



The Breastfeeding Network (BfN) Complaints Procedure

It is the responsibility of BfN Registered Helpers, Probationary Supporters, Supporters, Tutors, Trainers and Employees Complained Against, to ensure that they fully understand the **Complaints Procedure**.

This **Complaints Procedure** forms an essential part of BfN's commitment to the protection of the public. Members must inform any client who indicates that they have a complaint about the existence of this **Complaints Procedure**.

If there is an allegation of child abuse, refer to the Child Protection Procedure.

The BfN's Grievance Procedure covers any internal concern or grievance about BfN work or relationship with colleagues. In the event of it being unclear whether an issue should be considered under the Complaints Procedure or the Grievance Procedure the Supervision Group will take the final decision.

1. Introduction

1.1. Aim

The aim of the **Complaints Procedure** is to afford protection to the public and to uphold the reputation of the BfN.

1.2. Bringing a complaint

This procedure covers complaints against the services provided by BfN Registered Breastfeeding Helpers, Probationary Supporters, Supporters, Tutors and Trainers (collectively referred to from this point onwards as BfN Registered Volunteers) or Employees of BfN.

1.3. Complaints which will not be accepted

The BfN Trustees are not responsible for dealing with complaints against:

- i) Un-registered BfN Helpers, Probationary Supporters, Supporters, Tutors or Trainers.
- ii) BfN Registered Volunteers who were clearly not working as BfN Registered Breastfeeding Helpers, Probationary Supporters, Supporters, Tutors or Trainers at the time of the alleged complaint.
- iii) Employees who were clearly not working as BfN Employees at the time of the alleged complaint.

1.4. Timescale

1.4.1. A complaint must be lodged within one year of the incident.

1.4.2. All records will be kept for a period of two years only. Exceptions will be details of a formal complaint, the formal response, the decision of the Supervision Group, any Appeal decision and sanction records, which will be kept for five years.

1.5. Administration

The **Complaints Procedure** will be administered by the Supervision Group.

1.6. Expenses

The BfN is not responsible for travel or any other expenses incurred by the Complainant or their representative at any stage of the complaint.

1.7. Dual accountability

The BfN may decide to hear a complaint against a BfN Registered Volunteer or Employee when another organisation is involved in a similar process arising out of the same substantive matters.

1.8. Resolution

Before making a complaint, the Complainant is expected to attempt to resolve the issue with the individual or the BfN. The Complainant must demonstrate that all informal channels have been exhausted. If local resolution is impossible or inappropriate, an explanation will be required.

2. Making a complaint

2.1. The complaint

For the **Complaints Procedure** to be implemented the complaint must satisfy the following conditions:

- a) The complaint must be brought by a member of the public seeking or using a service provided by a BfN Registered Volunteer or an Employee.
- b) The BfN must be deemed responsible.
- c) The complaint must be in writing and signed by the complainant.

A complaint not satisfying the above conditions will be rejected.

2.2. Notification and receipt of a complaint

- a) The complaint will be received by the BfN Trustees, who will acknowledge receipt of it to the Complainant and forward it to the Supervision Group for consideration.
- b) The Supervision Group will decide whether the complaint can be accepted under this **Complaints Procedure** or is to be rejected.
- c) If the complaint is rejected by the Supervision Group then Trustees will be informed together with the reasons.
- d)) If the complaint is accepted by the Supervision Group for investigation, the formal **Complaints Procedure** will commence (see section 3).

3. The formal Complaints Procedure

3.1. Acceptance of complaint for investigation

Once the formal **Complaints Procedure** has commenced the Complainant and BfN Registered Volunteer or Employee will be notified in writing that the **Complaint Procedure** is being implemented. The BfN Registered Volunteer's Supervisor or Employee's Line Manager will also be informed in writing.

All parties will receive copies of the **Complaints Procedure**.

3.2. Responding to a formal complaint

A full copy of the formal complaint will be submitted to the BfN Registered Volunteer and her Supervisor or Employee and Line Manager, who will have 28 days to respond to the complaint. Any response to the complaint must be forwarded via the Supervision Group. This may include written evidence and/ or submission of witness statements.

3.3. Evidence

All evidence submitted by either the Complainant or the BfN Registered Volunteer or Employee complained against shall be available to the other parties involved in the complaint. The Supervision Group will distribute to the parties copies of all submissions made.

The Supervision Group has discretion to interview the Complainant and/or BfN Registered Volunteer or Employee Complained against and her Supervisor or Line Manager if deemed appropriate.

3.4. Conduct

All parties taking part in the **Complaints Procedure** must comply with the procedures of the complaints process.

3.5. Suspension of duties as a BfN volunteer

At the discretion of the Supervision Group and depending on the nature of the complaint, it may be decided to suspend some or all of the BfN Registered Volunteer's or Employee's work while the complaint is resolved. In this situation the Supervision Group will notify the BfN Registered Volunteer or Employee complained against and her Supervisor or Line Manager of the details of her suspension.

Suspension will not be taken as an indication of guilt or to pre-empt the decision of the Panel, but to safeguard the public, the person complained against and/or the BfN.

No liability for any loss suffered, or expenses incurred, will attach to the BfN for the suspension of her practice even where a complaint is not upheld.

3.6. Lapsed membership

Failure to renew membership or fulfil registration requirements by a BfN Registered Volunteer complained against during the course of a complaint will not normally terminate the **Complaints Procedure**.

Resignation from the BfN will not terminate nor invalidate the complaint received by the BfN.

