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BHS Approved

## COMPLAINTS AND WHISTLEBLOWING POLICY

1. **General.** This document outlines the Club's policies and procedures for dealing with complaints and whistleblowing. The main body of this document will cover the Club's overall approach to its members, staff, contractors and visitors. The complaints policy is at Annex A and the whistleblowing policy is at Annex B.

2. **Aim.** The Club aims to treat all members, staff, contractors and visitors promptly, fairly, equally and with courtesy across the range of activities which it delivers. All people associated with the Club have the right to expect good quality accessible services and advice and the Club will do its best to ensure this is delivered.

3. **Employees.** Our employees mean a lot to us and they are entitled to a safe working environment. To ensure this, we expect members not to threaten, bully or harass our employees, including swearing or shouting at them. This is very rare, but if it happens, we reserve the right to terminate the membership of those who behave in such a manner.

4. **Service Standards.** The Club is focused on continually improving its service to its members and partner organisations. Below are the service standards which should be expected from the Club's management committee and staff.

a. We aim to:

- (1) Ensure all enquiries and issues are dealt with promptly, efficiently and treated fairly, courteously and with respect and equality.
- (2) Regularly review these policies as part of our ongoing improvement plan.
- (3) Ensure our staff have the appropriate skills, knowledge and training to perform their jobs effectively and efficiently.
- (4) Provide an effective formal complaints procedure.

b. Our current key standards:

- (1) Be professional, prompt and courteous in all our engagements.
- (2) Treat all of our members, staff, contractors and visitors in a consistent and fair manner.
- (3) Unless on leave, the Club's staff will be contactable Monday to Friday during normal office hours. An alternative contact will be offered in case an urgent response is required.

(4) The Club's office telephone (01985 213925) to be answered promptly otherwise a message can be left and we will get back to you.

(5) We will endeavour to acknowledge all general and email enquiries within five working days of receipt and to provide a response within 10 working days, unless an out of office message is displayed.

(6) Respond to Data Protection enquiries within the published time limits.

(7) Take any concerns about the quality of our service seriously.

c. How you can help us:

(1) Treat the Club's staff with respect and courtesy.

(2) Provide accurate and detailed information to enable us to deal with your query quickly and efficiently.

(3) Ask us to explain anything you are not sure about.

(4) If you do not get a response to your email within the designated timeframes please contact that person again.

(5) Notify the Club immediately if you experience a problem.

5. **Feedback and complaints.** If the Club does something well, please tell us about it, or if you have an issue or suggestion for improvement please email us direct on [info@warminstersaddleclub.co.uk](mailto:info@warminstersaddleclub.co.uk)

6. **Charity Commission.** As a charity, the Club is regulated by the Charity Commission. In very serious matters, which may include whistleblowing, the Charity Commission may consider acting on a complaint made to it directly. The Charity Commission will not generally become involved with a dispute between members of the charity or where a concern is about policies followed or actions taken by the Trustees within the law and the provisions of the charity's governing document. The Club's complaints process should deal properly with your complaint; however, you have the right to raise a serious issue directly with the Charity Commission at [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

Annexes:

- A. Complaints Policy.
- B. Whistleblowing Policy

**Annex A to  
Complaints and Whistleblowing Policy  
Dated 1 Oct 23**

**COMPLAINTS POLICY**

1. **General.** Ideally complaints will be resolved at the lowest level and as informally and quickly as possible. If this fails to resolve the complainant's issue, then this policy is to be followed. The Club will use the feedback provided from complaints to ensure its services and policies are improved if required.
2. **Complaints procedure.** The Club aims to resolve complaints as quickly and efficiently as possible. To achieve this all complaints will be fully and fairly investigated: the complaints process should provide an effective response and appropriate redress. The procedure to be followed is:
  - a. A complaint should be made in writing, by letter or email, addressed to the Chair. If the complaint concerns the Chair, it should be addressed to the Commanding Officer of Warminster Garrison (CO WarGar), who will deal with the complaint on behalf of the President<sup>1</sup>, elevating the issue as they see fit.
  - b. Anonymous complaints will not be considered and all complainants will be asked to give their contact details.
  - c. Complaints should be notified as soon as possible after the occurrence of the events giving rise to the complaint and not more than three months after that date. Any unnecessary delay is likely to hamper proper investigation of a complaint.
  - d. The Chair will seek to resolve the matter informally within 21 days. Complainants are asked to bear in mind the majority of those taking part in the complaint resolution process are volunteers and have other calls on their time. It may therefore take a little longer to investigate and resolve the complaint. Complainants will be kept informed of the progress and outcome of their complaint with an acknowledgement within seven days and regular updates.
  - e. Complaints which fall outside the jurisdiction of the Club, the British Horse Society, or are more appropriately dealt with by another supervisory body, may be referred to that body for their consideration. If a complaint is being investigated by the Police or as part of a legal investigation, the Club may be unable to complete their own report until the investigations have been completed.
  - f. Complaints regarding the protection of children or vulnerable adults may be referred to the police or social services as will complaints alleging criminal activity.
  - g. The Club may take action if a complaint is found to be malicious or vexatious.
  - h. Where informal resolution by the Chair is not possible, they will identify a person suitably qualified to investigate and adjudicate upon the complaint in question. They will appoint this person as the Complaints Adjudicator (CA) who will follow the procedure set out below:

