

5A2 MSF UK POLICY: EXTERNAL COMPLAINTS POLICY

1 Introduction

- 1.1 MSF UK is committed to upholding the standards of conduct, performance and behaviour laid out in the MSF UK Standards and Accountability Policy Statement¹. If we fail to meet these standards, we want to hear about it so that we can respond to your concerns and learn for the future.
- 1.2 The purpose of this policy is to establish MSF UK's approach to receiving and dealing with complaints.

2 Scope

- 2.1 This policy applies to complaints received from people assisted by MSF UK, its supporters, and other individuals who come into contact with MSF UK. Complaints from MSF UK employees will be dealt with under MSF UK's Grievance Policy² and complaints from MSF UK contractors, affiliates and volunteers will be dealt with under MSF UK's Complaints Procedure for Volunteers, Workers and Self-Employed Individuals³.
- 2.2 This policy does not apply to complaints regarding MSF Ireland. For complaints regarding MSF Ireland please refer to MSF Ireland's complaints policy⁴.

3 Roles and responsibilities

- 3.1 This policy is approved by the People Committee, which is the Policy Sponsor. This policy is owned by the Deputy Executive Director.

4 What is a complaint?

- 4.1 A complaint is an expression of dissatisfaction about an action or inaction of MSF UK as a charitable company, or its trustees, staff or volunteers. This may be a concern about the services we provide, how we have used your personal data, or how you have been treated by our staff.
- 4.2 We will deal with all complaints thoroughly, constructively, impartially and efficiently.

5 Who can make a complaint?

- 5.1 Anyone affected by an action or inaction on the part of MSF UK, its trustees, staff or volunteers can make a complaint.
- 5.2 If, for any reason, you are unable to make the complaint yourself, a representative (such as a friend or family member) may complain on your behalf. In this case, your representative should explain why you are unable to make the complaint yourself. We may need to contact you directly to confirm that you have consented to your representative acting on your behalf.

6 How to make a complaint

¹ Policy Asset 2A1

² Policy Asset 5A4

³ Policy Asset 5A6

⁴ <https://www.msf.ie/msf-irelands-complaints-policy>

- 6.1 If the issue relates to a specific service or an individual with whom you are already in contact, you should, in the first instance, seek to resolve the matter directly with the individual(s) concerned, where appropriate.
- 6.2 If the issue remains unresolved, or if inappropriate to resolve the matter directly with the individual(s) concerned, you can make a formal complaint to MSF UK using one of the following methods:
 - 6.2.1 By email to complaints@london.msf.org
 - 6.2.2 By letter to: Complaints, MSF UK, Level 5, Unit 12-13, 9 Prescott Street, London E1 8PR; or
 - 6.2.3 By telephone on: 020 7404 6600.
- 6.3 To ensure that your complaint is handled by the person best able to respond to your concerns, we do not recommend making complaints via social media.

What information should I provide?

- 6.4 To help us resolve the issue efficiently and fairly, please provide the following information in your complaint:
 - 6.4.1 Your full name;
 - 6.4.2 Your contact details (including address, email and telephone number);
 - 6.4.3 How you would like us to contact you in relation to your complaint;
 - 6.4.4 Your relationship to MSF UK (eg. donor, assisted person);
 - 6.4.5 A detailed description of your complaint and what you think went wrong, including dates and times of any reported incidents;
 - 6.4.6 Details of what you have done to try and resolve the issue so far;
 - 6.4.7 What you think we should do to resolve the matter;
 - 6.4.8 Any issues around confidentiality in relation to the individual(s) complained about, MSF's Operational Directorates⁵ and/or third parties; and
 - 6.4.9 Copies of any documents related to the complaint.
- 6.5 All personal data provided will be processed securely and transparently. For further information, see our privacy notice.⁶
- 6.6 We appreciate that individuals may wish to make a complaint on an anonymous basis. MSF UK will take all reasonable steps to investigate all complaints, including those made on an anonymous basis. However, we do encourage individuals making a complaint to provide their name and contact details wherever possible as, without this information, it will be difficult for MSF UK to fully investigate the complaint, make it harder for us to verify information relating to the alleged incident(s), and will prevent us from being able to update you on the progress of our investigations.
- 6.7 You can ask us to keep your identity confidential and specify any other aspects of the complaint that are sensitive. We will discuss with you what details we are able to disclose as part of MSF's investigation process. We note that our legal and regulatory obligations may mean that we are obliged to disclose the existence and nature of your complaint. We only

⁵ Operational Directorates are the entities within MSF which directly manage our humanitarian work in the field. MSF UK is not an Operational Directorate, and we may direct or share complaints relating to any projects delivering medical-humanitarian aid with the Operational Directorate responsible for that project.

