

# LONDON CYCLING CAMPAIGN

## Complaints Procedure (Members)

Approved by the Board, January 2016

### Terminology

“Members” is used in this Policy to refer to fully paid-up members of the London Cycling Campaign (and others to whom membership of LCC has been otherwise granted).

“Board” refers to London Cycling Campaign’s Board of trustees.

### Principles

The London Cycling Campaign (LCC) aims to achieve and maintain the highest standards in carrying out its activities and therefore takes complaints seriously. To that end, the Board has established the following principles for dealing with complaints:

- To deal with the complaint informally in the first instance;
- To safeguard the legitimate interests of parties to the complaint and the process;
- To be informal and non-confrontational in our processes, ensuring that they are fair and seen to be fair;
- To reach a clear conclusion that will be communicated to the complainant; and
- To advise the complainant of the relevant appeal procedure if they are unhappy with the decision.

### Type of Complaints Covered by this Policy

This policy covers complaints raised by:

- One or more LCC members against one or more other members
- One or more members of the public against one or more LCC members

It covers (but is not necessarily limited to) complaints about the conduct of members when:

- Acting in their capacity as an LCC representative
- Participating in the work of LCC borough groups, committees, working groups and any other type of LCC group
- Using LCC communications channels (especially digital media)

It includes complaints about LCC staff when participating in LCC activities but not in their capacity as staff members (e.g. when acting as a member of an LCC borough group).

It does not cover:

- Complaints regarding conduct that occurs outside of LCC business or outside of LCC channels of communication (e.g. on non-LCC digital media).
- Complaints raised against LCC staff (whether members of LCC or not) regarding their conduct on official staff business; non-staff should raise such complaints directly with the CEO or Chair of the Board.

## Expectations of members

Members, when acting in any capacity related to the work of the LCC, or representing the organisation, are expected to:

- Behave honestly and lawfully
- Conduct themselves in a reasonable and responsible manner
- Treat other members, LCC staff and stakeholders with respect and without discrimination or prejudice
- Actively support the objectives and mission of the LCC and not knowingly misrepresent the views of the organisation
- Respect LCC resources and property and use them responsibly and in a way that provides value for money
- Not engage in activity or behaviour likely to bring the LCC into disrepute
- Respect confidentiality and data security
- Adhere to and support the LCC's equality and diversity policy
- Support the Board in its governance of the LCC

## How to Make Complaints

### 1. Who to Approach

Where any member is believed to have contravened these expectations, action may be initiated following a complaint being made. Such a complaint should be made in writing to either the Chief Executive or to a trustee - the 'responsible officer'.

### 2. Informal resolution

The responsible officer will, before initiating any formal procedures, attempt to resolve the complaint informally. S/he will first attempt to do that in conjunction with the chair of the relevant LCC group, if that is appropriate to the nature of the complaint, on the basis that it would be preferable if complaints were resolved at the most local level first.

If, after communication with the relevant group (if relevant), and with both the complainant and any other parties to the complaint, informal resolution is not possible, then the responsible officer will initiate formal proceedings.

The stages for this are set out below.

### 3. Initial determination

The responsible officer will write to the complainant and other parties to the complaint to inform them of the initiation of formal procedures and the process and timescales involved.

The responsible officer will then identify at least one, but preferably two, trustees to act as 'decision-makers', alongside the responsible officer, in resolving the complaint.

### 4. Investigation (where necessary)

The responsible officer and the other decision-makers will investigate the complaint in such a manner as they see fit. That may involve receiving written evidence and considering existing documentation or it may involve appointing someone to investigate in more depth, including by meeting and discussing the complaint with the parties to the complaint. The person appointed may be a member of LCC staff or another trustee.

Any investigation should normally take no longer than 20 working days/one calendar month, subject to the availability of parties to the complaint.

Where an investigating officer has been appointed, a short report detailing who they spoke to, any written evidence considered, and their findings, will be made available to the responsible officer and the decision-makers.

Within five days of receiving the report, the responsible officer and decision-makers will decide whether further action is required and will make any report available to the complainant and the parties to the complaint.

At this stage, the responsible officer and decision-makers can determine that there is no case to answer and that no further action is necessary - they must write to the parties to the complaint setting out the reasons behind that decision, referring to any investigation report.

The complainant can appeal the decision at this stage.

## 5. Hearing

Where an investigation has concluded that there is a case to answer, then the responsible officer will initiate a hearing. The responsible officer and the decision-maker(s) will sit as a panel at the hearing.

The hearing should be convened as early as possible after initiation of formal proceedings or sharing of an investigation report with parties to the complaint - normally that should be no more than ten working days after a decision to go ahead with a hearing.

The complainant and other direct parties to the complaint will be invited to attend the hearing in order to make their case. Neither is obliged to attend and may make written submissions in lieu of attending.

The aim of the hearing will be to reach a satisfactory resolution at the meeting, to be agreed by all parties to the complaint. To this end, where possible, the complainant and other parties to the complaint will be present together for the hearing. If any of the parties would prefer to be accompanied, they may be accompanied by a supporter/adviser, but that person can take no part in proceedings unless the panel ask them to contribute.

The responsible officer will chair the hearing and will invite the complainant to set out their complaint and other parties to the complaint to respond.

If it becomes impossible to conduct the hearing with both parties present, then cases will be heard in turn. Where it is not possible to reach a resolution on which all parties agree, it will be for the panel to determine an outcome; they will do so after the parties have left the hearing.

## 6. Penalties

The panel will reach a determination on the complaint and will convey that to all parties to the complaint, in writing, within ten working days. They will explain the reasoning behind their decision, set out any penalties, explain the process for appealing their decision and enclose a brief summary note of the hearing.

Assuming that no informal resolution is possible, the panel will attempt to require action that it considers an appropriate resolution - for example, a request that an apology is made. However, in the event that such a resolution is not accepted, the panel will set out in its letter which of the following penalties will be imposed instead:

- A reprimand, coupled with a proviso that behaviour of the sort that led to the complaint may lead to a more serious penalty which can be decided by the panel, without going through the entirety of the process set out here
- A suspension of the right to hold any representative position or office within the LCC or any of its groups for a stated period of time
- A suspension of membership for a stated period of time
- A revocation of membership and a ban from being a member of the LCC in the future

## 7. Appeal

Any member against whom a penalty is imposed has a right to appeal the decision.

An appeal, setting out the grounds on which it is being made, must be submitted in writing to the Chair of the Board within ten working days of the date of the letter confirming the penalty. An appeal may only be made on the grounds that the process was not correctly followed or was otherwise unfair, discriminatory or unsound.

The Chair will ask another trustee to consider the appeal or will consider it him/herself.

Unless and until altered by the person considering the appeal, the original decision of the complaints panel shall remain in force.

The appeal will be conducted on paper, on the basis of the written representations of the appellant. No hearing will take place but it will be open to the person considering the appeal to talk to any or all of the parties involved in the complaint process before reaching a decision. No new evidence will be considered.

It is open to the person considering the appeal to overturn/uphold the original decision as well as to increase or decrease the penalty.

The decision of the trustee considering the appeal is final and they will contact the appellant in writing to convey their decision within ten working days of reaching a decision; this will normally be no more than twenty working days from the date of the original appeal letter.