

## **BI-COR-009 COMPLAINTS POLICY**

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Define the approval authorities for the document

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### Distribution

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All staff and associates	18 January 2021	1.0
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### Associated policies, procedures and guidance

This policy should be read in conjunction with:

**Institute publications:**

BI-HR-001 Code of Conduct  
 BI-COR-001 Trustee Code of Conduct  
 BI-COR-010 Whistleblowing Policy  
 BI-COR-007 Fraud & Bribery Policy

BI-HR-005 Disciplinary Policy  
BI-HR-004 Grievance Policy  
BI-RES-004 Research Misconduct Policy

**Non-Institute publications:**

Parliamentary and Health Service Ombudsman, Principles of Good Complaint Handling

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## 1. Definitions

<b>“Complaint”</b>	The Institute’s definition of a complaint is: “an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Institute.” A complaint can, but does not always, relate to the behaviour or actions of an individual member of staff or an associate of the Institute.
<b>“Complainant”</b>	The person raising a complaint under this policy.
<b>“Respondent”</b>	A member of staff or an associate of the Institute who has been reported using this policy.
<b>“Employee”</b>	Institute employees on Institute or Babraham Institute Enterprise Ltd (BIE) terms and conditions, Institute employees on BBSRC or other terms and conditions, and Research Fellows on Institute terms and conditions.
<b>“Staff”</b>	Employees and Babraham Institute registered PhD students.
<b>“Individuals”</b>	Staff, Research Fellows (honorary), Honorary Members of Faculty, visiting students, visiting researchers and workers (including consultants and secondees), workers provided by a third party / contractors, visitors, Trustees and members of the public.

## 2. Commitment statement

- 2.1. At the Babraham Institute our mission is to be an international leader in research focusing on basic cell and molecular biology with an emphasis on healthy ageing through the human life course.
- 2.2. Research and operational excellence are essential to meeting our vision of being at the forefront of research that improves lives. The [Institute Values](#) set out our approach to how we operate across all Institute activities, both at an individual level and together as the Babraham Institute. The expectation of the Institute is that each staff member looks to represent and reflect the Institute Values within their own contributions and function, and to support and not hinder the expression of these Values in the work of others.
- 2.3. We uphold high standards of integrity and professionalism in all areas of the Institute. In line with the 7 Principles of public life (also known as the Nolan Principles), the Institute operates a code of conduct for our staff (BI-HR-001 Code of Conduct ) and Board of Trustees (BI-COR-001 Trustee Code of Conduct).
- 2.4. We recognise that we need to be responsive where these standards are challenged. In particular, we will:
  - Operate a transparent and fair complaints procedure (see Appendixes for the full process).
  - Treat all complaints seriously and confidentially.
  - Provide a high quality, accessible and responsive service.

2.5. The Institute is guided by the [Principles of Good Complaint Handling developed by the Parliamentary and Health Service Ombudsman](#)<sup>1</sup>. The principles are as follows:

- Getting it right
- Being customer focussed
- Being open and accountable
- Acting fairly and proportionately
- Putting things right

### 3. Purpose

3.1. This policy sets out the type of complaint covered in this policy and the procedures, both for submitting a complaint and for managing that complaint.

### 4. Scope

4.1. This policy applies to all complaints raised formally through the complaints process defined here. It is hoped that, where possible, complaints can first be discussed and resolved with the party involved or with your line manager (see appendixes for full process, both formal and informal).

4.2. The following can raise complaints under this policy:

- Institute employees on Institute or Babraham Institute Enterprise Ltd (BIE) terms and conditions
- Institute employees on BBSRC or other terms and conditions
- Research Fellows on Institute terms and conditions
- Research Fellows (honorary)
- Honorary Members of Faculty
- Babraham Institute registered PhD students
- Visiting students
- Visiting researchers and workers, including consultants and secondees
- Workers provided by a third party/ contractors
- Visitors
- Trustees

4.3. Members of the public may also raise complaints under this policy.

4.4. Where complaints are received through other channels, the person receiving the complaint should make the complainant aware of the formal complaints procedures set out here and published on the Institute website.

