



<b>Procedure:</b>	<b>Northumbria Blood Bikes Definition: Discipline and Complaints</b>		
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<b>Approved:</b>	<b>December 2022</b>	<b>Approved:</b>	<b>Executive Committee</b>
<b>Doc Ref</b>	<b>Const001</b>	<b>Version</b>	<b>5.0</b>

**A. Why do we need this Procedure**

This document sets out the NBB Complaints and Disciplinary Procedures

**B. Who is Responsible for this Procedure**

The Chair of the group is responsible for the maintenance of this procedure.

The Executive Committee is responsible for approving this procedure.

All members of NBB are bound by the rules laid out in this procedure.

**C. When will this Procedure be reviewed**

The procedure will be reviewed a maximum of two years following its approval.

**D. How will changes be notified**

The latest version of the procedure will be made available via the members' library on the group website. New versions will be announced via email to all qualified riders, drivers, shift coordinators and the executive committee.

## **1. Aim of Procedure**

- 1.1** The aim of this procedure is to ensure that all complaints and any consequent disciplinary processes are carried out fairly, appropriately and as swiftly as possible.

## **2. Source of Complaint**

- 2.1** Complaints may be received verbally or in writing including via the “Contact Us” page of the NBB website.
- 2.2** Where a comment offered as feedback to the group is considered to be of sufficient seriousness it can, at the discretion of the Chair, be considered as a complaint;
- 2.3** Complainants may on occasion request that their complaint is not formally investigated and / or taken forward e.g. to avoid potential embarrassment. The committee may however deem that the issue raised is sufficiently serious as to necessitate investigation and possible action. In these circumstances:
  - 2.3.1** The complainant will be informed in advance of the investigation beginning and may make representations to the Chair to desist from investigations etc;
  - 2.3.2** Any investigation will be conducted with the utmost discretion.

## **3. Complaint Handling**

- 3.1** The conduct of any member which is the cause of complaint from a service user, member of the public or fellow Northumbria Blood Bikes member or whose actions are agreed by the Committee/Trustees as possibly bringing the charity into disrepute and/or endanger its effective operation may be the subject of a formal investigation by the Membership Secretary plus one other designated trustee, aided by other trustees as required (see Section 4).
- 3.2** If a conflict of interest may arise through the Membership Secretary being the investigating committee member the Chair may ask another person without a potential conflict of interest (normally a committee member) to lead the investigation.

## **4. Identifying the Nature of the complaint.**

- 4.1** Upon receipt of a complaint and following the appointment by the chair of an investigation team, the seriousness of the complaint will be determined to assess whether it will be taken forward. This assessment will be based on the following:
  - Does it pose a threat to the organisation?
  - Does it involve criminal activity?
  - Does it constitute a health and safety risk (it may be necessary to obtain initial information from health and safety advisers)?
  - Is it a vexatious or malicious complaint (defined below)?
  - How much evidence is there likely to be?
  - Is it likely to lead to any sanctions?

Depending on the answer to these questions, the investigation team may decide whether the complaint is considered sufficiently serious to warrant a full investigation.

- 4.2** The investigation team may in the first instance, contact the member under investigation to obtain an initial response to the complaint, which may determine the course of any subsequent decisions.
- 4.3** At this stage, the investigation team may decide not to take the investigation any further, in which case, they will inform the rest of the committee via Slack to ensure that everyone is satisfied.
- 4.4** If an investigation is not progressed at this stage, the member under investigation will be informed but a milestone may still be recorded if a warning is given.
- 4.5** The complainant will also be informed that the investigation will be taken no further.

## **5. Vexatious or Malicious Complaints**

- 5.1** It must generally be presumed that a complaint is made in good faith however there may be occasions where a complaint can be viewed as vexatious or malicious.
- 5.2** A vexatious complaint is one that is pursued by the complainant, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

### **5.2.1** A complaint may be regarded as vexatious where the complainant:

- Persists in pursuing a complaint which has already been investigated by another or the same committee member and provides no new or material information.
- Seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed.
- Fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts by the manager to assist them.
- Complains solely about trivial matters to an extent which is out of proportion to their significance.
- Makes excessive contact with the manager or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.

### **5.2.2** A malicious complaint may be defined as:

- one that the investigation has shown to be without foundation
- one where the investigation evidence demonstrates that the complainant knowingly lied to the Investigation team and

- there is sufficient evidence to demonstrate this in an interview with the committee based on the balance of probabilities.

**5.3** Vexatious and malicious complaints can be very difficult to identify and are largely a matter of judgement by the investigation team. Once identified, they should be dealt with as quickly as possible.

## **6. Process**

### **6.1 Suspension From Duties**

- 6.1.1** If the complaint concerns conduct while on shift, or standards of riding / driving and / or usage of a charity operated vehicle, then the member will not be allowed to use an NBB operated vehicle until the matter is resolved.
- 6.1.2** If the complaint is deemed by the Chair of the group (or an appointed deputy where appropriate) upon the advice of the investigation team, to be sufficiently serious; the member may be suspended from all, or any part of, NBB activities, this to include for example; riding, driving, shift controlling, representing the group, fundraising, access to IT systems.

### **6.2 Notification of Investigation**

- 6.2.1** The member under investigation will be notified that an NBB investigation has been instigated and the nature of the complaint against them. The notification will be sent by email to the member's registered email address and by post, only if necessary. They will have 21 days to respond in writing or by email, providing any relevant information to support their case. If they respond before the 21 days is passed, then the investigation team may proceed with matters if they feel they already have sufficient evidence.
- 6.2.2** The Membership Secretary, or other designated investigating person, will consider the response and arrange a meeting, which can be face to face, virtual or by telephone, to discuss the response and allow both parties to ask questions or for any clarification of points raised.
- 6.2.3** The complainant will be notified that they will be notified of the outcome in due course. Notification to be sent by post and/or email as appropriate.

