

MEMBER COMPLAINTS POLICY

1. Member feedback

BASW welcomes feedback from members, whether comments, compliments, suggestions, or complaints. BASW is committed to providing high-quality services and ensuring a positive experience of the association for all our members. We aim to learn from member feedback so that we can maintain good services, find out what is working and make improvements and resolve problems as quickly as possible.

If something does go wrong, please tell us about it as soon as possible so we can rectify the situation and improve for the future. It also helps us learn if you tell us when things go right.

We will use member feedback as a learning opportunity, identifying areas of good practice and areas for improvements, helping us to ensure our continued provision of services remain at a good standard.

2. What is a complaint?

A complaint is an expression of dissatisfaction, however made, about conduct, standard of service, actions, or lack of action by BASW and its staff or lead members.

3. Making a complaint

You can make a complaint in writing through the contact form on the BASW website. You can also talk to a member of staff in the relevant department if you prefer to raise your complaint that way.

4. Scope of this procedure

This policy covers complaints about:

- a. The standard of service provided by BASW.
- b. The behaviour of BASW staff.
- c. Services provided on behalf of BASW by a third party (e.g. a training provider).
- d. The behaviour of members of BASW Council, members of standing or national committees or other members with formal authority within the association in the context of BASW business/activities.

Complaints about the behaviour of members of BASW other than those mentioned in d. above will be dealt with under BASW's Member Conduct Policy and Procedure.

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Complaints relating to Advice and Representation Services will be managed through BASW's complaints policy and may be subject to a protocol jointly agreed between SWU and BASW, which ensures relevant complaints are notified to the General Secretary for SWU to respond to or agree a process of response.

This complaints policy does not cover:

- a. Concerns about BASW policies or policy decisions: These will be acknowledged and considered by a relevant committee Chair or by a relevant senior member of staff, according to the nature of the complaint.
- b. Complaints about decisions made by the Boards of the Social Workers' Educational Trust or the Social Workers' Benevolent Trust.
- c. Complaints about the Social Workers Union (SWU), which is a listed trade union. These matters will be handled within the SWU Complaints Procedure.
- d. Complaints relating to insurance coverage. These complaints need to be made directly to the insurance provider.

5. Our standards for handling complaints

- We treat all complaints seriously and seek to resolve them quickly, informally, and effectively, within the timeframes laid out below.
- You will be treated with courtesy and fairness at all times.
- All complaints received will be dealt with confidentially and in accordance with the requirements of the General Data Protection Regulations.
- All complaints will be logged with a lead member of staff from date of receipt and tracked for completion.
- You will not incur any detriment or less favourable treatment within the Association as a result of making a complaint.

6. Principles of Notifying the Outcome of a Concern or Complaint

Once all of the facts have been established, the investigator will write to the complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting, which the complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must **not** be referred to.

The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld.

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- The evidence did not substantiate the concern, so the complaint cannot be upheld.
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by BASW as a consequence of the complaint. Details of the investigation or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

7. Late Complaints

Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), BASW reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy. However, exceptional circumstances will be taken into account when deciding whether to accept or progress a complaint.

Where BASW decides that a concern or complaint which was raised late will not be investigated, we will write to the complainant notifying them of the decision within **5 working days** of the concern or complaint being raised.

8. Vexatious and/or Repeated Complaints

There may be occasions when, despite exhausting the procedure in this Complaints Policy, the complainant persists in making the same complaint to BASW.

BASW will strive to investigate all new complaints and understands that members may have multiple complaints to raise. Rarely, complainants may make:

- Repeated complaints about the same issues which have already been investigated and closed in accordance with this or preceding policies.
- Repeated unevicenced complaints about different matters.

There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them.

In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of BASW's resources to deal with it under the formal stages of the procedure.

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In these circumstances, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint, BASW reserves the right to inform the complainant that further complaints on the same issue or complaints which could not reasonably be judged to have any foundation will be closed at the informal stage.

Where BASW decides that a complaint is vexatious and/or repeated and will not be investigated, we will write to the complainant within **5 working days** of the complaint being raised to notify them of the decision.

If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Senior Executive Director of Professional Services and Organisational Development to ask for the decision to be reviewed.

The Senior Executive Director of Professional Services and Organisational Development will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from BASW to the complainant, and will review the decision made. The Senior Executive Director of Professional Services and Organisational Development will then write to the complainant with the outcome of the review within **10 working days** of the date that the letter from the complainant seeking the review was received.

If the Senior Executive Director of Professional Services and Organisational Development quashes the decision not to investigate the concern or complaint, it will be referred to BASW to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Senior Executive Director of Professional Services and Organisational Development upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the Chief Executive.

9. Anonymous Complaints

BASW will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Senior Executive Director of Professional Services and Organisational Development who will decide what, if any, action should be taken.

9. Stages of complaint handling

Informal stage

BASW aims to deal with any complaint as swiftly and directly as possible. Members of staff are empowered to resolve issues with and for members wherever possible. It is

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often possible to resolve an issue informally through one or more conversations and/or correspondence exchanges between staff and member. This is the informal stage.

Through dialogue, staff may be able to (for instance) make a change to the matter or resolve the issue that you are dissatisfied with; clarify issues where there has been a misunderstanding; accept that an error or unacceptable thing has occurred and apologise for this.

If your complaint is not addressed satisfactorily at the informal stage, you can raise the matter at Stage one of the formal process.

