



# Surrey Compact

**The Surrey Compact is a commitment to continually improve relationships between the public, voluntary community and sector and organisations representing service users and carers.**

## POSITIVE DISPUTES RESOLUTION CODE

**This code sets out what is expected of our signatories if a complaint is made about compliance with the Surrey Compact, and what the Surrey Compact Implementation Custodian Group (SCCG) will do to help resolve disputes.**

## **1 Introduction**

### **Things sometimes go wrong**

- 1.1 The Surrey Compact is a detailed, and occasionally complex, set of standards with which organisations that are signatories are expected to comply. If this does not happen, it is usually accidental and/or unintentional, though occasionally there is a genuine difference of opinion over what standard the Compact actually requires.

### **Scope**

- 1.2 This code is intended to describe the process to follow in the event of a Compact-related dispute, so that it can be resolved quickly, positively and constructively.
- 1.3 This code applies to signatories of the Compact, although they need not have been members at the time of the dispute.
- 1.4 This code sets out a standard for members to live up to in resolving complaints about the Compact, and offers three resources to make use of, whichever side of a dispute:-
- Support
  - Mediation
  - Arbitration
- 1.5 The code is founded on the following three principles:-

## **2. Trust**

Signatories are expected to investigate Compact-related complaints themselves using their own complaints systems.

## **3. Freedom to choose**

If use is made of any of the resources or processes set out below to help resolve a Compact complaint, it will not limit or restrict organisations rights to seek other remedies provided for in law.

#### **4. Voluntary compliance**

The Compact's authority derives from the commitment and goodwill of its members. If an organisation is asked to change its practices as a result of an upheld complaint, it is expected to do so voluntarily. If an organisation feels that it is unable to explain the rationale for that decision; it may compromise the organisation's ability to remain a Compact member.

#### **5 What we expect from your Organisation**

If you considered that another signatory has breached the Compact the matter should be taken up with the organisation through its complaints procedure. This gives them an opportunity to put it right themselves. Signatories should appreciate when accidental breaches are brought to their attention. It is expected that most disputes will be resolved quickly, informally and constructively, once they are brought to the attention of the organisation concerned.

#### **6. Tell the Surrey Compact Custodian Group (SCCG) about your action.**

6.1 Let SCCG know about any Compact-related complaint that is made, even if it is resolved quickly by the other party. Confidentiality will be respected.

6.2 SCCG will listen to your complaint and support you through the process. SCCG will use the strength of its membership and networks to find the right person to support you. SCCG will also be able to provide you with a link in to relevant organisations where possible or appropriate.

#### **7. If signatory complains that another signatory organisation has breached the Compact:**

- It is expected that the complaint is taken seriously, and is investigated through the organisations complaints procedures

• It is expected that all signatories have complaints procedures that meet certain minimum standards (see

Appendix 1). The Compact should be written into your procedures so that complaints about non-compliance can be investigated and dealt with through existing channels. It is expected that minor concerns are resolved quickly and informally, without having to resort to the formal stages of the organisation's procedure.

## **8 Other Remedies**

### ***Statutory bodies and legal remedies***

- 8.1 If the complainant is not satisfied with the outcome of a dispute brought against a public body, whether or not it is Compact related, there are other available remedies to:
- Write to a borough or county councillor, or Member of Parliament.
  - Make a complaint to the Local Government Ombudsman or the Parliamentary and Health Service Ombudsman, if your complaint was against one of the bodies falling within their remits.
  - Seek Judicial Review.
- 8.2 If considering judicial review, however, it would be necessary to seek independent legal advice. Surrey Compact is neither funded nor mandated to provide support in these circumstances.
- 8.3 There are strict time limits for seeking Judicial Review, and less strict ones for referring a case to the Ombudsman (see Appendix 1. B)

## **9. National Schemes**

- 9.1 There is a National Compact Advocacy Scheme, and also a National Compact Mediation Scheme, that seek to deliver at a national level.
- 9.2 The Charity Commission (regulator for charities in England and Wales) will investigate complaints about charities. The Charity Commission has produced a helpful leaflet on how charities manage complaints about their service.

## **10. Conclusion**

- | 10.1 All organisations make occasional mistakes or errors of judgement. Signatories are not expected to be complaint-free, but they are expected to:-
- respond quickly and constructively if complaints are made,
  - put things right effectively, if they have gone wrong,
  - learn from the experience so that they are not repeated.
- 10.2 It is hoped that signatories will positively welcome any complaints that they might receive about non-compliance as an opportunity to develop working practices and improve relationships.

## Appendix 1

### A. Minimum Standard for Complaints Investigation

Members of the Surrey Compact range in size from statutory organisations turning over millions of pounds a year, to small local organisations staffed entirely by volunteers with an income of a few thousand. It would be impossible, therefore, to specify one complaints process suitable for all signatories to adopt. The process should be proportionate to the size of the organisation and reasonable given the complexity of the work and the risks that the organisation is managing.

Every complaints system, large or small, simple or complex, should have an irreducible minimum standard that the organisation should not fall below. These set out below:

#### **Signposts**

How people can complain against your organisation, and how they can make any of the choices that your system offers them once a complainant has been made.

#### **Communication and Accountability**

Complainants must be kept informed of progress, know what is happening and who is dealing with their complaint at any given time.

#### **Escalation**

Complainants should be able to take their complaint to a higher level if they are not happy with the outcome achieved at any stage. Typically, there may be three levels:-

- An **informal** stage, when the emphasis is on putting something right as quickly and as simply as possible, and with the minimum of fuss.
- A **formal** stage, when the complaint is carefully investigated, a reasoned decision reached and a remedy proposed.
- An **appeal** stage, where earlier decisions are reviewed and revised if appropriate, and a final decision is made.

## **Timescales**

Deadlines must be specified for each stage of the process, and these made clear to complainants. Sometimes there are statutory deadlines to be met, and these are outlined in Appendix B.

## **Records**

Records should be kept of any complaint that gets beyond the informal stage.

## **Learning and improvement**

Complaints are an opportunity to learn. Organisation should ensure that use is made of complaints to improve the services and quality of all work that is provided.

## Appendix B

### Timescales for complaints investigations

The longer a complaint is allowed to drag on the less satisfactory is its final outcome, so deadlines must be set and publicised for each stage of the process. The need for reasonable speed must be balanced against the need for care and thoroughness.

An example of good practice, these are the standards that Surrey County Council sets:-

#### **How long will it take to sort out my complaint?**

*“We can sort out simple stage one complaint within five working days. If it is going to take us longer than this we will contact you to let you know how long it will take and who is carrying out an investigation. Stage two and three complaints, and more complex stage one complaints, may take up to 20 working days each to sort out”.*

*(Surrey CC leaflet: “Comments, compliments and complaints”)*

Complainants should not be denied access to any of their other rights, which sometimes have to be exercised within a set time:-

#### **Local Government Ombudsman**

*“You should complain to us within 12 months of when you first knew about the matter you are complaining about. If you leave it later, we may not be able to help”.*

*LGO: “How to complain to the Local Government Ombudsman”*

#### **Judicial Review**

*“The claim [...] must be filed promptly and in any event not later than three months after the grounds upon which the claim is based first arose”. (Part 54.5 Civil Procedure Rules)*

*Extract from [www.judiciary.gov.uk](http://www.judiciary.gov.uk)*



[www.surreycompact.org](http://www.surreycompact.org)