4.5. This policy is public facing on the Institute website.

4.6. This policy complies with the [good practice framework of the Office of the Independent Adjudicator for students in higher education](#)<sup>2</sup>. Students shall be subject to the disciplinary procedures of the Institute and of the University, except in relation to allegations of a breach of the Academic Regulations or any matter relating solely to their matriculation as a University

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<sup>1</sup> <https://www.ombudsman.org.uk/about-us/our-principles/principles-good-complaint-handling>

<sup>2</sup> <https://www.oiahe.org.uk/media/1859/oia-good-practice-framework.pdf>

Student, when the University's procedures for dealing with a breach of the Academic Regulations or matriculation matters shall apply. In the event the Institute's Disciplinary Policy (BI-HR-005) applies and there is a conflict between the disciplinary procedures of the University and those of the Institute, the disciplinary procedures of the Institute shall prevail. For externally funded students (such as UKRI), the terms of the award shall prevail over University policies and procedures. This is relevant in areas such as maternity / parental leave.

## 5. Complaints

5.1. Complaints will generally include the following:

- Failure to follow the Institute's agreed policies and / or procedures.
- Failure to follow the Institute's legal obligations.
- The unhelpfulness or insensitive attitude of a representative of the Institute.
- Neglect or unreasonable delay in answering a query or responding to a request for service.
- Dissatisfaction with the way a request made under data protection or other legislation has been handled.

5.2. The following types of complaint are excluded from the procedure set out in this policy:

- A matter that is currently subject to litigation or legal proceedings.
- Complaints relating to decisions by our funders or affiliated organisations.
- A matter, raised by the same individual, which has previously been through our complaints procedure in line with this policy and has been closed.
- Complaints made by Institute staff that are better managed via other policies and procedures, such as grievances (BI-HR-005 Grievance Policy), research misconduct (BI-RES-004 Research Misconduct Policy) and Whistleblowing (BI-COR-010 Whistleblowing Policy). Further advice can be sought from the HR team.

5.3. The Institute will not respond to anonymous complaints. Please see the Institute Whistleblowing Policy (BI-COR-010).

## 6. Making a complaint

6.1. In the first instance, we ask that you try to resolve your complaint informally with the representative of the Institute dealing with the issue. If the matter is not resolved and you wish to escalate your complaint, please follow the processes outlined below and in the Appendixes.

6.2. A formal complaint must be made in writing, by either email or letter. Any telephone complaints will need to be followed up in written form to be formally investigated (assistance can be arranged if required).

6.3. The complaint should be directed to:

The Chief Operating Officer  
Babraham Institute  
Babraham Research Campus  
Cambridge CB22 3AT

Email: [complaints@babraham.ac.uk](mailto:complaints@babraham.ac.uk)

This mailbox is monitored by the Chief Operating Officer, Assistant Director of Operations and Head of HR.

6.4. To help us deal with any complaint, it would be helpful to provide the following information:

- The section of the Institute relevant to the complaint, with a contact name if possible.
- Whether this is a first-time complaint or a follow-up to an earlier complaint that was not dealt with satisfactorily.
- A clear description of the complaint and what you consider should be done.
- Your full contact details, including a phone number and e-mail address, if available.

If a complaint is not clear, fact finding may be carried out at this point by an appointed individual to fully understand the nature of the complaint and those involved.

## 7. Data protection complaints

7.1. For complaints relating to data protection legislation, you should appeal in the first instance to the Institute's Data Protection Officer.

Data Protection Officer  
Babraham Institute  
Babraham Research Campus  
Cambridge CB22 3AT

Email: [dpo@babraham.ac.uk](mailto:dpo@babraham.ac.uk)

This mailbox is monitored by the Data Protection Officer.

7.2. If you are not satisfied with our response you may contact the Information Commissioner for a decision:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel.: 0303 123 1113

7.3. Details of how to take the complaint further can be found on the Information Commissioner's Office website.

7.4. Staff and associates should also refer to the Data Protection Policy (BI-IM-002) for further information on the Institute's data protection procedures.

## 8. Formal investigation

8.1. All complaints will be acknowledged.

- 8.2. Should a formal investigation be required, the Institute will identify a senior independent employee to conduct the investigation. The independent person must not have any prior knowledge of the complaint nor have any likely bias when conducting the review. The investigation will be conducted in as timely a manner as possible (see Appendix 2).
- 8.3. On conclusion of the process, written feedback will be provided to the complainant.
- 8.4. See Appendixes for full Investigation processes.