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<sup>1</sup> The President of the Club is the Deputy Chief of Staff of the Land Warfare Centre.

(1) The CA will investigate the circumstances of the complaint in whatever way considered appropriate to that complaint. The CA will have the power to co-opt where necessary additional persons with specific skills or experience relevant to the complaint in question to provide advice.

(2) The CA will report their findings to the Chair who will notify these to the parties involved in the complaint within 28 days of the CA's appointment. If there is any delay in this timetable the Chair will ensure the complainant is aware of the reasons for the delay.

i. If this process resolves the matter to the satisfaction of the complainant, the Chief Executive will take whatever steps may be necessary to give effect to the CA's conclusions.

j. If the complainant, or any other party involved, is not satisfied, the Chair will, after discussion with the parties, either arrange to have the matter re-investigated in its entirety or refer the matter to the President. In this event, arrangements, including a timetable, will be made for the complainant to submit their complaint in full to the President whether in writing or orally, or both, depending on the nature of the complaint.

3. **Vexatious complaints.** Occasionally complainants may focus on their own concerns to the extent that persistent and vexatious complaints can place a strain on time and resources of staff or volunteers who have to deal with them. All staff are expected to deal with individuals respectfully and in a professional manner, however there are times when nothing more can reasonably be done to address a real or perceived concern, in which case the continued pursuit of the complaint will be considered vexatious, specifically:

a. The Club expects its employees, contractors and volunteers to be treated with courtesy and respect at all times and will protect them from unacceptable behaviour by complainants. Unacceptable behaviour may include:

(1) Abusive, threatening or inappropriate language, either verbally or in writing.

(2) Sending multiple emails, especially over a short timescale.

(3) Making multiple calls / leaving multiple voicemails.

(4) Otherwise unreasonably pursuing a complaint.

b. Where an individual is raising a legitimate query or criticism of the complaints procedure as it progresses, such as time scales not being met, this would not normally, on its own, be regarded as vexatious or unreasonable. A vexatious complainant is an individual who:

(1) Is raising a complaint contentiously, without reasonable grounds or with little merit or substance, and with the purpose of causing annoyance or disruption.

(2) Is pursuing a complaint to an unreasonable degree or after appropriate procedures have been followed and exhausted.

c. Examples of unreasonably persistent or vexatious complainants are those who:

(1) Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.

(2) Refuse to follow the correct procedure at the correct level, for example not exhausting resolution at the lowest level before escalating their complaint.

(3) Refuse to accept issues that do not come within the Club's complaints procedure, despite having been provided with information about the scope of the policy and procedure.

(4) Refuse to accept issues that are not within the power of the Club to investigate, change or influence.

(5) Insist on the complaint being dealt with in ways which are incompatible with the Club's complaints procedure and/or good practice.

(6) Make what appear to be groundless complaints about the person dealing with the complaint(s) and seeking to have them dismissed or replaced.

(7) Make an unreasonable number of contacts by any means in relation to a specific complaint or complaints.

(8) Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails).

(9) Raises numerous subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.

(10) Adopts a 'scattergun approach' such as pursuing a complaint or complaints not only with the Club, but at the same time with the British Horse Society, the Government, a Member of Parliament, their local council, elected councillors, the police, solicitors and/or any other body.

(11) Refuses to accept the outcome of the complaint process after its conclusion and attempting to escalate it.

