



Cochrane

Governing Board Paper

Agenda number:	8.6 [2018-EDIN-8.6]
Agenda item:	Cochrane Complaints Policy Board Complaints Sub-Committee Terms of Reference
Submitted for Governing Board meeting:	Edinburgh, September 2018
Submitted by:	Complaints Procedure Working Group
Sponsored by:	XXX
Access:	Open
Decision or information:	Decision
Resolution for the minutes:	The Board approves the new: 1) Cochrane Complaints Policy; 2) the formation and Terms of Reference of a Complaints Sub-Committee.
Executive summary:	<p>The Complaints Procedure Working Group was formed by the Board to develop a new Complaints Policy and set of procedures for Cochrane. These have been developed as requested, and have been reviewed and are supported by relevant members of the Central Executive Team and Governing Board's Governance Committee. They are presented here for the Board's approval.</p> <p>Should approval be given by the Board, the Complaints Policy will become an 'official Cochrane policy', and added to the policies section of the Cochrane Community website and communicated to the Cochrane Community.</p>
Consultation with Cochrane Council:	Yes, implementation of this policy by Cochrane Groups and members will require the Council's communications support.
Financial request:	N/A

Complaints Policy

Cochrane's members and supporters are researchers, health professionals, patients, carers, and people passionate about improving health outcomes for everyone, everywhere. Our global independent network gathers and summarizes the best evidence from research to help people make informed choices about treatment.

We aim to treat all our donors, supporters, members and beneficiaries well fairly and equitably. In particular, we aim to support all Cochrane Members as they contribute to the organization's mission and activities and we expect Cochrane Members to adhere to this goal in their work and when acting under Cochrane's name.

The Complaints Policy seeks to support this by providing transparent and consistent principles and procedures for resolving grievances in a timely and proportionate way.

This Policy is intended for use by:

- **Members of the public making a complaint about Cochrane or a Cochrane Member;**
- **A Cochrane Member making a complaint about Cochrane or another Cochrane Member.**

The procedures set out in this Policy should be applied by any Cochrane Member or group designated to handle a complaint, as set out below.

It is not applicable for:

- Comments - including disagreements - on the content of a Cochrane Review or Protocol, which are dealt with via the [Comments Section](#) of Cochrane Reviews in *The Cochrane Library*;
- Referrals to the [Cochrane Funding Arbiter](#) on potential contraventions of Cochrane's Conflict of Interest policies related to the funding of Cochrane Reviews;
- Complaints made by employees or former employees of Cochrane's Central Executive Team (Executive Team) (who are also Cochrane Members as a benefit of their employment). These are dealt with via the applicable Executive Team Human Resources policy and/or employment law.

This Policy covers complaints about:

- The standard of service provided by, or behaviour of, Cochrane or Cochrane Members in their Cochrane activities;

- Any action, or lack of action, by Cochrane Members in their Cochrane activities.

It does not cover:

- Complaints about Cochrane Members that do not relate to their Cochrane activities (e.g. non-Cochrane work undertaken as part of their normal employment);
- Matters that have already been fully investigated through the Complaints Procedures set out in this Policy;
- Anonymous complaints;
- Complaints about access to information where procedures and remedies are set out in legislation, e.g. EU General Data Protection Regulation;
- Matters already being taken.
- Further, Cochrane cannot overrule the complaints processes of the employing institutions or professional associations of any of our Members. However, as a condition of membership, every Cochrane Member has a responsibility to comply with this policy and to treat all members of the public and all other Cochrane Members with dignity and respect.

The remainder of this Policy is set out as follows:

1. Definitions
2. Principles
3. Procedures

1. Definitions

Grievance	A wrong or hardship suffered (real or perceived) which is the grounds of a complaint
Complaint	An expression of dissatisfaction or concern
Cochrane Member	A member of Cochrane as defined by the Membership Terms & Conditions

The three parties involved in a complaint:

Complainant	The person or group of people making a complaint
Respondent	The person or group of people who is the subject of the complaint
Adjudicator	The Cochrane Member(s) designated to handle a complaint, as set out in <i>Section 3, Procedures</i> .

