



Complaints Procedure

| | |
|-----------------------------|-------------------|
| Owner: | Ruta Vitkauskaite |
| Date of creation: | 17 July 2021 |
| Effective from: | 17 July 2021 |
| Date of last review: | n/a |
| Document number: | V1.2 |

1 Introduction

- 1.1 CoMA recognises that there may be occasions when a cause for complaint about a CoMA provided service may arise.
- 1.2 When a complaint is received CoMA seeks to resolve it as quickly and fairly as possible, whether the complaint is about services provided by CoMA, behaviour of any staff member, associate, individual engaged by CoMA, or any other issue.

2 Complaints Covered by these Procedures

2.1 *Discrimination*

- 2.1.1 This means complaints concerning discrimination by CoMA's staff, associates or individuals engaged by CoMA.

2.2 *Malpractice or impropriety*

- 2.2.1 This relates to concerns about any malpractice or impropriety in the conduct or management of CoMA, the disclosure of which is deemed to be in the public interest.

2.3 *Unprofessional conduct*

- 2.3.1 This relates to the unprofessional conduct of CoMA staff, associates, or individuals engaged by CoMA.

2.4 *Harassment*

- 2.4.1 This relates to allegations of harassment by CoMA staff, associates or individuals engaged by CoMA.

3 General Principles

3.1 *Timely and transparent procedures*

- 3.1.1 All complaints are dealt with in a timely manner and through processes which are clear, straightforward and transparent.

3.2 *Anonymity or third party complaints*

- 3.2.1 CoMA expects that persons with concerns should be responsible for making these concerns known themselves. This policy encourages individuals to put their name to any disclosure they make since part of its purpose is to promote openness and discourage fear of reprisals. However, complaints can be submitted anonymously, either through the third party, or from an anonymous email address sent to complaints@coma.org.

- 3.2.2 Concerns expressed anonymously are much less powerful and far less capable of being addressed, but they will be considered at CoMA's discretion. In exercising this discretion, CoMA will take account inter alia of the following: the seriousness of the issues raised; the credibility of the concern; the likelihood of confirming the allegation from alternative credible and/or attributable sources

- 3.2.3 Complaints submitted anonymously will be considered if there is enough information in the complaint to enable CoMA to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable CoMA to take further action, it will not be pursued further. However, CoMA may give consideration to the issues raised, and will record the complaint so that corrective action can be taken as appropriate.

3.3 Submission in good faith

3.3.1 CoMA presumes that all complaints are submitted in good faith and will not disadvantage any complainant for bringing forward a complaint in this way.

3.3.2 CoMA will not continue with a complaint if it is deemed that a complaint is being pursued in an unreasonably persistent or vexatious manner.

3.4 Impartiality in investigation

3.4.1 All complaints will be investigated by CoMA staff or members of the CoMA Board of Directors who have no material interest in the complaint.

3.5 Privacy

3.5.1 Staff or member of the CoMA Board of Directors will investigate complaints with due regard to the privacy of all parties. The complaint is only disclosed to those immediately involved and/or those whose participation is necessary for a resolution. All parties are required to respect the confidentiality of the process.

3.6 Confidentiality

3.6.1 Confidentiality will be respected in conducting all aspects of the complaints procedures. However, any individual about whom a complaint is made will have the right to be informed of the complaint and its nature.

3.6.2 If a complainant requests that his/her identity be kept confidential, this is respected up to the point when disclosure is necessary to progress or resolve the issue, in which case CoMA will seek permission from the complainant in advance of the disclosure.

4 Principles Relating to the Handling of Public Complaints

4.1 Complainants must be made aware that, in the interests of fairness, those who are either themselves the subject of the complaint, or responsible for the provision or service complained about, will be invited to comment on the complaint at the earliest opportunity.

4.2 Complainants will be allowed reasonable time to seek advice for any meeting which forms part of the process, whether at the informal or formal stages of the procedures.

4.3 At all stages of the formal procedures, every effort should be made to come to a resolution acceptable to all parties, including through informal discussion and agreement, should that be the complainant's wish.

4.4 With the agreement of those concerned, or where a complaint is not resolved within a reasonable timescale, the complaint may be referred, exceptionally, to a later stage in the process, omitting earlier stages, or to a mutually acceptable alternative means of resolving the complaint.

4.5 It is recognised that where a case is complex the deadlines for investigation may be extended in consultation with the Director. The complainant will be kept informed of progress and any foreseen delays within fifteen working days of receipt of the complaint.