### **6.3** Report for Committee

**6.3.1** if a full investigation has been carried out then the investigating officer will prepare a report to be presented to the Committee within 21 days of the member's response to the complaint. If the complaint has been dealt with more informally (see Section 4) a full report may not be necessary and emails to the relevant parties (e.g., MUI, Vice-Chair) may suffice.

**6.3.2** The report for committee should include all relevant evidence including at least • Statement from the complainant (the original complaint may suffice)

- Statement from the member(s) who is the subject of the complaint
- Summary of any pertinent law or NBB regulations pertaining to the matter
- Summary of any discussion or meeting held
- Proposed response / action to be taken by the Committee.

**6.3.3** At the next meeting the Committee will review the report. If the complaint has been dealt with informally, this will still be recorded in the confidential minutes.

**6.3.4** Following the review of the report the Chair of the group will recuse themselves from the discussion, and will not take part in any decision making, to aid future impartiality in the event of an appeal.

**6.3.5** In the absence of the Chair, the Vice-Chair, or an appointed deputy, will lead the discussion and the remaining committee members shall decide the outcome of the complaint. This may include the suspension or removal of membership, suspension of carrying out NBB roles e.g. riding, driving etc. for fixed or indeterminate periods and / or a requirement for appropriate observed rides / drives and / or re-training.

**6.3.6** In the case of complaints or activities that may bring the reputation of NBB into disrepute then removal of membership will be considered. These activities will include (but not limited to):

- Speeding
- Unauthorised use of blue lights
- Repeated occurrences of transgressions against policies and procedures

**6.3.7** It may be that a member is the subject of several complaints which are upheld. The committee may decide to consider these previous outcomes (whether they resulted in any 'sanctions' or not) when deliberating on sanctions to apply provided that the previous events occurred within a period of two years prior to the event under consideration.

## **6.4** Notification of the Outcome

**6.4.1** The Chair of the group will be notified of the decision of the committee, on their return to the committee meeting.

**6.4.2** If the complaint is upheld:

- The member under investigation will be notified of the decision of the committee any sanctions or restrictions to be placed on their membership of the group.
- The member under investigation will be informed that they have the right to appeal to the Chair of the group. Notice of intent to appeal must be received, in writing, by the investigating officer, within 21 days of the member's receipt of the notification.
- The notification will be sent by the investigating officer, by email to the member's registered email address and by post.
- The complainant shall not be notified at this stage, in case an appeal is instigated.

**6.4.3** If the complaint is not upheld:

- The member under investigation will be notified of the decision of the committee and that no further action will take place. Any restrictions on duties or access to NBB systems will be removed.
- The member notification will be sent by email to the member's registered email address and by post.
- The complainant will be notified of the outcome of the investigation, with the information that the complaint has not been upheld but with an appropriate note of thanks for raising the matter.
- The complainant notification to be sent by the investigating officer, by post and/or email as appropriate.

## **6.5** Appeals

**6.5.1** Notice of intention to appeal must be given, in writing, to the investigating officer within the timescale notified.

**6.5.2** The Investigating officer will prepare an evidence pack, containing the evidence gathered during the investigation phase and will supply a copy of this pack to the Member who has given notice of appeal, with a further 21 days' notice to submit their appeal, in writing to the investigating officer.

**6.5.3** On receipt of the appeal, a copy of it, and the evidence pack, will be supplied to the Chair of the group for consideration.

**6.5.4** Should there be a conflict of interest with the Chair undertaking the appeal, one of the other trustees will be appointed to oversee it.

**6.5.5** Within 21 days of receipt of the above, the Chair will make known their findings on the appeal, and prepare an appropriate report of explanation.

**6.5.6** The Chair will notify the committee of their findings on the appeal and share the report of explanation.

- 6.5.7** In the case of recommendation to rescind membership, then in accordance with the constitution Para 9 (4)(b)(i-v) the committee will consider the appeal and agree if the course of action is appropriate. The appellant will be given the opportunity to make any representations in person or by his appointed representative at this meeting or at one separately convened specifically for that purpose.
- 6.5.8** The appellant will be notified of the appeal findings and be given an explanation thereof.
- 6.5.9** The appellant notification to be sent by the Chair by email to the member's registered email address and by post.
- 6.5.10** There will be no further right of appeal following this process.
- 6.5.11** The complainant will be notified of the outcome of the investigation/appeal, with the information and with an appropriate note of thanks for raising the matter.
- 6.5.12** The complainant notification to be sent by the investigating officer, by post.

## **7. Exceptions and Variations**

- 7.1** There are no Exceptions and Variations

## **8. Administration**

### **8.1** NBB Documentation

- 8.1.1** A formal record of complaints and outcomes will be kept by the Secretary of the charity to include copies of the original complaint, the committee decision, the result of any appeal(s), all notifications to the member and to the complainant.
- 8.1.2** An electronic copy of all documentation is to be stored in the appropriate folder of the committee shared cloud storage.

**Northumbria Blood Bikes Procedure:  
Discipline and Complaints**

**Version Control and History**

<b>Date</b>	<b>Version</b>	<b>Author:</b>	<b>Reason For Change</b>
	1.0	Peter Robertson	First Version
May 2018	3.0	Michael Thompson	Periodic Review
November 2020	4.0	Michael Redpath	Updated to reflect Constitution changes following feedback
December 2022	5.0	Suzanne Hitchinson	Updated version