2. Principles

This Complaints Policy is based on the following principles:

The right to make a complaint	All persons have the right to make a complaint and to appeal a decision about it.
Local resolution	Cochrane's aim is to have transparent procedures where complaints can be resolved directly by those affected wherever possible. In many cases, it should be possible to sort out the problem straight away, sometimes through a well-facilitated meeting between the Complainant, Respondent and relevant Adjudicator. When this is not possible, appropriate management and accountability structures will be in place.
Co-operation and respect	All persons have the responsibility to co-operate with the complaints procedures, provide relevant information and respect confidentiality as appropriate. Cultural differences may play a factor in expectations around a complaint. Whilst these should be acknowledged and respected where it is appropriate to do so, they may not be relied upon to excuse unacceptable behaviour.
'Natural Justice' – the duty to act fairly	<p>In practice, this means:</p> <ul style="list-style-type: none"> • Complaints must be fully and clearly described by the Complainant and submitted in writing as a 'formal' complaint, not an unclear or general statement of dissatisfaction; • The Respondent must be informed of all the allegations against him/her/it while at the same time the privacy of the Complainant must also be protected if requested; • The Respondent must have a full opportunity to respond to the allegations against him/her/it; • All parties to the complaint have the right to be heard and to receive regular updates on the progress of the process; • All relevant submissions and evidence must be heard; • The decision-making by the relevant Adjudicator must be impartial, fair, timely and supported by reasons which are explained to the parties.
The right to support	At any point in the complaints process, all parties have the right to involve an advocate/support person of their choosing, who must adhere to the principles and procedures set out.
Timeliness	It is important that complaints are made as soon as possible after the event. Usually this means within six months of the event, or within six months of the person realising they have a reason for complaint, as long as that is not more than 12 months after the event itself.

	Further, there should be no undue delays in investigations and proceedings once a complaint has been made, as set out in <i>Section 3, Procedures</i> .
Confidentiality	The complaint will remain confidential to the parties involved within the constraints of the need to fully investigate the matter.
‘Whistleblower’ Protection	Anyone who makes a complaint has the right to protection. The Complainant has the right to request their identity is not disclosed to the Respondent. It should be acknowledged that the right to protection may limit the ability to investigate the complaint, as it will require not identifying the Complainant. For example, it may limit the amount of information the Respondent can provide.

3. Procedures

If possible, a problem will be resolved informally and directly between the Complainant and Respondent if both parties feel comfortable with this approach. However, if this is not possible, or the outcome is unsatisfactory for either party, a complaint can be made. A complaint will be deemed to have commenced once it is submitted in writing to the relevant Adjudicator.

3.1. Where to submit a complaint:

It is important that the complaint should be submitted to a Cochrane manager or leader close to the cause of the complaint, who will act as the Adjudicator. In practice, this usually means:

Subject of the complaint	(a) Receiver of complaint & (b) Adjudicator
Membership	(a) Senior Advisor to the CEO (Governance & Management), who is a member of the Central Executive Team’s (Executive Team) Senior Management Team and designated Complaints Manager. (b) Senior Advisor to the CEO may act as Adjudicator for the complaint <i>or</i> pass it on to another senior member of the Executive Team for adjudication.
Contraventions of Cochrane policies or official position statements that cause grievance	
Actions of the Central Executive Team (Executive Team) or a member of the Executive Team	(a) Where known, the direct line manager of the Executive Team member. Where not known, the Complaints Manager (see above). (b) Direct line manager of the Executive Team member or Complaints Manager

