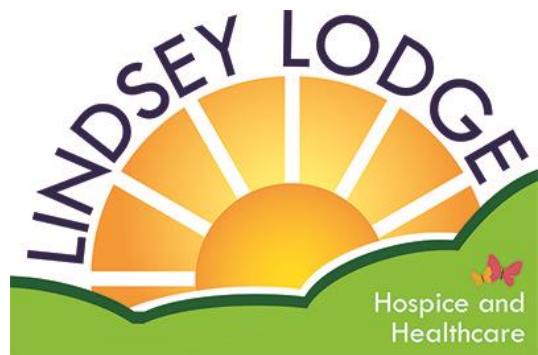


Trustee Complaints Procedure



Lindsey Lodge Hospice and Healthcare

Trustee Complaints Procedure



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Procedure for Dealing with Complaints against Trustees

Introduction

Complaints against Trustees

The Board of Trustees is a corporate board and as such no individual Trustee has any special powers except for the Chair who may act in limited circumstances on behalf of the board when a delay would be detrimental to an individual or the organisation. The authority that lies with the Trustees as a governing board is a corporate one and decisions are reached by a majority of those present voting following relevant discussion.

1. Code of Practice

Whilst Trustees are required to act as critical friend to the senior managers within the Hospice they should do so constructively and from a position of trust. Trustees are required to promote high standards of behaviour across the organisation. Although Trustees are volunteers they are obliged to follow the principals that underpin the standards of those holding public office (Ref: Nolan Principles 1995).

These are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

2. Purpose of this Procedure

The Trustee's role definition clearly sets out expectations in respect of agreed ways of working and behaviours for Trustees that meet organisational values. It is anticipated most concerns can be resolved informally, and quickly with individuals feeling able to raise issues and matters being resolved through the Chair or Deputy Chair without the need for matters to be escalated using any formal process. Occasionally concerns may arise relating to behaviour/and or actions of an individual trustee that require a more structured approach. This guidance is designed to advise the board what to do in the event of this happening and to ensure Trustees are treated fairly and equally, in accordance with the Hospice's commitment to Diversity Statement and irrespective of gender, age, disability, religion or belief, sexual orientation or gender reassignment.

Categories of complaints that are dealt with by this process can be from other members of the Board, from members of staff and volunteers, or from members of the public.



Irrespective of the category of complaint the responsibility for dealing with the complaint would normally fall to the Chair to manage. Where the complaint is against the Chair it would be passed to the Deputy Chair. The Chair/Deputy Chair would need to consider the extent of the internal investigation of a complaint against a Trustee by another Trustee and take steps to overcome if a conflict of interest is identified for instance by identifying an independent investigator. No member of hospice staff should be involved in the investigation of a complaint against a Trustee other than as a witness.

3. General Principles

- Resolution should be sought from at the least formal level in the first instance
- Complaints should be resolved as quickly as possible.
- The process of resolving the complaint should not undermine the work of the board.
- Identifying appropriate support to ensure independence and objectivity.

4. Formal Procedure

- Any complaints regarding an individual Trustee should be made in writing
- The Trustee against whom the complaint is made is informed of the nature of the complaint and how it is to be managed.

Stage 1: Initial Stage:

The Chair/Deputy chair must arrange a meeting with the complainant to determine the nature of the complaint and what the complainant wishes to see as a resolution. The complainant should be able to offer evidence. The nature of the complaint should be recorded in writing to provide a consistent reference point for the Chair. The Chair should not share this concern with any other Trustee.

The Chair must also arrange a meeting with the individual Trustee to discuss the nature of the complaint against them and seek to resolve the difficulty. The Chair should approach the matter with an open mind, listening carefully and exploring all the issues thoroughly. Following this process, steps for further consideration include:

- That the complaint was unfounded, a misunderstanding or that there was no case to answer
- That a formal apology would be appropriate from the individual trustee
- Mediation or conciliation
- Training (training and support may be needed for the whole board and not just the Trustee who is the subject of the complaint.)

The complainant should be advised of the outcome of the meeting with the Trustee and the agreed steps. If the complainant is not satisfied following this informal stage or the Chair considers further investigation is required, the complaint should be moved to Stage 2 of the process.

Stage 2: Formal Investigatory Process

When a complaint cannot be resolved informally, then the matter should be dealt with through a formal process. The Chair may involve either the Speaking-Out Lead Trustee or another suitable independent individual with relevant experience to undertake the investigation. The Chair should initiate the formal investigation with clear terms of reference. With potentially complex or serious matters the Chair may wish to identify someone appropriate from another Hospice or an appropriate external consultant.



The process for the investigation will involve:

- Requirement that all parties treat the matter as confidential
- Establishing the nature of the complaint
- Exploring the outcomes expected by the complainant
- Recognition that the office of Trustee is a voluntary one
- Gathering of evidence which may include interviews with third parties
- Developing conclusions for the Chair of the panel to consider
- Ensuring appropriate discussions regarding the outcomes with the subject of the complaint and the complainant.

Stage 3: Independent Trustee Panel

If, following investigation, the complainant remains dissatisfied with the outcomes/recommendations of the investigation, he/she can request the matter be brought to a panel of (3) independent Trustees.

Outcomes available to the panel when dealing with concerns about the conduct of a Trustee, based on the available evidence, include:

1. The complaint was unfounded, a misunderstanding or that there was no case to answer
2. An apology
3. Mediation or conciliation
4. Training
5. Removal from the board

The adjudication from the panel is final, and there is no further appeal process for the complainant.

5. Time-Limits

Complaints need to be considered, and concerns resolved, as quickly and efficiently as possible with the expectation being that complaints will be made as soon as possible after the incident arises but no later than 3 months following the incident unless there are exceptional circumstances. The complainant will be informed about the expected timescales associated with dealing with the complaint within each stage. Where further investigations are necessary, the complainant will be sent details of the new deadline and an explanation for the delay, ensuring that any further investigations are within 3 months of the complaint being lodged.



REFERENCES:

The 'Nolan' Principles' – The Seven Principles of Public Life www.gov.uk

Speaking out Policy – Lindsey Lodge Hospice L Drive: Policies, Guidelines and Protocol/Speaking out Policy

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