If you do not want to attempt informal stage resolution, you can go straight to Stage one of the formal complaints process

Stage One - investigation

Your complaint will be reviewed by an appropriate senior manager within 48 hours of receipt. (NB the 'date of receipt' is the date the complaint was submitted as a Stage one complaint, excluding the date the matter was raised at the informal stage). If the complaint is about the Chief Executive, the stage one complaint will be sent to the Chair of BASW. If the complaint is about the Chair of BASW, it will be dealt with by the Chief Executive.

The senior manager reviewing the complaint will usually be the Director or Head of the department or country team that deals with the area of BASW about which you are complaining. Exceptionally, the stage one senior manager reviewing the complaint may be the Senior Executive Director of Professional Services and Organisational Development .

The stage one reviewing senior manager may investigate the complaint themselves or allocate investigation to another relevant and suitably experienced staff member.

The investigating staff member will aim to speak to you, by telephone or video link if necessary, or liaise with you through email or other form of correspondence as necessary or if this is your preference.

The allocated investigating staff member will agree an appropriate response to you with their line manager. This will be provided to you in writing. This will be sent to your postal address and/or to your email address depending on your wishes and what is most appropriate. It may also be provided in person or with an accompanying telephone call if this is agreed with you.

We aim to provide a response within 20 working days of receipt of your stage one complaint wherever possible. Sometimes investigating and compiling a full written response about a complaint can take longer than 20 working days for practical and other reasons. All efforts will be made to minimise delays and you will be kept up to

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date about the progression of your complaint and when you will receive a formal response.

If the matter is not resolved to your satisfaction at Stage One, you can ask for your complaint to be reviewed at Stage Two

Stage Two – management review

Complaints will only be investigated at Stage Two following completion of Stage One.

Your complaint, the Stage One response, and your reason for not being satisfied with the response, will be passed to the Senior Executive Director of Professional Services and Organisational Development who will pass the complaint and response to another senior manager who has not been involved in the matter to date. (NB If the complaint is against the Chief Executive, the complaint and response will be passed by the BASW Chair to another Council member or an external investigator).

This second senior manager will review the response to date and may undertake further investigation and liaison with you as required.

Exceptionally, the Senior Executive Director of Professional Services and Organisational Development may undertake the Stage Two management review role.

We aim to provide a response within 20 working days of receipt of your Stage Two complaint wherever possible. Sometimes reviewing, possibly further investigating, and compiling a written response about a complaint at Stage Two can take longer than 20 working days for practical and other reasons. All efforts will be made to minimise delays and you will be kept up to date about the progression of your complaint and when you will receive a formal response.

If the complaint is not resolved at Stage Two, the member may ask to make a final appeal.

Appeal

If a member wishes to appeal against the outcome of a Stage Two independent management review of a complaint response, they may write to the Chief Executive or Chair of BASW to state their dissatisfaction and ask for a further review, stating their grounds for appeal, giving reasons why they believe the responses received to date do not adequately and reasonably address or resolve their complaint.

If you are unable to write to request an appeal, please let us know and we will make alternative arrangements.

The Chief Executive and Chair will discuss the appeal application with at least one other Honorary Officer. (If the Chief Executive or Chair are the subject of the complaint,

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their place will be taken by another Honorary Officer or Council member). They will decide which **one** of the following decisions should be taken:

- a) The investigation and complaint response provided is sound and sufficient. If so, they will reconfirm the Stage Two independent management review response to the complainant (and may make minor changes or clarifications in the response as appropriate). This will be final, and the complaint will be closed.
- b) The Chief Executive or an Honorary Officer should further review the complaint responses and provide a further response to the complainant. The final response will be signed off by another Honorary Officer and will be final and the complaint will be closed.
- c) An appeal panel, consisting of three members of Council, or committees who are previously unconnected with the complaint should be formed, to review the complaint fully and make another, final written response to the complainant. The final response will be signed off by the Chair or Vice Chair. It will be final, and the complaint closed.

The Appeals Panel will consist of 3 BASW members who will have had experience of serving on BASW Council or its Standing or National Committees. The Appeal Hearing should be held within 40 working days of the appeal being made wherever possible.

You will be invited to attend the Appeal Hearing, together with any other person of your choice. If you choose not to attend, the Appeal Hearing will go ahead and decide on the information available from the complainant, managers, and investigators. If your complaint is about a particular individual or individuals, they will have the right to be present and to be accompanied by a person of their choice.

Your complaint and details of the investigation will be presented to the Appeals Panel by a member of the Senior Management Team. Both you and this Senior Manager will have the right to address the Appeals Panel.

Anyone involved in the complaint or in its investigation or review may be called as a witness. You will be able to cross-examine any witnesses and call witnesses of your own, who may be cross-examined by the Panel.

The Appeals Panel's decision will be final and will be conveyed in writing. Any individual complained against will have the right to see the Appeal Panel report and recommendations. Statutory Rights are not affected by this procedure.

BASW Remedies

If BASW has got something wrong, remedies can be applied at any stage. If an investigation upholds a complaint in full or in part, we will:

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- accept responsibility
- explain what went wrong and why, and
- put things right by making any changes required.

The remedy chosen needs to be proportionate and appropriate to the nature and severity of the complaint and will consider what you were looking for by way of a remedy when you complained.

The following is a non-exhaustive list of possible remedies:

- A sincere and meaningful apology
- Remedial action to improve or repair a problem or failure
- Provide service desired by complainant
- Training or supervising staff; or any combination of these
- Referral to the appropriate internal procedure.

In addition, the Chief Executive or Appeals Panel may recommend a change of policy to BASW Council if there is an underlying policy cause behind the complaint.

Conclusion of complaints

Decisions taken at the appeals stage are final and the complaint will be closed.

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