Actions of the Editor in Chief of <i>The Cochrane Library</i>	(a) and (b) Chief Executive Officer <i>*Note: If the Editor in Chief believes a complaints process against him/her threatens his/her editorial independence, (s)he may seek the intervention of the Cochrane Library Oversight Committee.</i>
Actions of the Chief Executive Officer (CEO)	(a) and (b) Governing Board Co-Chairs
Actions of a Cochrane committee or member of a Cochrane committee (e.g. Governing Board, Council, Editorial Board, Group Executive)	(a) and (b) Committee chair(s)** <i>**Note: only complaints relevant to the committee should be submitted using this route. If a member of a committee is also a member of a Cochrane Group and the complaint relates only to the work or actions of or in that Group, the complaint should be submitted to the relevant adjudicator for Cochrane Groups, listed below.</i>
Actions of committee Chair(s)	(a) and (b) Governing Board Co-Chairs*** <i>***Note: Where the complaint concerns a Governing Board Co-Chair, it should be directed to the fellow Co-Chair. Where it relates to both Co-Chairs, it should be directed to the CEO. The CEO will immediately engage another member of the Governing Board to lead the investigation and the full Board will determine the process to be followed, having regard also to the Board Charter, and Code of Conduct for Trustees.</i>
Cochrane Groups:	
Cochrane Review Groups:	
Actions of a member of a Cochrane Review Group or CRG Satellite, or the Review Group in general	(a) and (b) Co-ordinating Editor of the group
Actions of a Co-ordinating Editor	(a) and (b) Editor in Chief of the Cochrane Library
Cochrane Geographic Groups:	
Actions of a member of a Centre, Associate Centre or Affiliate, or the Geographic Group in general	(a) and (b) Centre or Associate Centre Director of the group
Actions of a Centre Director	(a) Senior Advisor to the CEO (Fundraising, Partnerships & External Affairs) (Executive Team) (b) CEO
Cochrane Fields:	
Actions of a member of a Cochrane Field, or the Geographic Group in general	(a) and (b) Field Co-ordinator of the group
Actions of a Field Co-ordinator	(a) and (b) Head of Knowledge Translation (Executive Team)

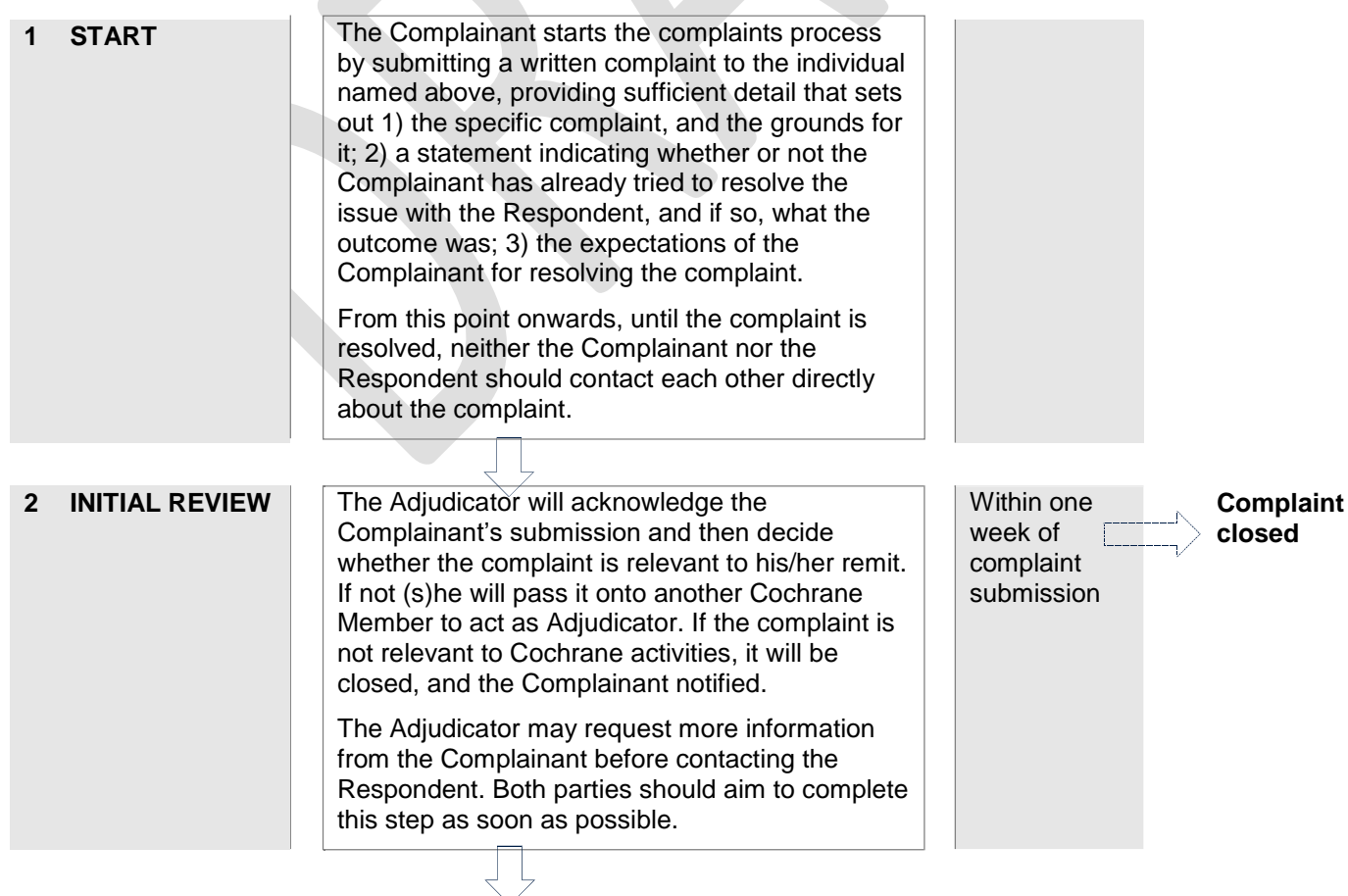
Cochrane Methods Groups:	
Actions of a member of a Methods Group, or the Methods Group in general	(a) and (b) Methods Group Convenor of the group
Actions of a Methods Group Convenor	(a) and (b) Editor in Chief of the Cochrane Library