4. **Process for declaring a complaint to be vexatious.** If a member of staff is concerned about a complaint potentially being vexatious, the matter should be referred to their line manager and/or the Chair with a note explaining the staff member's concerns and attaching any relevant emails/documents.

a. Where the complaint concerned relates to the Chair, the Chair shall refer the matter to the President, who shall direct CO WarGar to deal with it.

b. The line manager/Chair/CO WarGar should consider the matter including all the documents and decide whether the complaint comes within the above definition of vexatious. Where a line manager/Chair/CO WarGar has decided a complaint is vexatious, the following will occur:

(1) The line manager/Chair/CO WarGar will record the decision in writing giving brief reasons.

(2) The line manager/Chair/CO WarGar will ensure any outstanding steps under the complaints policy are completed.

(3) The line manager/Chair/CO WarGar will contact the complainant in writing to inform them a decision has been made that this procedure will apply to their complaint henceforth and enclosing a copy of this policy. The letter will set out the preferred method of communication for all parties involved and the way the matter will be dealt with going forward.

(4) Once the letter has been sent, contact with the complainant will be restricted to specific individuals and by specific methods, usually in writing, subject to sub-paragraph (5) below.

(5) Where the complaints procedure has been exhausted and the concern cannot be taken any further, the complainant will be notified in writing their concern has been fully responded to, there is nothing further to add, and continuing contact will serve no useful purpose. Further correspondence will be acknowledged but not answered.

(6) In extreme circumstances it may be necessary to instruct external lawyers to deter the individual from further contact.

5. **Confidentiality.** The Club will respect a complainant's desire for confidentiality which will be preserved as far as is practicable. Proper investigation of a complaint is likely to involve enquiry of third parties, including any person named in a complaint, and it will normally be necessary for these people to be given information about the complaint.

6. **Independence.** The Club will ensure all persons concerned in the investigation of a complaint are independent of that complaint.

**Annex B to  
Complaints and Whistleblowing Policy  
Dated 1 Oct 23**

**WHISTLEBLOWING POLICY**

**Introduction**

1. **General.** This annex is the Club's Whistleblowing Policy as defined under Public Interest Disclosure Act 1998, which came into force on 2 Jul 99. The Act protects workers who disclose information about malpractice at their current or former workplace, provided certain conditions are met. For the purposes of this policy the workplace includes that of the Club as well as off-site locations related to competitions and training camps.

2. **Scope.** The policy applies to all employees, members, contractors and visitors. Personal grievances (e.g. bullying, harassment, discrimination) are not normally covered by this policy; these are covered by the Club's complaints policy. Further:

- a. All Club employees, members, contractors and visitors in any capacity, may have concerns about what is happening at one time or another. It is the duty of everyone to speak up about genuine concerns. These concerns are usually best resolved by having a conversation with their line manager (for employees) or the Chair (all others).
- b. Employees, members, contractors and visitors may be worried about raising such issues or may want to keep the concerns to themselves, perhaps feeling that it is none of their business or that it is only a suspicion. They may feel that raising the matter would be disloyal to colleagues, managers or to the Club. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- c. The Club takes any form of misconduct seriously and has introduced this policy to enable employees, athletes, contractors and students to raise concerns early and in the right way. We encourage all individuals, where appropriate, to raise the matter as a concern rather than wait for proof.

3. **Indicative concerns.** When disclosing a concern, the whistleblower must reasonably believe two things: that they are acting in the public interest; and the disclosure may fall under one or more of the following headings of malpractice (the list is not exclusive):

- a. A criminal offence e.g. fraud.
- b. Betting, corrupt conduct, inside-information and match fixing.
- c. Someone's health and safety is in danger e.g. coercion of a member to train against medical advice or conducting an unsafe-practice.
- d. Risk or actual damage to the environment.
- e. A miscarriage of justice.

- f. An organisation is breaking the law e.g. incorrect or inadequate insurance cover.
- g. Covering up wrong-doing, such as fabricating test results or supporting cheating.

### **Assurances to employees, members, contractors and visitors**

4. **Commitment.** The Club's management committee is committed to this policy. If a genuine concern is disclosed under it, the Club will use all reasonable endeavours to protect the position of the individual concerned, provided they are acting in good faith. This assurance does not apply to someone who maliciously raises a concern they know is untrue.

