

The Order of Malta Volunteers – Complaints Policy
(registered company no. 09801949, registered charity no. 1164242)

POLICY REFERENCE	
Function	For information and guidance
Status	Approved & issued
Scope	Trustees/directors, OMV Committee, Volunteers, Guests
Owner	Paola Fudakowska
Version	1.0
Date approved by board	16 th March, 2016
Date for interim review	16 th March, 2017

Introduction

1. The Order of Malta Volunteers (“the OMV” or “the Charity”) takes complaints seriously, whatever their source. For this reason, the trustees of the Charity (“the Trustees”) require there to be a process for raising and dealing with complaints seriously and in a formal manner.
2. This Policy sets out the requirements for raising, and dealing with, a complaint. It should be noted that the requirements of this policy do not apply in cases where child protection issues are involved. In such cases, the separate Safeguarding and Child Protection Policy should be consulted.
3. This policy applies to the Trustees, the members of the OMV Committee (“the OMV Committee”) and the Charity’s Volunteers.
4. On behalf of the Trustees, the OMV Committee must ensure that the contents of this Policy are communicated to all the Charity’s Volunteers. This communication must be evidenced in writing and refreshed on an annual basis.
5. The OMV must publish this Policy on its website.

Definitions

Appeal	The process for an independent review of a Complaint.
Appellant	The person making an Appeal to an ICP.
Child	Anyone under the age of 18.
Concern	A problem that is capable of being resolved to the satisfaction of all parties through informal discussions.
Complaint	A formal process for raising problems that are not capable of being resolved informally or that are so serious that an informal approach is not appropriate.
ICP	An Independent Complaints Panel is a body convened for the purposes of hearing Appeals. It will normally comprise three members of the Board of Trustees, but may include other individuals appointed at the discretion of the Chairman of Trustees.
Volunteer	Any person who attends a designated OMV activity in a voluntary capacity.

Policy

6. The Chairman of the OMV Committee (“the OMV Chairman”) is responsible for establishing appropriate procedures and documentation to ensure that the requirements of this Policy are followed. The OMV Chairman will submit a short report on the number and type of complaints to the Trustees on an annual basis.

Raising a Concern

7. It is the expectation that most problems can be addressed by raising a concern, either with the appointed leader of the relevant OMV activity or, failing that, the OMV Chairman. A Concern becomes a Complaint if it cannot be resolved in this informal manner and is received by the Charity in writing.
8. The formal complaints procedure set out below should only be followed if a Concern has been not been resolved, unless the person making the Complaint considers that it is sufficiently serious that it cannot be addressed informally.
9. Whether informal or formal, all Concerns and Complaints must receive fair and proper consideration and a timely response. Typically, concerns should be resolved within ten working days of being raised.

Making a Complaint

10. Where someone wishes to make a formal Complaint about an activity organiser or Volunteer, they should do so in writing addressed to the OMV Chairman in the first instance. Any Complaint about a Trustee should be addressed to the Chairman of Trustees. If a Child wishes to make a Complaint, their parent or guardian should countersign the document.
11. All Complaints will be treated in accordance with the Charity’s Confidentiality Policy.
12. The OMV Chairman or the Chairman of Trustees, as appropriate, will determine the best way to address the Complaint and whether or not responsibility for dealing with it should be delegated to another member of the OMV Committee or another Trustee, as appropriate.
13. The OMV Chairman or the Chairman of Trustees, as appropriate, is responsible for ensuring that the Complaint is resolved in a timely manner and that the person making the Complaint (and their parent or guardian in the case of a Child) is kept fully informed. Most Complaints should be resolved within ten working days.
14. The person making the Complaint will be notified of the decision of the Chairman of the OMV or the Chairman of the Trustees, as appropriate, in writing and may request a meeting with the OMV Chairman or the Chairman of Trustees, as appropriate, to clarify any points arising from the decision.
15. A written record must be kept of all Complaints, the date on which they were received, the discussions that arose, the resolution agreed and whether or not the matter was taken to appeal. These records will be kept for a period of five years.
16. In the event that the person making a Complaint is dissatisfied with the outcome of the decision of the OMV Chairman or the Chairman of the Trustees, as appropriate, they may make an Appeal to an Independent Complaints Panel (“ICP”).

