



The Royal Scottish Pipe Band Association

The RSPBA Complaints & Grievances Policy & Procedure

Introduction:

The RSPBA will treat complaints and grievances with openness and fairness. However, the Association recognises that situations may arise which result in a complaint or grievance being received.

The RSPBA is committed to providing an efficient and reliable service to deliver, effectively and without discrimination, a procedure designed to resolve any complaint in a speedy and satisfactory manner. To ensure transparency, consistency and common understanding, the following procedure has been put in place to deal with all complaints and grievances within the RSPBA's range of activities (with the exception of the RSPBA staff grievance procedures required by employment legislation).

The tasks within this Policy & Procedure are identified as being undertaken by the RSPBA Chief Executive Officer (CEO) and may be undertaken in his stead by an official appointed by the Board of Directors.

Purpose and Scope

The RSPBA is committed to dealing with grievances fairly, consistently and without unreasonable delay. This Policy & Procedure sets out the way in which a complaint should be made and the way in which the RSPBA will deal with these complaints. This is a non-contractual policy & procedure, and may be amended by the Board of Directors at any time. If you have any queries about this Policy & Procedure, you should contact the RSPBA Chief Executive Officer (CEO).

This procedure must not be used to initiate a Protection of a Vulnerable Group (PVG) or Child Protection complaint. Please refer to the relevant process.

The procedure will be used to process and investigate any complaints and grievances received in relation to the objectives and good standing of the RSPBA that has a bearing on:

- the RSPBA as an organisation collectively
- RSPBA activities (i.e. meetings, education and training, examination results, advertising/media involvement etc.)
- the action of a Board of Director
- the action of a volunteer in an appointed role on any standing/sub-committee/group of the board properly constituted
- RSPBA officials
- members of the Adjudicators Panel (individually or collectively)
- competition results
- Member, member bands, band member, associate member, agency and/or independent contractor

Primary Principles

Grievances will be dealt with confidentially so far as is reasonably possible and all parties must keep information obtained during this process confidential.

The purpose of a grievance or appeal meeting is for the complainant / subject(s) to explain his or her grievance/ action and how they think that it should be resolved using evidence available to make representations, allowing the Complaints Committee to come to a decision.

Individuals who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result, even if the grievance is not upheld.

Making a false allegation deliberately and/or in bad faith will be treated as misconduct and dealt with under the Complaints & Grievances Policy & Procedure. Any individual found to have retaliated or victimised another individual in this way will be subject to disciplinary action under this Policy & Procedure.

An individual who is subject to a complaint shall not normally be suspended from RSPBA activities during the complaints/grievances process. However, the RSPBA Board of Directors reserve the right to suspend an individual if they deem such action appropriate in the circumstances.

The RSPBA aims to deal with all complaints within two months of receipt by the CEO.

All decisions shall be conveyed in writing to the complainant and the subject(s) of the complaint by the CEO.

A full record will be maintained of each complaint, investigation of the complaint, how it was considered, and the action taken, and/or sanctions if imposed.

Formal Procedure

Stage 1 – Notification

To raise the matter formally complaints should be addressed in writing to the RSPBA CEO and received by RSPBA HQ within 10 days of the incident, setting out the facts of the grievance, avoiding insulting or abusive language and trying to give specific examples of the complaint, copies of documents, names of witnesses, and dates where possible.

Where possible the official RSPBA Complaints & Grievances Form should be used (*appendix 1*).

Stage 2 – Response

The CEO shall record receipt of the complaint.

The CEO shall advise the complainant in writing within (5) working days, as to the action being taken by the RSPBA.

The relevant information and circumstances described in the complaint should be checked and verified by the CEO wherever practical and reasonable, from this initial assessment whether it is considered that:

- the matter can be resolved by the CEO immediately, (such as a clarification of the rules or explanation of an event etc), this will be communicated to the complainant; or
- if there is likely to be a dispute. Information from the subject(s) of a complaint is needed to make an objective decision, any individual, band, committee etc. against whom the complaint is made will be sent a copy of the correspondence and given the opportunity to submit a statement in defence.

Stage 3 – Dispute

The complainant/subject(s) of a complaint must respond within five (5) working days of a request from the CEO for their statement of events.

Where with knowledge of the complaint and the statements from the subject(s) the matter may be resolved by the CEO, this will be communicated to the complainant/subject(s).

Where there is a conflict between the complaint and counter statements from the decision will be taken to:

- Request further information in writing from complainant/subject(s)
- Instigate an RSPBA Complaints Committee if the correspondence does not achieve sufficient clarity in the reasonable opinion of the CEO and the complaint cannot be dealt with effectively.

Stage 4 – Complaints Committee (Committee)

Each complaint referred to the Complaints Committee shall be considered by the full Committee, with all the relevant evidence being made available to all members.

The Committee shall comprise of:

- RSPBA Chairman (or the Vice-Chairman) to act as Chair.
- RSPBA CEO.
- Convener of RSPBA Standing Orders and Steering Committee.
- One or two members of the Board of Directors.
- An independent observer drawn from the medical, legal or accountancy professions or a local government councillor.

Any member of the Committee with a vested interest in a complaint or a conflict of interest should withdraw and be substituted.

A representative from the area which is the specific subject of the complaint may also be involved in an advisory capacity to ensure accuracy of information (for example, the Convener of the Adjudicators' Panel Management Board or representative in the case of an Adjudicator complaint, the Music Board Convener or representative in the case of a complaint regarding a Music Board area of interest etc). This representative shall not be a member of the Committee, having no role in deciding the outcome of the complaint.