The commencement of the complaint will be determined by the date the complaint is received by the BfN Trustees.

4. The Supervision Group Panel

4.1. Supervision Group

The Supervision Group will appoint a panel of not less than three persons to hear the complaint (the Complaints Panel).

4.2. Purpose

The purpose of the Supervision Group **Complaints Panel** is to examine the complaint and decide whether the complaint is proved or not. If proved, the panel will decide whether or not any sanction should be imposed.

4.3. Declaration of interest

Members of the **Complaints Panel** have a duty to declare any interest which may be considered by the Supervision Group to affect their impartiality, or likely to be thought so to do.

4.4. Venue

It is acceptable for the **Complaints Panel** to discuss the complaint by email, teleconference or in person, with all members recognising the need to maintain strict confidentiality.

4.5. Communication with Supervisor or Line Manager

The **Complaints Panel** will communicate with both the BfN Registered Volunteer or Employee and the Supervisor or Line Manager during the **Complaints Procedure**. The Supervisor may speak on behalf of the BfN Registered Volunteer, or the Line Manager may speak on behalf of the Employee if this is preferred.

4.6. Support of person Complained Against

The BfN Registered Volunteer or Employee can request the support of another BfN member.

4.7 Clarification of witnesses/ written evidence

If a witness has supplied a written statement which needs clarification, they may be questioned by a member of the **Complaints Panel** for clarification.

4.8. Notification of findings

The initial decision of the **Complaints Panel** will be notified in writing to all parties within 28 days of the implementation of the Complaints Procedure. A further deadline may be negotiated and agreed with all parties if required.

5. Sanctions / Conditions

5.1. The **Complaints Panel**, having regard to the findings, may impose sanctions / conditions at their discretion.

5.2. Lifting of sanctions / conditions

The Registered Member Complained Against may make application to the **Complaints Panel** for the sanction to be lifted when the conditions laid down in the sanction have been fulfilled.

5.2. (a) The **Complaints Panel** will consider any evidence of compliance with the sanctions / conditions. The BfN Registered Volunteer's Supervisor or Employee's Line Manager will decide if the requirements of the sanction have been fulfilled and advise the **Complaints Panel** accordingly.

5.2. (b) The **Complaints Panel** will advise the BfN Registered Volunteer or Employee Complained Against and her Supervisor or Line Manager of any decision made in writing.

5.3 (c) The decision of the **Complaints Panel** is final.

5.3. Failure or refusal to comply with sanction / condition

Failure or refusal to comply with the sanction will result in termination of registration as a BfN Registered Volunteer with BfN or of Employment. The Trustees will notify any such decision to the BfN Registered Volunteer or Employee complained against, and her Supervisor or Line Manager, in writing.

6. Formal appeals procedure

If either party wish to appeal, the Supervision Group and Trustees will nominate a secondary group to meet and reconsider the submission. This group (**The Appeal panel**), will include a BfN Trustee and where possible a neutral / external third party.

6.1 If there is insufficient evidence to satisfy any of the grounds for appeal, the appellant will be notified in writing by the Supervision Group. This decision will be final.

6.2 An appeal will be considered on any of the following grounds:

(1) That the facts were found against the weight of evidence.

(2) That the sanction is disproportionate to the finding of the **Complaints Panel** and is unjust in all the circumstances.

(3) There is evidence to suggest that a procedural impropriety may have had a material effect on the finding and decision of the **Complaints Panel**.

(4) There is new evidence which was not available at the time of the **Complaints Panel** (subject to the conditions laid down in the relevant protocol).

6.3 Timescale for appeal

Any appeal must be in writing, specify which grounds it is submitted under and be accompanied by any supporting documentation and served upon the Supervision Group within 28 days of notification of the decision and/or sanction of the **Complaints Panel**.

6.4. Format of Appeal Hearing

(a) Where there is an appeal as set out in paragraph 6.2 (1), (3) & (4) the appeal will be by way of a re-hearing.

(b) Where there is an appeal as set out in paragraph 6.2 (2) only, the Appeal Panel will meet with the BfN Registered Volunteer or Employee complained against. The panel will review all the submissions considered by the **Complaints Panel**, and consider any other mitigating factors submitted by the BfN Registered Volunteer or Employee complained against.

(c) The same rules on representation will apply to the Appeal Hearing as per the original hearing (paragraphs 4.5 and 4.6)

6.5 Notification of decision

(a) The Chair of the Appeal Panel will report the panel's decision to the Trustees / Directors of the BfN and the Supervision Group who will implement its decision. This decision will be final.

(b) The decision of the Appeal Panel will be notified to the respective parties in writing within 14 days of the appeal hearing.

(c) Following the hearing of an appeal, where the appeal is rejected, the decision of the **Complaints Panel**, incorporating any amendment by the Appeal Panel, may be published in the BfN Newsletter in such detail as deemed appropriate (such decisions will be based on considerations of public interest and severity of the findings).

7. Publication

7.1. The Breastfeeding Network reserves the right to publish such details of complaints as it considers appropriate.

7.2. The termination of membership under the Complaints Procedure may be published in the BfN Newsletter

7.3. Any notification that the BfN under these Procedures, is entitled to publish in its newsletter, may, at its discretion, be published elsewhere by the BfN.

8. Effective Date

This **Complaints Procedure** will apply to all complaints received by the Breastfeeding Network

Supervision group April 2007 REVIEW DATE: April 1st 2008