## 9. Appeals

- 9.1. The complainant has the right to appeal. The appeal should be received and logged in the same way as complaints and must be received within six months of the initial complaint response closure date.
- 9.2. The Institute will identify a senior independent employee to conduct the review. The independent person must not have any prior knowledge of the complaint nor have any likely bias when conducting the review.
- 9.3. The review timeline and process will follow the standard complaints process. See Appendix 2.

## 10. Further information

- 10.1. For further information see:
  - [The Parliamentary and Health Service Ombudsman](#)<sup>3</sup>
- 10.2. This policy will be reviewed regularly to incorporate any changes, legislative or otherwise. The next review date is specified on the cover sheet.
- 10.3. Associated policies, procedures and guidance are listed on the cover sheet. The Policy Owner named on the cover sheet can be contacted with any queries.
- 10.4. This policy may be varied, withdrawn or replaced at any time by the Institute at its absolute discretion.

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<sup>3</sup> <https://www.ombudsman.org.uk/about-us/our-principles/principles-good-complaint-handling>



## Appendix 1 – Responsibilities

### Individuals

Individuals raising a complaint should:

- Try to resolve the issue with their Institute point of contact.
- If escalation is necessary, raise a complaint in writing to the Institute contacts outlined in section 6 or 7 as soon as possible. For data protection complaints, the external contacts in section 7 may be notified where you are uncomfortable using internal points of contact.
- Ensure that concerns are reported under the Institute's Complaints Policy.
- Cooperate fully with any investigation. This will enable an immediate start to the process in order to ensure the investigation is completed as soon as possible.

### The person who receives the concern

Individuals may raise complaints with their Institute point of contact. The person who receives the complaint should:

- Ensure the individual raising the complaint has access to a copy of the Complaints Policy and is familiar with the content.
- Ensure all complaints raised are taken seriously. Respond to the individual's complaint(s) immediately, and report the complaint to the Chief Operating Officer (COO), Data Protection Officer (DPO) or HR, if appropriate.
- Resolve the complaint informally if possible (support can be sought from your line manager or HR if you are unsure how to proceed):
  - Contact the individual within five working days of receiving the complaint to acknowledge the complaint and inform the individual of the next steps.
  - Ensure complete confidentiality when handling sensitive, confidential information and maintaining anonymity where necessary. Ensure individuals are respected by taking their feelings into account and supporting individuals through this process.
  - Seek assurance that individuals involved have received appropriate feedback on how issues that they speak up about are investigated.

### The Chief Operating Officer & Data Protection Officer

Where the complaint cannot be resolved informally and a formal complaint has been made in writing to the COO or DPO (see section 6 and 7), the COO or DPO should:

- Ensure the individual raising the complaint has access to a copy of the Complaints Policy and is familiar with the content.
- Ensure all complaints raised are taken seriously. Respond to the individual's complaints immediately, and report the complaint to HR, if appropriate. By doing so this ensures all investigations are started as soon as the individual has lodged their complaints, and the investigation is concluded as soon as possible
- Contact the individual within five working days of receiving the complaint to acknowledge the complaint and inform the individual of the next steps.

- Ensure complete confidentiality when handling sensitive, confidential information and maintaining anonymity where necessary. Ensure individuals are respected by taking their feelings into account and supporting individuals through this process.
- Evaluate the basis of any complaint brought to their attention and referring upwards to the Institute Director, Audit Committee or Board of Trustees where appropriate. If an individual is not happy with the way in which their complaint has been handled, they can appeal as outlined in section 9.
- Seek assurance that individuals involved have received appropriate feedback on how issues that they speak up about are investigated.
- Assess the effectiveness of the process and liaise with HR in relation to any amendments
- Fairly review the handling of complaint cases and any actions taken as a result.
- Work with HR to ensure that associated lessons learnt are recorded, disseminated and implemented.
- In the case of involvement of HR in the complaint, **take** on HR's responsibilities for the investigation and any subsequent procedures.
- Work with the Communications Manager to respond to any press requests.