Making an Appeal

17. Where a person making a Complaint wishes to make an Appeal against the decision of the OMV Chairman, they should notify the Chairman of Trustees. An Appeal against a

decision of the Chairman of Trustees should be made to one of the other Trustees (“the Alternative Trustee”). Any notification should be in writing within ten days of having been notified of the initial decision and should request that an ICP be set up for this purpose of hearing their Appeal.

18. The letter from the person requesting an Appeal must set out the reasons for the Appeal, together with the remedies that they are seeking.
19. On receiving such an Appeal, the Chairman of Trustees or the Alternative Trustee must set a date for the hearing. The date of the hearing should be within twenty working days of the date of the Appeal letter (but not less than ten working days in order to allow time for the submission of written evidence).
20. It is the responsibility of the Chairman of Trustees or the Alternative Trustee to select the members of the ICP and to appoint a chairman (“the Chairman of the ICP”).
21. All written evidence to be considered by the ICP must be submitted to the Chairman of the ICP no later than five working days before the date of the hearing.
22. The role of the ICP is to assess the merits of the Appeal, based on the facts presented to it by the Appellant and any other interested parties. The ICP is obliged to consider only the matters raised in the letter requesting the Appeal, although it may use its discretion to consider other relevant matters if it sees fit.
23. When considering an Appeal, the ICP will take the following into account:
 - i. Did the OMV Chairman or the Chairman of Trustees, as appropriate, act within his or her authority?
 - ii. Did the OMV Chairman or the Chairman of Trustees, as appropriate, act reasonably given all the facts and circumstances at the time of the decision?
 - iii. Was due process followed?
 - iv. Are there any subsequent mitigating factors not available to the OMV Chairman or the Chairman of Trustees at the time of the decision?
24. If the Appeal relates to, or includes, a Complaint about the behaviour of the OMV Chairman, the ICP will also consider:
 - i. Whether the facts demonstrate that the OMV Chairman has breached the terms of his or her office
 - ii. Whether the facts demonstrate that the OMV Chairman has breached the Charity’s policies
 - iii. Whether the facts demonstrate that the OMV Chairman has not behaved in accordance with the standards expected by the Charity

Should the ICP find that any of these points has been demonstrated, the matter must be referred to the Chairman of Trustees for consideration at a meeting of the Board of Trustees.

25. The Chairman of the ICP has total discretion to determine how the Appeal will be heard, who may attend and who may present to it, save for the following points:
 - i. If the Appeal involves a Child, his or her parents (or guardians) may choose whether or not the Child should attend.
 - ii. The Appellant has the right to submit written evidence to the ICP and to address the Panel with regard to the Complaint.
 - iii. The OMV Chairman has the right to submit written evidence to the ICP and to address the Panel with regard to the Complaint.

26. The ICP should attempt to come to a decision at the hearing and notify the Appellant at the time. If the ICP decides this is not practicable, then the Chairman of the ICP will notify the Appellant and the OMV Chairman that further consideration is necessary. A final decision must be reached within ten working days of the hearing.
27. It is the responsibility of the Chairman of the ICP to inform the Appellant, the OMV Chairman and the Chairman of Trustees in writing. The letter will state the reasons for decision and any recommendations arising from it.
28. The Chairman of Trustees must ratify any decisions that may have financial implications before any such decisions are finalised or communicated to the parties involved.
29. The Chairman of Trustees is responsible for overseeing the implementation of decisions and recommendations affecting the Charity.
30. The Chairman of Trustees must report all Appeal decisions to the next meeting of the Board of Trustees.

Review

31. The Policy owner must keep up to date with relevant legislation and Charity Commission guidance and update this Policy whenever necessary. The Board of Trustees must approve the revised version.
32. The Policy owner must review the Policy at the end of October each year and either submit a revised Policy for approval by the Board of Trustees or confirm in writing to the Chairman of Trustees that the current version of this Policy remains fit for purpose.
33. The Board of Trustees must formally review and re-approve this Policy every five years.