

BHIVA complaints handling policy

Version control	Date and updates
Original	9 October 2017
Version 2	20 May 2020 (format updated following change to new Secretariat)
Version 3	21 September 2021 (no changes)
Version 4	7 June 2022 (no changes)
Version 5	1 August 2022 (new BHIVA charity registered address)
	Next review June 2023

Policy Statement

Charities are independent organisations run by trustees. Occasionally people have cause to complain about charities and look to the Charity Commission (the Commission) as the regulator for charities in England and Wales to take up their complaints. This, however, is a last resort and it is recommended that BHIVA should have a structured policy in place.

Types of complaints and disagreements that could arise:

1. Internal dispute and disagreement between trustees – see specific procedure
2. Misconduct or removal of a charity trustee – see specific procedure
3. Complaint regarding the Data Protection Act – see specific procedure
4. Complaint from anyone to BHIVA, covering:
 - A service that BHIVA has provided, including conferences and events; guidelines, position statements or other professional advice; and membership
 - A decision made by BHIVA trustees, BHIVA subcommittee, working/ writing group
 - A dispute between BHIVA and suppliers of goods and services, including the BHIVA Secretariat
 - A dispute between BHIVA and a sponsor(s), e.g., pharma company regarding communications and publications
5. Complaint from anyone regarding the BHIVA Secretariat.

1. Internal dispute and disagreement between trustees

- 1.1. It is the responsibility of the trustees to try to resolve an internal dispute
- 1.2. The BHIVA constitution does not have a 'disputes clause' with procedures for dealing with a dispute. BHIVA trustees must together to settle any arising disputes.
- 1.3. If the trustees cannot reach an agreement, independent external advice should be commissioned to review both sides and recommend a resolution
- 1.4. The Charity Commission can only intervene when all other attempts to resolve the dispute have failed
- 1.5. The commission will not intervene in disputes about trustees' decisions or policies
- 1.6. Trustees are free to make decisions about BHIVA as a charity, so long as they are acting within the law and within the rules of the BHIVA *Constitution*.

2. Misconduct or removal of a charity trustee

- 2.1. If the complaint is about a trustee, the BHIVA Officers will review the case and make a recommendation to the BHIVA External Scrutineers, who will consider all the evidence, interview the trustee if required, and made a recommendation for a final decision to be made by the BHIVA Executive Committee
- 2.2. If the complaint is about an Officer, the other Officers will review the case and then proceed as for 2.1 above
- 2.3. If a trustee is to be removed from the Executive Committee, procedures will be followed as detailed in Clause 26 of the BHIVA *Constitution* and also Sections 178–180 of the Charities Act 2011 and the Charity Commission will be informed.

3. Complaint regarding the GDPR

- 3.1. Under the latest GDPR Regulations BHIVA are not able to share any personal data held on record to any third parties without expressed permission
- 3.2. A senior member of staff will review the complaint. In most cases, we will complete our review within five working days and will advise how long BHIVA thinks the review will take
- 3.3. Once BHIVA makes its decision, it will write to tell you the result of the review
- 3.4. This will be a final decision
- 3.5. If the complainant is satisfied with BHIVA's decision, they can contact the Information Commissioner's Office (ICO), which is the independent statutory body that regulates the operation of the Data Protection Act.

4. Complaint regarding a service that BHIVA has provided; decision made by BHIVA; and any disputes with members, suppliers, or pharma industry, etc.

This could include decisions made by BHIVA trustees, subcommittees, working groups and Secretariat. BHIVA is committed to deliver the best service possible to its members, conference delegates and other organisations with whom it engages with.

- 4.1. People who have a complaint about something provided by BHIVA
- 4.2. People who feel they have not received a service that BHIVA said it would provide
- 4.3. Complaints about the standard of service experienced
- 4.4. Dissatisfaction with a course of action that BHIVA has taken
- 4.5. Dissatisfaction as a result of a situation that has arisen from a BHIVA service.

5. Standard procedure following a complaint from anyone to BHIVA

- 5.1. BHIVA will ensure that the complaint is treated seriously and confidentially and handled fairly without bias or discrimination
- 5.2. Complaints should be received by BHIVA within one month in writing
- 5.3. Receipt of complaint will be acknowledged within five working days
- 5.4. Complaint will be forwarded to the BHIVA trustees, subcommittee or working/ writing group, as appropriate
- 5.5. Complaint will be reviewed and BHIVA will aim to respond within five working days to give the conclusions of their review, reasons for their decision and recommendations for any rectification or changes in procedures
- 5.6. If the complainant is not satisfied
 - If the complainant is unhappy with the outcome of the first review, they have one month to ask for the complaint to be reviewed again by the Officers, who would review and make any recommendations and, if necessary, forward to the External Scrutineers and then the Executive Committee.

6. Standard procedure following a complaint from anyone about the Secretariat

- 6.1. BHIVA will ensure that the complaint is treated seriously and confidentially and handled fairly without bias or discrimination
- 6.2. Complaints should be received by BHIVA within 1 month of the incident in writing
- 6.3. Receipt of complaint will be acknowledged within five working days
- 6.4. Complaint will be forwarded to the relevant BHIVA person, as appropriate:
 - Membership: BHIVA Honorary Secretary
 - Finances: BHIVA Honorary Treasurer
 - Conference or events: Chair of Conferences Subcommittee
 - Other BHIVA work: chair of relevant committee/subcommittee or working group
- 6.5. Complaint will be reviewed and BHIVA will aim to respond within five working days to give the conclusions of their review, the reasons for their decision and recommendations for any rectification or changes in procedures
- 6.6. Complaint will be reviewed and BHIVA will aim to respond within five working days to give the conclusions of their review, reasons for their decision and recommendations for any rectification or changes in procedures.