## HR

The HR team is responsible for:

- Communicating the Complaints Policy to the Institute.
- Ensuring that individuals and managers understand their responsibilities.
- **Maintaining** and updating the Complaints Policy.
- Providing complaint and / or investigator training if required.
- Appointing Investigating Officers, and supporting the investigation and any appeal.
- Maintaining a complaint register accessible by senior management. This will include all monitoring and handling of reports.

## Investigating Officer

The Investigating Officer is appointed by HR. They should:

- Fairly and objectively carry out a full investigation.
- When the investigation is concluded, send the findings to HR.
- Assess the effectiveness of the process and liaise with HR in relation to any amendments that might be required and ensure these are implemented.
- Provide any assistance that may be required in ensuring that any lessons learnt are recorded, disseminated and implemented.

## All staff & associates

All staff and associates should:

- **Help** to create a culture where individuals feel able to speak up.

## Appendix 2 – Complaint response plan

- In cases of whistleblowing, the Whistleblowing Policy (BI-COR-010) should be followed.
- In the case of involvement or a conflict of interest of any of the named roles described in this response plan, alternative individuals will be appointed by the Chief Operating Officer (COO), Data Protection Officer (DPO) or Head of HR.
- Flowcharts for the complaint and appeals procedures are at the end of this appendix.

### Notification

- Under the Complaints Policy, individuals are encouraged to try to resolve complaints informally with their Institute point of contact or line manager.
- If individuals are reluctant to discuss complaints with these persons or wish to escalate a complaint, they may submit their complaint formally in writing to the contacts outlines in Section 6 and 7:
- The Chief Operating Officer (COO) or Data Protection Officer (DPO) should ensure that full details of the complaints are recorded and HR, where appropriate, notified as soon as possible.
- The COO will determine if and when to notify the Institute Director, Audit Committee and the Board of Trustees if they have not already been informed.

### Acknowledgement

- The COO or DPO will, normally within five working days of receipt of a complaint, provide the individual with the following:
  - Written acknowledgement of receipt.
  - Confirmation that their complaint(s) is / are being taken seriously and will be dealt with fairly.
  - Confirmation as to whether they may need to supply any further information and / or attend a meeting or interview (individuals may be accompanied as outlined below).

### Formal investigation

- On receipt of a complaint in writing under this policy, a formal investigation procedure will be initiated. The investigation procedure will be conducted confidentially and as quickly as possible. It will not be possible to protect an individual's anonymity if they discuss the case with others outside of the investigation.
- The COO or DPO should discuss with the HR or the COO whom to nominate to carry out the formal investigation (the Investigating Officer), which Institute policies may need to be considered (e.g., Whistleblowing (BI-COR-10), Fraud & Bribery (BI-COR-007), Research Misconduct (BI-RES-004), Disciplinary (BI-HR-005) etc.) and the format of the investigation.
- In most cases, the investigation will be carried out by a senior manager at the Institute (Investigating Officer). If the complaints involve, or may involve, a specific staff member,

the investigation will be dealt with by an Investigating Officer who is at least one pay band higher than the respondent. There must be no actual or perceived conflict of interest for the Investigating Officer. If clashes with independence and impartiality exist (i.e., there is a personal or professional link with persons involved), the COO will preside. In some cases, an independent external person may be appointed to conduct the investigation.