4.6 Adequate records must be maintained of all complaints received.

Stages in the Handling of Complaints

5 Informal Resolution: Stage 1

- 5.1 The purpose of Stage 1 is to swiftly address issues or concerns on an informal basis.
- 5.2 To tell CoMA informally about an issue or concern, the complainant should email complaints@coma.org. The complainant should: be specific about the problem; describe the problem succinctly; provide supporting documentary evidence where available and appropriate; state the outcome requested – be clear and realistic.
- 5.3 It is expected that any CoMA staff member or ensemble committee member to whom a complaint is brought informally (e.g., via informal conversation, phone-call) should seek to resolve any concerns that have been raised. If following discussion of the concerns, or where the concerns raised involve interpersonal relationships, they consider it appropriate, they may recommend that a facilitated discussion takes place or that the matter is referred to mediation. Both of these are voluntary and will only take place if all parties agree. However, CoMA encourages the early resolution of issues through these means where appropriate.
- 5.4 Stage 1 will normally result in one or more of the following outcomes: 1. a solution to the complainant's issue or concern; 2. an explanation where the desired outcome cannot be achieved; 3. an apology, where it is appropriate to do so.
- 5.5 It is anticipated that it will be possible to resolve many complaints at this stage before it becomes necessary to access the formal stages of the complaints procedure. If, having sought to use an informal approach, the complainant considers that the complaint is not being resolved in a timely or suitable manner, they have the right to proceed to Stage 2 of the formal procedures set out below.
- 5.6 CoMA may deem that it is not appropriate to consider the issue or concern informally, and direct the complainant to submit a formal Stage 2 complaint within 5 working days. Examples of reasons why CoMA may deem that the issue or concern is not suitable for informal consideration includes, but is not limited to: a) If a detailed investigation is required; b) If the complainant is seeking a financial outcome; c) If it is not appropriate to grant the outcome complainant is seeking on an informal basis; d) If the complaint is of a sufficiently serious nature.

6 Formal Stage: Stage 2

- 6.1 For the information to be entered to the Stage 2 complainant should email complaints@coma.org, stating:
 - 6.1.1 complainant's name, address, contact telephone numbers;
 - 6.1.2 the nature of the complaint (attaching any supporting evidence where available);
 - 6.1.3 an outline of the steps taken to resolve the complaint informally at Stage 1, if applicable;
 - 6.1.4 details of the outcome the complainant is seeking.
- A complaint will be moved to the investigation stage when:
 - 6.1.5 informal resolution was attempted, but the complainant remains dissatisfied. This may be after the case has been closed following the informal resolution stage
 - 6.1.6 the complainant refuses to recognise or engage with the informal resolution process and is insistent that the issue be addressed by an investigating officer
 - 6.1.7 the issues raised are complex and will require detailed investigation
- 6.2 The complaint at this stage will be reviewed by the Director, who will assign an Investigating Officer. This will be an impartial member of the CoMA staff or a member

of the CoMA Board of Directors. If the complaint is against the Director, then it will be reviewed by the Chair, who will assign an Investigating Officer.

- 6.3 The Investigating Officer will seek to resolve the complaint within ten working days, unless the complexity of the complaint requires additional time. In such circumstances, the Director (or Chair if appropriate) will be kept informed of any delays by the Investigating Officer and will communicate the reason for any delay to the complainant. If legal advice is required, IO will seek help of a lawyer. Should the IO realise that crime is committed, then IO might seek help of the Police.
- 6.4 The Investigating Officer shall determine whether the complaint is justified, and will put forward any suitable resolutions based upon their findings. The Investigating Officer will also put forward and recommended revision to CoMA policy and practice to reduce the risk of a similar situation occurring.
- 6.5 Following completion of the investigation, the Investigating Officer's report and suggested outcomes will be presented to the Director who will ensure the outcomes are communicated to the complainant. The outcome will be provided to the complainant by the Director within twenty working days of receipt of the complaint, unless the complexity of the complaint has resulted in delays requiring additional time.
- 6.6 Where the complaint has been found unjustified, the reasons for the outcome will be clearly explained to the complainant.
- 6.7 Once the outcome of the investigation and any proposed solutions are communicated to the complainant, they have ten working days to respond to CoMA to confirm whether they are willing to accept the outcome, or if they wish to seek to have the outcome reviewed.

