

National Back Exchange

Complaints Procedure



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1. Introduction

National Back Exchange operates its complaints procedure in accordance with Government policy and guidelines and aims to act in a speedy, sympathetic and easy to understand way. Concerns about negligence, professional misconduct, financial malpractice, unlawful actions or endangerment to the public or the environment require a formal pathway for investigation.

The aim is that all complaints, whether verbal or written, should receive a positive and full response. The objective is satisfying the complainant that his or her concerns have been acknowledged, that a full explanation has been offered and remedial action taken where necessary, including apology where appropriate.

The procedure has two stages:

Local resolution - an internal investigation into all the points raised and a speedy response.

If the complainant is still not satisfied and if the Complaints Convenor believes that local resolution has been inadequate, an independent Review Panel may be appointed to investigate the complaint further.

The association aims to acknowledge the receipt of a complaint within two working days and to provide a full written response within 28 working days. If it is not possible to complete the investigation in the proposed time the association will write to advise the complainant of the reason for the delay.

Whenever possible, all complaints should be dealt with in a positive and sympathetic way at the time they arise or within two working days. However, complaints that cannot be resolved in this way will require consideration and a full response by the Chairman of National Back Exchange. If the Chairman is unavailable, the Vice Chairman should reply to complainants on their behalf.

Time Limit on Initiating Complaints

There is a time limit after the event being complained of for a complaint to be lodged.

Normally, this will be either:

- a within six months from the date of the incident that caused the problem, or
- b within six months of discovering the problem provided this is within twelve months of the incident.

However, National Back Exchange reserves the right to extend this time limit in cases where it would have been unreasonable to expect the complaint to have been made earlier and if it is still possible to carry out an investigation.

2. Role of NBE Executive Officers

Role of the Chairman

The Chairman is responsible for:

- Responding in writing to all written and verbal complaints
- Ensuring that actions recommended in response to a complaint are carried out
- Ensuring that action is taken on the recommendations made by an independent Review Panel.



Role of the Vice Chairman

The Vice Chairman is responsible for:

- Managing the complaints procedure by ensuring that processes are in place for complaints to be handled in accordance with the Government's directions and guidance.
- Reporting on actioned complaints to the Chairman and the Executive Committee.

Role of the Executive Secretary

- The prime role of the Executive Secretary, in conjunction with the National Back Exchange office, is to administer the complaints procedure. The Secretary requires access to all relevant records and information considered to be essential for the investigation of a complaint.

Other responsibilities include:

- Initiating investigations into complaints
- Responding to complaint where the complainant does not wish to raise their concerns with those directly involved with the incident, or where members are unable or unwilling to deal with the complaint.
- Consulting with those who have been complained against in advance of any response being made to the complainant.
- Ensuring action plans are developed where necessary as a result of complaints and that systems are in place to monitor these.
- Providing guidance, help and direct support where appropriate to other staff responding to complaints.
- Developing awareness throughout the association on dealing with complaints.
- Acting as mediator when requested or arranging outside conciliation
- Liaising with the Regional Officers and other Executive committee members.
- Attending meetings with complainants at request of the membership.
- Ensuring that contemporaneous records are kept of all complaints, including meeting with complainants.

3. Guiding Principles

The purpose of the Complaints Procedure is not to apportion blame amongst the membership. However, some complaints may bring to light information about serious matters, which indicate a need for further investigation.

If any complaint received by National Back Exchange indicates a serious breach it should be referred as appropriate:

- To one of the professional regulatory bodies
- For an independent inquiry into a serious incident under section 84 of the National Health Service Act 1977



- For an investigation of a possible criminal offence

The Complaints Procedure will not deal with any complaint that is the basis of legal proceedings against the NBE. In cases where there is a possible claim of negligence, the complaints procedure should not cease unless the complainant explicitly indicates an intention to take legal action in respect of the complaint. In these circumstances the NBE investigation team will maintain close contact with a legal services department.

All investigations into complaints will be carried out by National Back Exchange as quickly, thoroughly and fairly as possible. The protocols determining action in verbal and written complaints are outlined below.

4. Verbal Complaints

Verbal complaints are normally about relatively minor matters. These should be resolved locally as they arise, or within two working days, and logged on a verbal complaint notification form (VCNF page 9).

In order to facilitate local resolution, verbal complaints received centrally by the association will be passed to the appropriate Regional Officer(s).

Regional Officers will strive to resolve a verbal complaint by:

- Ascertaining the cause of the complaints
- Responding sympathetically
- Ensuring prompt and effective communication
- Taking appropriate remedial action
- Communicating the outcome of the complaint to the complainant, although it should be borne in mind that all written responses must come from the Chairman
- Ensuring that the complainant is kept fully informed of the process and outcome
- Keeping accurate records of all verbal complaints

If Regional Officers are unsure whether a complaint can be dealt with locally they should seek guidance from the Chairman, Vice Chairman or the Executive Secretary.

If the complainant is dissatisfied with the outcome of the offered resolution, the Regional Officer will ensure that they are apprised of their right to further investigation via the written complaints procedure.

5. Written Complaints

Members should be advised to address all written complaints to the Chairman. If received directly by other Executive Committee members they must be sent to the Chairman via the Secretary for central action.

All complaints will be acknowledged by the Chairman in writing within seven working days of their receipt.



Complaints will be immediately recorded and indexed by the Executive Secretary.

Complaint details will be sent immediately to the relevant Executive member for investigation and comment.

The Executive Committee member will produce a full written report or a draft reply addressing all aspects of the complaint and return it to the Executive Secretary within fifteen working days of the date of acknowledgement of the complaint.

The Chairman will endeavour to ensure that complainants receive a full written reply within 28 working days of the complaint being received. Should this prove impossible, then the Chairman will ensure that the complainant is advised of the reason for the delay.