- The Investigating Officer will meet with the individual as soon as possible to ascertain the details of their complaint. A HR representative will be present at the meeting. The individual will be asked if they want to disclose their identity. It will not be possible to protect an individual's anonymity if they discuss the case with others outside the investigation. If the individual does not wish to make a written statement, the Investigating Officer will write a brief summary of the meeting. The individual will be given an opportunity to comment on the note, which should then be signed and agreed by both parties.
- As part of the investigation it will be necessary to establish facts and this may include interviewing other individuals involved in the case.
- Interviews with all relevant and affected individuals will be formally recorded in writing and witnessed by all persons present. All individuals have the right to be accompanied by an employee or an appropriate representative agreed in advance.
- As all complaints are different, the Investigating Officer in consultation with HR and the COO will decide at which point in the investigation the respondent (if applicable) is informed.
- All allegations and reports of complaint against Institute staff will be investigated and dealt with in line with the Institute's Disciplinary Policy (BI-HR-005) with the rights of the individual reporting the complaint protected. Similarly, if at any time the investigation reveals circumstances in which disciplinary action against one or more members of Institute staff would be appropriate, the Investigating Officer (in consultation with HR) will take the necessary procedural steps in line with the Institute's Disciplinary Policy (BI-HR-005).
- The Investigating Officer should take steps to ensure that any papers, computer files or other material that may be needed as evidence in the investigation are secured as early as possible.
- In some cases the Investigating Officer may refer the matter to the COO because the resolution of the complaint does not rest within their authority. In particular, this may be the case where action against a non-staff member is justified but responsibility sits outside of the Institute. In some circumstances, it may be appropriate to refer the individual's complaints to an independent external person; they will take whatever steps are necessary to consider the case in the spirit of this policy and resolve the problem.
- If at any stage of the investigation the Investigating Officer feels that the police should be involved, the Investigating Officer will contact the Head of HR and the COO. Any decision to notify the police will be made following discussion between COO, Head of HR and relevant Heads of Department, and with the agreement of the Institute Director. In particular, consideration will be given as to whether civil or criminal proceedings should be undertaken in order to protect the Institute's interests. Each case will be considered on its

