT's action or lack of action or about the standard of service that cannot be immediately resolved at point of delivery, and about which the complainant desires a follow-up action is taken and a response provided.

This applies whether the action was taken or the service was provided by the BVT itself or a person or body acting on behalf of the BVT.

Our complaints process is not a review or an appeal procedure for you to challenge the merits of decisions. Neither is it a way to ask for a review of a decision that goes against you.

Complaints may come from any person or organisation that has a legitimate interest in the BVT through use of the Hall, its services as delivered from the Highwood Road site and including the Multi Use Games Area (MUGA) and MUGA green space.

### **3. How do I request an explanation?**



## Comments and Complaints Procedure

If you wish simply to request an explanation for an action that the BVT has taken, or to comment on the service you have received from the BVT, you can contact us in the ways set out below.

You can call us on 01590 622580 and or alternatively write to:

**Brockenhurst Village Hall**

**Highwood Raod,**

**Brockenhurst**

**Hampsshire**

**SO42 7RY**

Email: [trust@brockenhurstvillage.org.uk](mailto:trust@brockenhurstvillage.org.uk)

### 4. Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### 5. Responsibility

Overall responsibility for this policy and its implementation lies with the Board of Trustees of BVT.

### 6. Review

This policy is reviewed regularly and updated as required.

Adopted on: 5 April 2019

To be reviewed: 5 April 2020

## 7. How to Complain

We operate a three-stage complaints process to ensure complaints are dealt with impartially, objectively and professionally.

We would normally expect you to raise your complaint at the point of delivery of the service you received from us or within one calendar month of the event or matter that caused you concern.

### Step 1: Contacting us

Our aim is to resolve issues quickly so that they do not escalate into a complaint. The first step, therefore, should you encounter a problem, is to approach the BVT onsite representative responsible for the issue. Hopefully, they are in a position to resolve the problem swiftly and will do so if possible and appropriate immediately. The Hall Office is manned Mon-Fri 9am-1pm or the caretaker is contactable outside of these hours. The Duty Caretaker details can be found in the window to the left of the main external hall doors.



## **Comments and Complaints Procedure**

Regardless of the outcome of this initial contact, the information will be passed on to the Hall Manager and registered in the complaints/concerns/issues log.

Should you feel that your issue has not been resolved and wish, at this stage, to register your complaint in writing, you can send an email to the Hall Manager, at [trust@brockenhurstvillage.org.us](mailto:trust@brockenhurstvillage.org.us).

Your complaint will be acknowledged as soon as possible and we will arrange with you the best way and time for responding to you. This will normally be within three working days although it could take longer.

If the complaint relates to a specific person, they will be informed and given a fair opportunity to respond.

Ideally complainants will receive a definitive reply within four weeks. If this is not possible because for example, an investigation has not been fully completed, a progress report will be sent with an indication of when a full reply will be given. The reply will describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

### **Step 2: Taking your complaint further**

We hope that you feel that your complaint has been properly dealt with in step 1; however, if you are still unhappy, it is important that you let us know so that we can take it further. If you feel that your complaint has not been adequately dealt with, you can request it is passed to the BVT Company Secretary who will arrange for it to be fully investigated and will respond directly back to you with the outcome of the investigation. This will normally be within five working days although it could take longer.

It must be noted that matters regarding individuals and any specific action taken as a result of a complaint against an individual will not be discussed either formally or informally with any person raising the complaint owing to possible breach of confidentiality.

### **Step 3: Complaint to the Charity Commission**

There is an option to complain to the Charity Commission at any stage. Information about the kind of complaints the Commission can involve itself in can be found on their website at: [www.charitycommission.gov.uk/publications/cc47.aspx](http://www.charitycommission.gov.uk/publications/cc47.aspx).

## **8. Variation of the Complaints Procedure**



## Comments and Complaints Procedure

The Board may vary the procedure for good reason, for example, to avoid a conflict of interest.

### 9. Monitoring and Learning from Complaints

All complaints are reviewed on a regular basis to identify any trends, which may indicate a need to take further action.

## Unacceptable, unreasonably persistent, or vexatious complaints

The BVT aims to deal fairly, honestly and properly with complainants and to recognise their rights under the Human Rights Act 1998. We are committed to dealing with all complaints equitably, consistently, comprehensively, and in a timely manner.

However, the BVT also needs to ensure that other service users and officers of the BVT do not suffer any detriment from a person making unacceptable, unreasonably persistent or vexatious complaints or behaving in a threatening or demanding way.

### What is an unacceptable, unreasonably persistent or vexatious complaint?

Complaints may be designated as unacceptable, unreasonably persistent or vexatious when complainants hinder the consideration of their own or other people's complaints, because of the frequency or nature of their contact with the BVT. Sometimes the situation between the BVT and a complainant can escalate and the complainant's behaviour moves from being unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening.