7 Review Stage: Stage 3

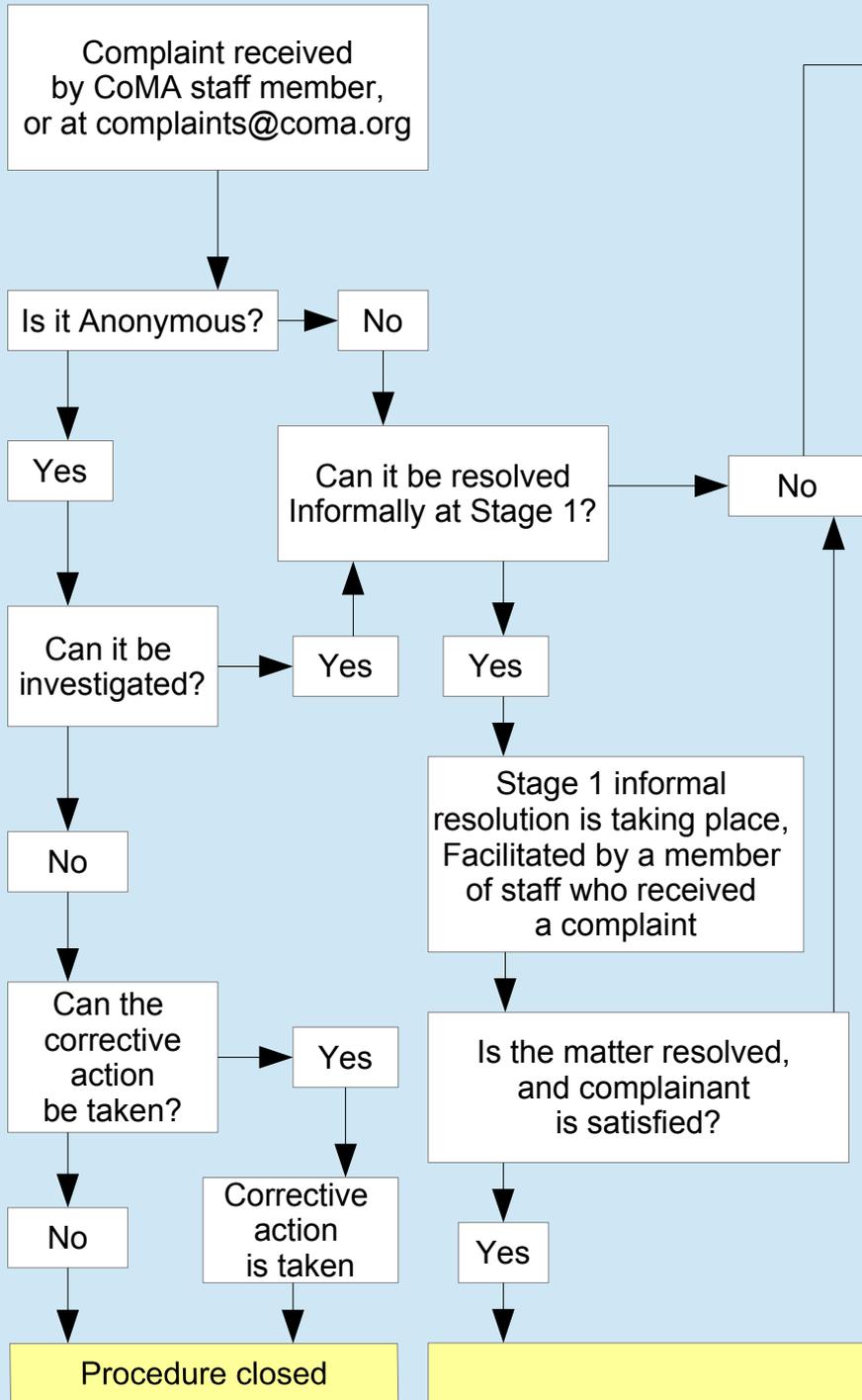
- 7.1 If the response issued at the conclusion of Stage 2 is not considered by the complainant to be satisfactory, the complainant may request a review in writing within ten working days from the date of the notification of the outcome of the formal complaint.
- 7.2 A request for review can only be considered in the following circumstances:
 - 7.2.1 The complainant has evidence that the procedures during the informal and formal stages were not conducted in accordance with the published procedures;
 - 7.2.2 That there is evidence that all of the relevant information was not considered during the informal and formal stages;
 - 7.2.3 There is additional evidence that has not previously been considered and could not reasonably have been made available at an earlier stage.
- 7.3 The request for review should be submitted for the attention of the Chair of the CoMA Board of Directors to complaints@coma.org. The Chair of the Board will determine whether the complainant has grounds under which their complaint can be considered.
- 7.4 If the Chair of the Board determines that there are valid grounds for a review he/she shall review the case and may take one of the following actions:
 - 7.4.1 Uphold the outcome of the Formal Complaint; or