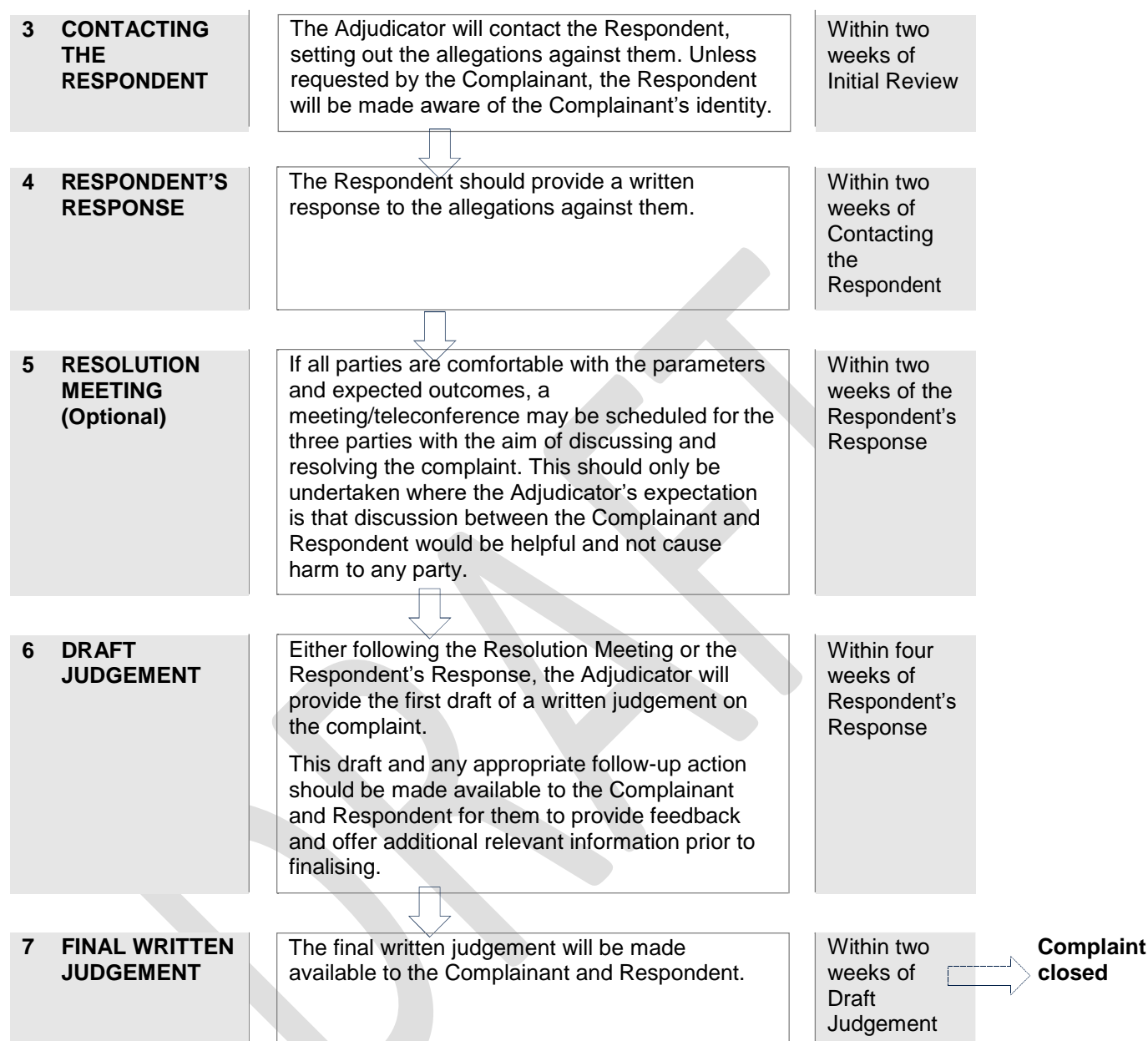
It may not always be possible or practical for the Adjudicator listed above to adjudicate. In those cases, another Adjudicator may be chosen who is: 1) a Cochrane manager or leader; 2) has been identified following the procedures set out in this Policy.