own particular merits in accordance with the expert advice obtained, with a view to considering the Institute's moral obligations and minimising losses (both monetary and otherwise) to the Institute.

## Outcome

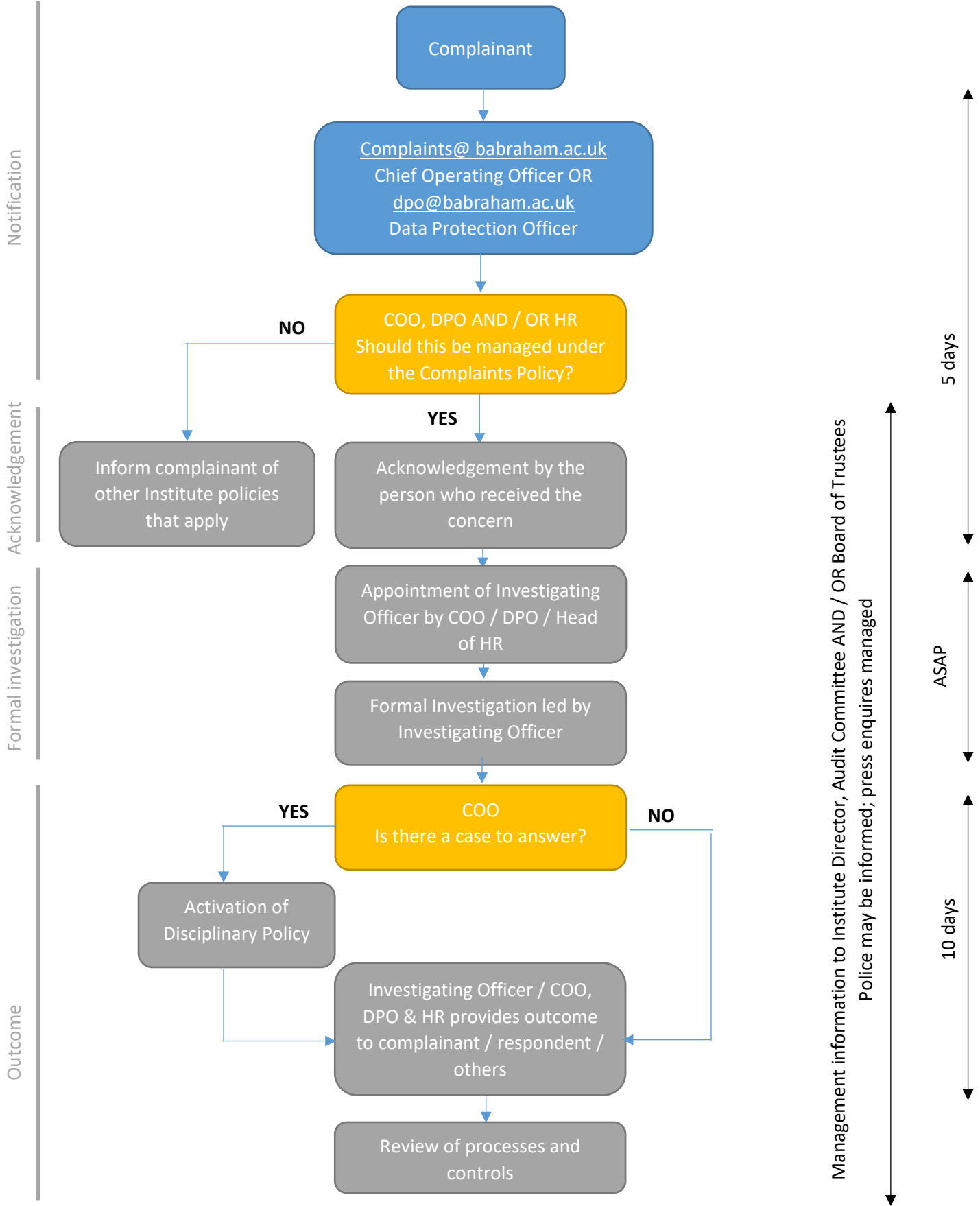
- The Investigating Officer will produce a report as soon as reasonably practical on the circumstances of the allegation for consideration as part of the investigation. The report will recommend whether there is a case to answer. This will be sent to HR, together with all other relevant paperwork. The COO will determine if the Institute Director, Audit Committee and / or Board of Trustees need to be informed, if they are not already aware of the complaint.
- The COO will review the report and decide whether there is a case to answer. This may result in activation of other policies, e.g., the Institute's Disciplinary Policy (BI-HR-005), in which case a disciplinary hearing will be convened.
- The Investing Officer or COO (supported by HR) will provide feedback to the individuals involved (e.g., the complainant, respondent etc.) on the outcome of any investigation as soon as reasonably practical and normally within 10 working days of its conclusion. This should include details of the Appeals process and a contact to initiate this. The Institute may not be able to provide full details due to confidentiality in relation to the other people involved or due to legal constraints, in which case this will be explained to the individual. Similarly the outcome of any Appeal will be appropriately notified to the individual.
- The COO, in conjunction with the Institute's Communications Manager, will be responsible for dealing with any enquiries from the press and other media.
- At the end of any investigation, whether internal or external (and whether the allegation is proven or not), consideration must be given to the following:
  - A thorough review of internal controls within the area of complaint.
  - Making changes to standard operating procedures and Institute policies if appropriate.
  - The effectiveness of similar controls in other parts of the organisation.
  - An appropriate notification to the wider Institute raising any areas which would benefit from a greater degree of internal review.
  - The requirement to notify internal or external auditors of the incident.
  - Lessons learnt. Following all investigations a lessons learnt report will be produced based on the circumstances and conclusion of the case. Any conclusions in respect of weaknesses in systems will be shared and implemented where appropriate.