In general, a complaint may be seen as unacceptable, unreasonably persistent or vexatious where the complainant:

*Specific examples of unacceptable, unreasonably persistent or vexatious behaviour are listed below. This list is not exhaustive, nor does one feature on its own necessarily imply that the complaint will be considered as being in this category.*

Behaviour that comes within the scope of this paragraph includes where the complainant:

- Repeatedly pursues a complaint that appears to have no substance or that has been investigated and determined; or
- Behaves in an unacceptable or inappropriate way – for example, becoming abusive, offensive or threatening.
- Refuses to specify the grounds of a complaint, despite offers of assistance;



## Comments and Complaints Procedure

- Refuses to co-operate with the complaints investigation process;
- Refuses to accept a decision that issues are not within the remit of the complaints process;
- Makes repeated complaints about the staff dealing with the complaints, and/or seeks to have them replaced without specifying good reason;
- Changes the basis of a complaint as the investigation proceeds, or denies statements made at an earlier stage;
- Continually introduces new information, or raises large numbers of detailed questions of a trivial or irrelevant nature;
- Electronically records meetings or conversations without the prior knowledge and consent of the other persons involved;
- Adopts a 'scattergun' approach, pursuing a complaint with the BVT and at the same time with other parties, or pursuing complaints with a number of different officers and/or Members within the BVT;
- Makes excessive demands on resources; for example, excessive telephoning or emailing or frequent lengthy letters, or demanding a response within an unrealistic timetable;
- Submits further complaints after the complaints process has been completed, essentially about the same issues but with additions/variations that the complainant asserts make these 'new' complaints;
- Makes it clear that the purpose of the complaint is frivolous or intended to annoy staff or disrupt the BVT's discharge of its functions;
- Refuses to accept that issues are not within the BVT's power to investigate, change or influence;
- Refuses to accept documented evidence as factual, or repeatedly makes inflammatory remarks or unsubstantiated allegations;
- Refuses to accept a decision or advice given by officers, repeatedly arguing the point and complaining about the decision; or
- Repeatedly refuses to refer a matter to another body or process as advised by officers (for example, the Local Government Ombudsman, the Planning Inspectorate or the Information Commissioner's Office), and instead seeks to use the BVT's complaints process to resolve the matter even though he or she has been informed that this is not the correct forum for the resolution of the issue.

For the avoidance of doubt, raising legitimate queries or criticisms of the complaints process as it progresses, for example if agreed timescales are not met, should not by itself lead to someone being regarded as an unreasonably persistent or vexatious complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it should not necessarily cause his or her complaint to be labeled unreasonably persistent or vexatious.



## Comments and Complaints Procedure

### Action to be taken

If the BVT Company Secretary determines that a complaint is becoming unacceptable, unreasonably persistent or vexatious, he or she may decide to warn the complainant that if their actions continue their complaint may fall under the scope of this process. However, there is no requirement to warn the complainant before designating his or her complaint as vexatious if the BVT Company Secretary decides that it would not be appropriate to do so in all the circumstances of the case.

Where a complaint has been identified by the officer dealing with the complaint (the complaint handler) as being or becoming unacceptable, unreasonably persistent or vexatious, the Company Secretary may choose to discuss with the Chair of the BVT Hall Management Committee and the Hall Manager. They will decide, in consultation with the Chair of the Board of Trustees whether to designate the complaint as unacceptable, unreasonably persistent or vexatious and to apply the provisions of this process. This decision will not be taken lightly and the BVT must be satisfied that the proposed action is proportionate and necessary.

In reaching this decision we will consider all relevant factors including whether there is another path the complainant could follow, whether procedural time frames have been followed, whether the complainant has been kept advised of any internal delays and communication with the complainant has generally been adequate, whether a meeting with the complainant would be appropriate and might assist in resolving the matter, and whether the complainant is now providing any significant new information that might affect the BVT's view on the complaint.

The BVT may also decide to take some or all of the following actions:

1. Direct that contact should be directed to our company solicitor and will only be accepted by a named individual;
2. Direct that the means or manner of contact should be restricted (e.g. letter only);
3. Place time and frequency limits on telephone conversations and personal contacts;
4. Require any personal contacts to take place in the presence of a witness; and/or
5. refuse to register and process further complaints about the same matter.

Any restriction that is imposed on the complainant's contact with the BVT will be appropriate and proportionate and the complainant will be advised of the period that the restriction will be in place for. In most cases restrictions will apply for six months but in exceptional cases this period may be extended.

Once a decision on the complaint has been made, officers may, with the agreement



## Comments and Complaints Procedure

of the BVT Company Secretary or Chairperson, write to inform the complainant that further letters on the same subject will be read and placed on file, but will receive no acknowledgement or response.

Officers will also explain to the complainant what action has been taken and why, how long any restrictions will last and at what intervals they will be reviewed, and the complainant's right to refer the matter to the Charity Commission.

Where a complaint has been designated as unacceptable, unreasonably persistent or vexatious, officers will endeavor to keep this information as confidential as possible, but it may become necessary to disclose this information to others both internally and/or to third parties including the Local Government Ombudsman, the Charity Commission, or the Police.

If the complainant makes a complaint about a new issue this should be treated on its own merits, and a decision will need to be taken on whether any restrictions that have been applied before are still appropriate and necessary.

Where a decision has been taken to restrict a complainant's contact with the BVT, he or she may request a review of this decision. A panel consisting of either the BVT Company Secretary or Chairperson (whoever was not involved in the initial decision), together with a member of staff who has not previously been involved with the complaint, will consider the matter and determine whether or not to uphold the original decision.

There is no absolute right to a review of a decision to restrict contact with a complainant or other invocation of the provisions of this process. For example, in circumstances in which the panel consider that it would not be appropriate for a review to take place, or where no suitable members of staff are available to conduct it, or where the relationship between the complainant and the BVT has broken down to the extent that there is no possible resolution to the complaint that will satisfy both parties, it will be inappropriate to conduct a review. In these circumstances the complainant will be advised of his or her right to refer the matter to the Charities Commission.