If you are unsure or concerned about the appropriate Adjudicator, your complaint should be submitted to:

Cochrane Complaints Manager
 St Albans House
 57-59 Haymarket
 London SW1Y 4QX
 UK
 +44 (0)20 7183 7503
complaints@cochrane.org

3.2. How the process will work





**Timelines may be extended with the agreement of all parties for reasons including annual leave.*

3.3. The right to appeal

If either the Complainant or the Respondent is not satisfied with the Final Written Judgement, they should provide a written description of why they are dissatisfied to the Complaints Manager, as specified in Section 3.1. This written document (an 'Appeal') will be treated as private and confidential and will be seen by Complaints Manager, CEO, Editor in Chief and/or Governing Board Co-Chairs, in addition to being shared with the Complainant, Respondent and Adjudicator.

The Editor in Chief, CEO or Co-Chairs will study the documentation relating to the initial complaint and may make any additional enquiries as they see fit, including with the Complainant, Respondent and Adjudicator. A draft of their response (an 'Appeal Decision') will be made available to the Complainant and Respondent for them to provide feedback and offer additional relevant information prior to finalising.

The final Appeal Decision will be communicated to the Complainant and Respondent as soon as possible (and not more than three months after receipt of the Appeal).

3.4. Referral to the Governing Board

Nothing in this policy limits the rights and obligations of the charity's trustees (the Governing Board) to take whatever action is required in the best interests of the Charity, and to take any necessary professional advice to allow them to do so.

If any party believes that due process has not been followed, an appeal *on these grounds* may be made to the the full Governing Board whose decision on this will be final.

The Board may ask for its designated sub-committee, the Complaints Sub-Committee, to investigate matters on its behalf, reporting back to the full Board for a final decision. The Complaints Sub-Committee, or full Board, may ask for assistance and advice from an independent mediator or legal advisor to guide, assist or advise them as they see fit.