

Complaints documents feedback summary

I've summarised below the feedback I've received on the 'complaints procedure v1' and 'complaints panel v1' docs, as well as some commentary from me for each point.

Inclusion of BCA chair (or other chair) within the complaints panel

Under the proposed complaints procedure, once the panel has made a decision on the next course of action, this will be rubber stamped by the 'approved' by the exec. I would see that in most cases this would be a rubber stamping exercise. The exec's role within the BCA should not be to get involved in the minute details, but they should however ensure that the organisation is running well. I believe that this secondary stage allows the exec to ensure that any complaints are being handled correctly without having to be involved themselves. By involving any of the exec in the first stage you remove the 'backstop' which the exec should be acting as to prevent any poor decisions.

I think that by keeping a fairly small complaints panel you will remove the need for a chair of the panel at all, as it shouldn't need 'managing'.

Proposal: all to agree that the exec should stay separate form the complaints panel

Increase the size of the panel/panel should be an odd number

The decision to have four members on the panel was that it was a relatively small group, but that still allowed for a member to not be involved due to conflicts of interest. I believe that any larger and it can become unwieldy, and ultimately you start getting to the point where most of council are on it, and you go back to wasting time at council meetings.

I do not believe that the complaints panel should require an odd number, if there is a split of opinion, then there is insufficient evidence, and the next step should be to obtain more. If no more evidence can be obtained, then it may be that the 'lesser' of the options may need to be taken on the basis of insufficient evidence. The margins are too fine to require a simple majority in a small group. This is where there is the advantage of the exec

acting as an approver/backstop to any decisions made. Ultimately between four in the complaints panel and three in the exec, there are seven people involved in the finalising of the decision.

Proposal: Working group to agree on a size of group that retains the ‘mobility’ of a small group.

Total separation of complaints/disciplinary procedures for award holders

Under the existing MoO, there is a separate disciplinary procedure for award holders irrespective of whether the complaint is with regards to the qualification. This certainly needs some careful thought.

Under my proposed v1 docs the complaints panel can get advice on what action to be taken from QMC - this action could be to proceed down a disciplinary route, which could include suspension of qualifications.

In my opinion the existing disciplinary procedure ‘splitting’ is not fit for purpose. If for instance, I had acted unprofessionally on BCA council, why should there be any risk to my LCMLA qualification?

Proposal: once we have ironed out most of the issues from the v1 documents and created v2 docs, I can approach QMC, for feedback to ensure that any document we put forwards will have the backing of QMC.

Tidying of wording to match constitution

The introduction should match with the constitution:

‘For the purpose of this document, member refers to any individual, club, access controlling body, **national body or regional council.**’

Proposal: I will update this wording for v2 of the documents

Cleaning up of wording around usage of complaints procedure as a ‘gagging order’

There is an argument to be made that council shouldn’t be hindered from discussion about things that are in the public domain (ensuring that any confidential information supplied in a complaint is kept that way if appropriate).

There was a suggestion that there should be rules around when council can and can’t discuss the contents of a complaint. I would personally like to see this left suitably flexible to allow the complaints panel to have the say on whether discussions on the issue should be allowed. The onus for providing a clear demonstration as to why the issue shouldn’t be

discussed at council should sit firmly with the complainant at the initial complaint stage.
Perhaps the wording could be firmer to set out this expectation.

Proposal: working group to discuss options