Where, in the opinion of the Committee, it is appropriate, the complainant may have the opportunity to appear before the Committee (or be represented), together with any witnesses.

Any complainant/subject(s) against whom a complaint is made will have the opportunity to be interviewed by the Committee.

When considered appropriate a legal view may be obtained from the RSPBA's solicitors before decisions are reached by the Committee.

All decisions on actions or sanctions imposed on the subject(s) should be made by the Committee collectively.

The Committee has the power to censure individuals for minor offences. Any suspensions recommended in more serious situations should be approved by RSPBA's Board of Directors.

Individual members of the Committee should not investigate or communicate with the complainant/subject(s) outside of the Committee meeting. All correspondence should be conveyed in writing to the complainant/subject(s) of the complaint by the CEO.

Five (5) working days' notice of the meeting shall be provided to the complainant/subject(s) and they will be informed of their option to be accompanied by a companion.

- The choice of companion must be a reasonable request and the complainant/subject(s) must advise the RSPBA of the identity of the companion (or any change in their choice of companion) and whether they will require any special adjustments to be made for their or their companion's attendance, at least 24 hours before the start of the meeting
- The role of the companion in this formal meeting is to take notes, confer with their representative, and if the representative requests it, to address the hearing to state their case and respond to any views expressed at the meeting. The companion does not have the right to answer questions or address the hearing if the complainant/subject(s) does not request this and must not prevent the RSPBA from explaining its case.

If a complainant/subject(s) are unable to attend the meeting at the time, date and place specified by the RSPBA, they must notify the Chair of the meeting as soon as possible in writing. Except in the case of an emergency, this should be at least 24 hours before the start of the meeting and the individual should advise of a time when they will be available within five (5) working days of the original proposed meeting and provided this is reasonable, the new meeting time will be agreed.

The complainant/subject(s) must make every effort to attend any scheduled meeting under this Procedure. If they are unable to attend more than two scheduled meetings, the RSPBA reserves the right to decide about the grievance using available evidence in the individual's absence.

Should the complainant/subject(s) feel the need to be referring to any documentation during the formal meeting, this should be sent via the CEO to all parties at least 48 hours before the start of the meeting, so that the Committee have a reasonable chance to prepare.

The RSPBA, through the Chair of the Committee, in its absolute discretion, may adjourn a meeting to carry out further investigations, after which the meeting will usually reconvene.

Following the meeting the Chair, the CEO will give the complainant/subject(s) a written decision, normally within 24 hours. This may be subject to the Board of Directors approval and may take longer to issue.

Stage 5 – Appeal

If the complainant or any subject(s) against whom action is taken wish to appeal, they should write to the CEO within ten(10) working days of the date of the Committee's decision, stating they disagree with the decision and giving their reason(s) for doing so and provide any new evidence they seek to rely on.

The CEO shall record receipt of the appeal.

The parties involved will be invited to an appeal meeting, normally within ten (10) working days of receipt of the letter of appeal, where the reason and evidence provided warrants consideration.

Stage 6 - Appeals Panel (Panel)

An appeal against the Complaints Committee's decision will be referred to an Appeals Panel (Panel) whose members will be provided with a full record of the complaint as envisaged in the "Primary Principles" above.

The appeal will be heard by a Panel consisting of:

- One Board of Directors member appointed by the RSPBA Board to act as Chair (who should have no vested interest or conflict in the appeal/s being considered)
- Two independent members drawn from the medical, legal or accountancy professions or a local government councillor.

The Chair of the Complaints Committee, which dealt with the original complaint, should also attend the meeting of the Panel to ensure full understanding of how the decision of the Committee was reached, but shall have no role in deciding the outcome of the appeal.

Following the appeal the parties will be given a decision, normally within 24 hours. The Panels' decision is final and there is no further right to appeal.

Version Control

Version	Date	Amendment	Author
1	29/11/2017	Prepared from document on web and input from the Solicitors	SOSC – Paul Brown
2	01/12/2017	Updated following a review by the CEO for presentation at the December BoD meeting.	SOSC – Paul Brown
3	20/12/2017	Inclusion of Header and Footer pending input from the directors.	SOSC – Paul Brown
4	10/01/2018	Update of the Complaints from layout, and final check.	SOSC – Paul Brown
5.1 SOSC	07/12/2020	Full revision following SOSC review, approved by BOD 5/12/2020 - Version 5.1 SOSC	SOSC – Paul McAndrew
5.2 SOSC	11/12/2020	opening sentence 2nd line should read complaint not complaints	SOSC – Paul McAndrew



Appendix 1 - RSPBA Complaints & Grievances Form

Complainant Details	
NAME _____	CONTACT TEL. NO _____
ADDRESS _____	EMAIL ADDRESS _____
_____	_____
POST CODE _____	

Complaint / Incident Details	
DATE OF INCIDENT / COMPLAINT _____	
LOCATION (if appropriate) _____	
NATURE OF INCIDENT / COMPLAINT _____	

(CONTINUE ON SEPARATE SHEET IF NECESSARY)	

WITNESSES	
(1)NAME _____	(2)NAME _____
ADDRESS _____	ADDRESS _____
_____	_____
POST CODE _____	POST CODE _____
CONTACT TEL. NO. _____	CONTACT TEL. No. _____
(CONTINUE ON SEPARATE SHEET IF NECESSARY)	

ADDITIONAL INFORMATION	
(CONTINUE ON SEPARATE SHEET IF NECESSARY)	

FOR OFFICIAL USE ONLY	
RECEIVED BY _____ DATE _____	OFFICIAL STAMP
ACKNOWLEDGEMENT SENT BY _____ DATE _____	