7.4.2 Refer the case back to relevant CoMA staff or directors with recommendations for reconsideration.

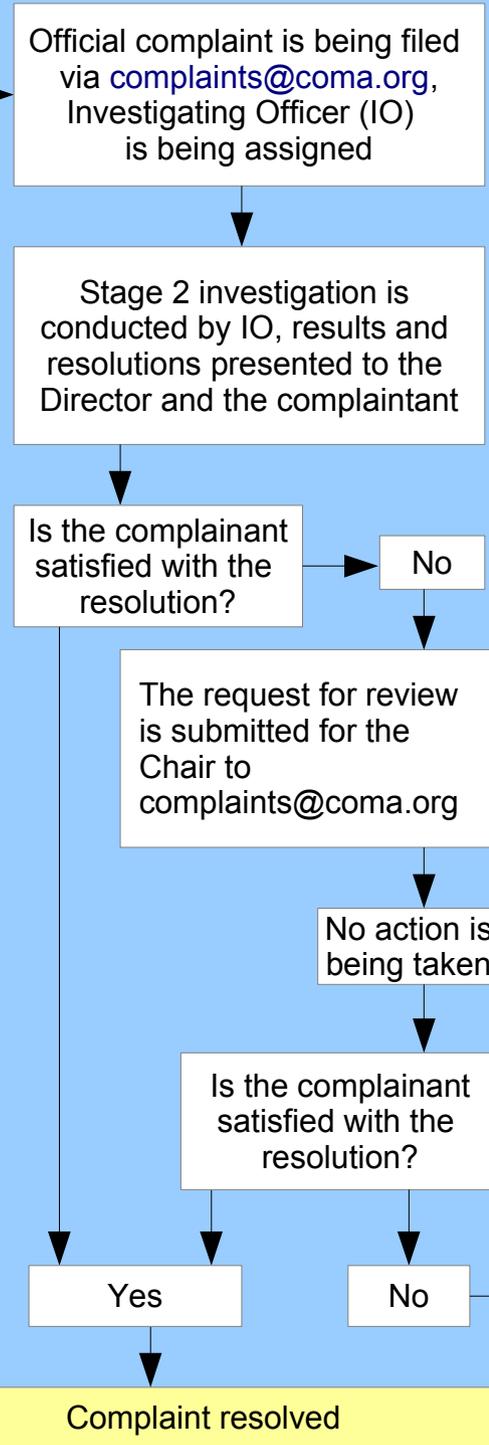
7.5 A decision will be made within one calendar month of receipt of the request for a review.

7.6 The decision and outcome of the investigation will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, must be recorded on the system for recording complaints. The decision will also advise the complainant about: their right to ask the Independent External Reviewer to review the complaint; the time limit for doing so; how to contact the Independent External Reviewer

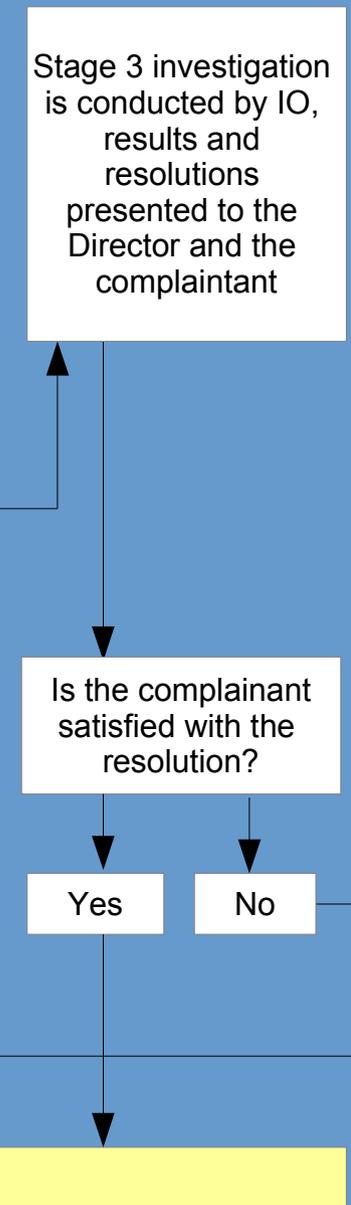
STAGE 1



STAGE 2



STAGE 3



beyond

Independent External Review is offered outside CoMA