

THE BRISTOL COMPACT

GUIDELINES FOR THE RESOLUTION OF COMPLAINTS

These guidelines should be used when a Compact member considers that another member has breached the Compact.

The guidelines contain a 5-stage procedure:

Stage 1. Informal discussion between the parties

Stage 2. Use of a member's Complaints Procedure

Stage 3. Use of the Compact Steering Group

Stage 4. Use of External Mediation

Stage 5. Unresolved Concerns

Introduction

These guidelines have been produced to assist in the resolution of disputes between Compact members e.g. a voluntary organisation and a statutory organisation. The procedure may also be used when an external party believes there has been a breach of the Compact.

The underlying principle is that disputes should be resolved informally but where this is not possible the relevant stages of the disputes procedure should be followed.

STAGE 1: INFORMAL DISCUSSION BETWEEN THE PARTIES

1.1 When one member thinks that another member has breached the Compact both organisations should seek to enter informal discussions on the basis that both **want** to achieve resolution of their differences in this way. The complainant has the right to bring a support person to these informal discussions. When this basis cannot be established the responding Compact member will have to move straight to Stage 2. It is important that the complainant is

provided with feedback about the outcome and the need to move to stage 2.

1.2 When informal discussions result in a successful outcome the organisations will be expected to produce a document which provides a description and analysis of the complaint, identifies any wider issues of relevance, details the remedy[ies] and makes recommendations which could help prevent complaints of a similar nature from occurring in the future. Each member of the Compact should be provided with a copy of the document.

STAGE 2: USING THE COMPACT STEERING GROUP

2.1 The complainant must make a written request to the Chair of the Compact Steering Group who will consider a request either at its next scheduled meeting or, if this is more than a month away, at a special meeting.

2.2 When the Compact Steering Group accepts the request it will appoint a 3 person sub group from its membership, ensuring that it does not include anyone who is likely to have a conflict of interest. The chair will be from either sector and the other 2 members will be one from each sector.

The key points of process are:

- the sub group can request information from the organisations involved in the complaint
- the complainant organisation should present first, stating why it thinks the Compact has been breached and what it wants for a remedy
- the responding organisation will present its case, detailing any difficulties it thinks might be inhibiting it from keeping to the compact and suggesting a remedy
- the sub group can ask to hear testimony from other parties related to the complaint
- the sub group should have a maximum of 4 weeks to complete its work

2.3 The sub group will prepare a report on [a] the complaint and [b] the extent to which it considers there are wider issues. The report could contain recommendations (which may include referral to external mediation where appropriate) and an action plan. This report goes to the next scheduled meeting of the Compact

Steering Group –or to a special meeting – which either endorses or amends it.

STAGE 3: USING EXTERNAL MEDIATION

3.5 The complainant must obtain the other party's agreement to participate if mediation is to be meaningful.

3.6 There could be costs in using external mediation and the parties must agree how these are to be met before entering into mediation.

3.7 Sources of mediation are [a] the NCVO Compact Advocacy programme, [b] the Compact Mediation Scheme run by the Centre for Effective Dispute Resolution and [c] a local expert

3.8 With the approval of both parties the mediator's report will go to the Compact Steering Group.

STAGE 4: USE OF A MEMBER'S COMPLAINTS PROCEDURE

4.1. The complainant member has the option to pursue the issue through the respondent's Complaints Procedure.

4.2 If the complainant member still considers that the breach of Compact principles has not been repaired it can decide between:

- A. taking no further action
- B. involving the Compact Steering Group: stage 3
- C. using external mediation: stage 4

4.3 When the member decides on A. it should produce a report for consideration by the Compact Steering Group at its next meeting. The organisation against which the complaint was made is entitled to put a report on the same agenda.

STAGE 5: UNRESOLVED CONCERNS

3.9 There might still be unresolved concerns at the conclusion of stage 3 or stage 4. When these are with a voluntary and community sector organisation and the issue is with either a local government or health service organisation there is

the option to refer the case to the appropriate ombudsman. When a public sector organisation has concerns it might consider that the involvement of one or more of the Charities Commission, Companies House and other funders would be appropriate.

This version
GD 13/11/06