5. **Confidence.** The Club does not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise someone may wish to raise a concern 'in confidence'. If any individuals ask us to protect their identity we will not disclose it without their consent. If the situation develops and the Club is not able to resolve the concern without revealing their identity (for instance because evidence is required in court), we will consult with the employee, member, contractor or visitor on how they would like to proceed. The Club recognises that if we do not know the identity of the person disclosing a concern, it may be more difficult to resolve the matter; however, we will always endeavour to balance this with the needs of the individual raising a concern.

6. **Procedure.** Once the Club has been made aware of a concern, the following procedure will be followed:

- a. The Club will make an initial assessment in order to decide what action should be taken. This may involve: an internal investigation; or an external review/investigation completed by independent experts who are not involved in the operation of the Club.
- b. The person disclosing will then be made aware of who is handling the concern and how they can be contacted and whether they will be required to assist in the future. A panel will then be formed based on the needs of the case, which will be composed of those who have the knowledge required to fairly assess the disclosure.
- c. The Club will act as quickly as possible to resolve the matter, though the time taken to come to a resolution will depend on the nature of the disclosure. If appropriate and confidentiality allows, the person disclosing may be kept informed though this may not always be possible.
- d. When raising a concern the employee, member, contractor or visitor may be asked how they feel the matter might best be resolved. At this stage, the Club must be made aware of any personal interest in the matter. If the concern is deemed to be covered more appropriately by the complaints policy the Club will make the individual aware and direct them to the policy. Records of disclosures will be kept in accordance with applicable law.

7. **Raising a concern internally:**



- a. Those who have a concern about misconduct would ideally raise it in the first instance with their Line Manager, alternatively with the Chair. This may be done orally or in writing. The person disclosing must state whether they wish to raise the matter in confidence so the appropriate arrangements can be made.
- b. If after following these concerns the person disclosing feels the matter has not been addressed, or if they feel that the matter is so serious that they cannot discuss it with any of the above they should contact the President, via the Commanding Officer of Warminster Garrison.
- c. If the person disclosing is still not satisfied with the decision making process or the action taken they can go to the other levels of escalation detailed in this policy (see below).

8. **Raising a concern externally.** Some professions, such as veterinary medicine, have statutory duties to inform certain categories of disclosure externally. In disclosure cases such as criminal misconduct, child or vulnerable adult abuse, all employees, members, contractors and visitors must inform the regulatory authorities without undue delay. The disclosure process when dealt with internally by the Club may be duty bound to report this externally to statutory bodies.

9. **Keeping the Club's management committee informed.** The Chair will notify the Club's management committee when a whistleblowing case has instigated a panel investigation. Details of the case will not be discussed at that stage. Once the panel's findings are concluded, the management committee will be fully informed, in confidence.

10. **Further information.** For your information some regulatory statutory bodies are listed below<sup>2</sup>. These Regulatory statutory bodies have individual policies and procedures for handling concerns and complaints. Many of their websites contain guidance on issues that you may face which may be helpful in your initial deliberations on whether to make a disclosure.

- a. **The Information Commissioner.** In relation to compliance with the requirement of legislation relating to data protection and to freedom of information. Email: [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk) and the website is [www.ico.gov.uk](http://www.ico.gov.uk).
- b. **The Health and Safety Executive.** This relates to health or safety of individuals at work or the health and safety of the public that is work-related, in connection with those industries and work activities for which HSE is the enforcing authority. Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm> and the website is [www.hse.gov.uk](http://www.hse.gov.uk).
- c. **The National Society for the Prevention of Cruelty to Children (NSPCC).** Matters relating to child welfare and protection. Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk) or the Child Protection in Sport Unit of the NSPCC. [www.thecpsu.org.uk](http://www.thecpsu.org.uk).
- d. **Care Quality Commission.** Matters relating to the provision of health and social care. [www.cqc.org.uk](http://www.cqc.org.uk).

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<sup>2</sup> A more comprehensive list is available on the Department for Business and Trade's website under [Whistleblowing: list of prescribed people and bodies](#).

- e. **General Medical Council.** Matters relating to the registration and fitness to practise of a member of the medical profession. [www.gmc-uk.org](http://www.gmc-uk.org).
- f. **Royal College of Veterinary Surgeons.** Matters relating to the registration and fitness to practise of a member of the veterinary profession. [www.rcvs.org.uk](http://www.rcvs.org.uk).