In all review processes, the identity of those involved should be protected. If it is necessary to reveal an individual's identity, this will be discussed with them at the earliest possible opportunity.

## Appeals

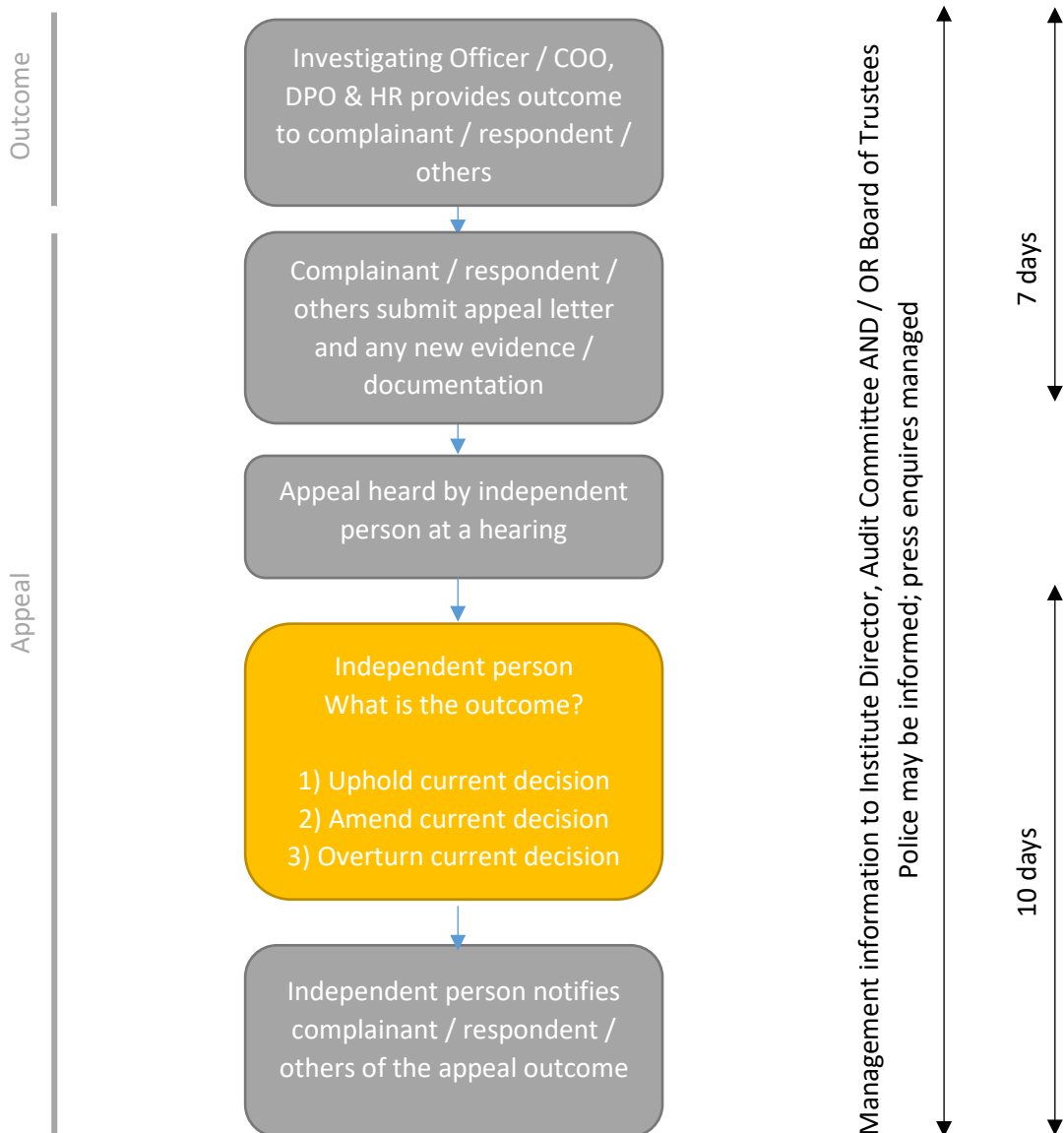
- All those involved (e.g., complainant, respondent etc.) have the right to appeal against the outcome of the original investigation. The purpose of the appeal is to review the outcome of the original investigation and the basis upon which the original decision was made.
- The appeal should indicate the full grounds upon which it is made and must be sent in writing within seven working days of receipt of the decision letter. Details of the person to whom the appeal should be sent will be included in the decision letter.
- The respondent or the complainant can submit new evidence or information that they consider relevant to the appeal, raise procedural issues, or comment on those matters they believe have received insufficient consideration. They should enclose copies of any new documentation to support their case.
- The appeal will be heard by a person who has had no previous involvement in the case. In exceptional cases the appeal may be heard by an independent person outside of the Institute. The person hearing the appeal will be accompanied by an HR professional. Individuals have the right to be accompanied by an employee or an appropriate representative agreed in advance. A note of the meeting will be taken. Those interviewed will have the opportunity to comment but this will not delay a decision. Any disagreements will be recorded.
- The person hearing the appeal will notify their decision to all relevant people, in writing, normally within ten working days.
- The possible outcomes are as follows:
  - Uphold the current decision, i.e., confirm the outcome of the original investigation, thereby rejecting the appeal.
  - Amend the current decision, i.e., substitute an alternative form of action. The decision could be changed in some way, for example, any actions required might be redefined in some way.
  - Overturn the current decision, i.e., set aside the original decision, thereby upholding the individual's appeal.

### Formal complaints procedure



**KEY:**  People / organisation     Process     Decision point

### Appeals procedure



**KEY:**  People / organisation     Process     Decision point