Final responses will be seen by the individuals complained of before being sent to the complainant.

All responses must come from the Chairman. Any letter written to a complainant must be seen centrally, before posting, to avoid problems with disclosure.

All written material produced during investigation of any complaint including that written to give guidance to colleagues is material evidence which may be seen by others both inside and outside the association. The tone and content of all written material should therefore reflect this possibility.

All letters of response will be in the name of the Chairman and be recorded in the association's complaints database. Additional written information will be sent with the final response to the complainant outlining further action they can take if they remain dissatisfied.

If a complainant expresses dissatisfaction with the final response from the Chairman, the offer of a meeting between the complainant and the appropriate parties should be offered to try to avoid the matter going to an independent Review Panel.

The Chairman will ensure that complaints received by NBE are properly investigated and that all actions promised in response to a complainant are achieved within a reasonable time. Analysis of complaints and monitoring of the action plans arising from them will be co-ordinated through the Executive Secretary and overseen by the Chairman.

6. Complaints Involving Other Organisations

Where a complaint is received involving another organisation the Executive Secretary will forward the complaint to the appropriate party for action.

7. Compliments and Suggestions

Compliments from the membership on the service provided by NBE and helpful suggestions on how the service may be improved are always welcomed. The Executive Secretary will be responsible for keeping records of all formal compliments and suggestions and channelling them to the Chairman as appropriate.

8. Complaints Involving Health and Safety Issues

If a complaint involves a Health and Safety issue the Executive Secretary will inform and



liaise with the appropriate Executive Committee member regarding any such matters.

9. What Complainants May Expect from NBE Handling a Complaint

Members will be given every opportunity to express concern or to offer complaint

National Back Exchange will endeavour to make every effort to ensure that all complaints are dealt with quickly, efficiently and to the satisfaction of the complainant.

- All complaints will be listened to and formally acknowledged
- All complaints will be handled calmly, sensitively and without prejudice
- Complainants will be referred to or contacted by the appropriate or desired member of the Executive Committee as soon as possible
- Complainants who are dissatisfied with the resolution of a verbal complaint may avail themselves of the written complaints procedure to request further investigation and report
- All complaints will be viewed by the Association and its officers as an expression of constructive criticism
- Complaints officers will be aware that consultation and recording may delay their response to complainants and will advise them accordingly
- Complaints officers will be aware that their reports should contain all necessary information to allow the Chairman to send a robust reply to complainants, containing;
 - The determinable facts
 - A response to each aspect of the complaint
 - An honest, clear and balanced report
 - Acknowledgement of any errors or shortcomings
 - Timed plans for remedial actions and a named person responsible for executing these plans
 - Further information on how to proceed should the complainant remain dissatisfied with these plans
- Complaint reports will adhere to the requirements of the relevant legislation, e.g. Data Protection Act.
- Complainants will be offered every opportunity to discuss matters and queries relevant to their complaints with the executive officers involved.

10. Appeal

If you decide to appeal against a disciplinary decision, you must do so in writing within five working days of receiving the decision. Your letter should set out clearly your grounds for appeal.

The appeal meeting is not a re-hearing of the original disciplinary meeting. It will generally



and, in particular cover the following issues:

- Whether there were any procedural flaws and whether they affect the merits of the case;
- Whether the original decision appears to be logical, proportionate and supported by the information gathered; and
- Any new information that was not available at the time of the original meeting but which has since come to light.

An appeal will be heard by another Executive Officer to the one who held the disciplinary meeting except where this is not possible due to the seniority of the post holder. The Executive Officer will not have previously been involved in the case. A note taker will also be present to take a note of the key points.

You will be notified whether your appeal has been upheld or not at the end of the appeal meeting and confirmed within ten days or in writing within ten working days of the meeting. In cases where a decision cannot be taken within the prescribed timelines you will be so informed.

The outcome of an appeal meeting could result in a change to the original decision (e.g. an increase or reduction in a level of sanction awarded at the original disciplinary hearing) where there is a clear case for doing so. The decision is final and there is no further right of appeal.

11. Audit Monitoring and Review

The Executive Committee will be responsible for leading on the implementation of this policy.

This policy will be continually monitored and will be subject to an annual review. An early review may be warranted if one or more of the following occurs:

- As a result of regulatory / statutory changes or developments
- As a result of NBE policy changes or developments

12. Version Control Information and History

Date	Version no.	Status	Summary of changes	Consulting group / person	Changes made by
April 2005	1		New policy	NBE Exec	S Wells, M Muir
August 2005	1.1		Minor format / content changes	NBE Exec	P Leggett
February 2007	1.2		Minor format / content changes	NBE Exec	M Muir
July 2013	1.3		Minor format / content changes	NBE Exec	
May 2018	1.4		Minor format / content changes	NBE Exec	Vice Chair



Appendix One

National Back Exchange

Complaints Notification Form

Name of Complainant:

Address:

Tel. No:

Email:

Complaint taken by:

Date:

Time:

Details:

Action Taken:



Appendix 2

National Back Exchange

Complaints Action Plan

The complaint identified below requires an action plan. Please complete and return to the Secretary - Executive Committee.

Complaint Nr

Complainant

Date received

Name (if different from complainant)

Brief Summary of Complaint:

Indicate what action will be taken to prevent recurrence of complaint and/or improve quality

Action Implementation date

By whom

Action Implementation date

By whom

Action Implementation date

By whom

Signature:

Designation:

Name (print):

Date:



Appendix 3

National Back Exchange Complaints Audit / Monitoring Programme

Action Date of Audit Comments

Further Action Needed:

Audited by:

Date:

Signature: Name (print):