⁶ msf.org.uk/msf-uks-privacy-notice

do so on an anonymised basis, although there may be instances where we are compelled to provide further detail.

- 6.8 MSF UK will take reasonable steps to investigate all complaints. However, we encourage that complaints are made as soon as reasonably possible after the event being complained about. Depending on the circumstances and the nature of the complaint, the passage of time may mean that it is harder for us to verify information relating to the alleged incident(s).

7 What to expect once a complaint has been made

- 7.1 All complaints will be dealt with as efficiently as possible. We aim to acknowledge receipt of complaints within five working days of receipt and provide a full response within 30 days of receipt.
- 7.2 Any complaints regarding MSF UK's use of your personal data will be acknowledged within 30 days.
- 7.3 Where MSF UK needs to work with a relevant Operational Directorate to investigate and resolve the complaint, we aim to provide a full response within 60 working days of receipt of the complaint. This may be the case where:
- 7.3.1 a complaint is from a person assisted by an MSF project in the field, and/or;
 - 7.3.2 the complaint relates to an MSF UK funded project or involves MSF UK contracted field staff.
- 7.4 If your complaint does not relate to MSF UK, we will direct you to the appropriate contact at the MSF entity that your complaint concerns.
- 7.5 At each stage of the complaints process we will advise you as soon as possible if we need to extend the timescales set out above. This includes, for example, if a key member of staff is unavailable, or if further investigations are needed to resolve the complaint fairly.

8 Management of complaints and investigations

- 8.1 Your complaint will be logged and, depending on the nature of your complaint, will be managed by:
- 8.1.1 the Supporter Care Manager, with support of other colleagues, for complaints from our supporters and members of the public which do not relate to safeguarding or the conduct of MSF UK employees.
 - 8.1.2 the Safeguarding Manager, for complaints from individuals that MSF has assisted or complaints about such assistance provided to an individual;
 - 8.1.3 The Head of Employee Relations if the complaint relates to the conduct of an MSF UK employee; or
 - 8.1.4 the Company Secretary, for all other complaints.
- 8.2 If your complaint relates to the individual who would otherwise have managed your complaint, the complaint will be managed by another senior member of staff who has not previously been involved in the matters alleged.
- 8.3 Your complaint will be investigated thoroughly, constructively, impartially and efficiently, to establish the relevant facts. We will review all relevant evidence provided and may also gather further evidence, as needed. This may include asking you for further information or speaking to other individuals involved.

Complaints relating to individuals

- 8.4 Where a complaint relates to an individual (or a group of individuals) who work for MSF UK as trustees, staff or volunteers, we will normally inform them of the complaint made against them and give them an opportunity to respond.
- 8.5 Exceptions to this will be assessed on a case-by-case basis. For example, it may not be appropriate for us to inform the individual(s) where to do so may present a risk to you or others.
- 8.5.1 Where a complaint relates to an association member who does not also work for MSF UK as a trustee, staff or volunteer, it will be referred to the MSF UK Board to consider the most appropriate course of action.

Serious complaints

- 8.6 Where a complaint is particularly serious (for example, if it relates to a crime or there is an allegation of serious harm to an individual), it will be notified to MSF UK's Reporting Coordinator, who, along with the Subject Matter Expert of the nature of the Serious Incident, will consider whether the complaint should be reported to any other third party, such as the police service, other authority and/or the Charity Commission.
- 8.7 If appropriate, we may ask a third party outside of MSF UK to investigate the complaint. This may be necessary, for example, where the nature of the complaint means that it is not possible for us to deal with it impartially within MSF UK.
- 8.8 If your complaint relates to an incident which meets the threshold for external reporting, it will be reported on in accordance with the MSF UK External Reporting and Thresholds Policy⁷.
- 8.9 Where a complaint concerns a particular decision, the implementation of that decision will not usually be suspended unless there are exceptional circumstances. Exceptions will be determined at the sole discretion of MSF UK or the relevant Operational Directorate.

9 What happens after MSF UK has considered my complaint, and what can I do if I am still not happy?

- 9.1 We will inform you of the outcome of your complaint (using your chosen method of communication), including reasons for the decision made.

Upheld Complaints

- 9.2 If your complaint is upheld, we will explain the steps we are taking to put things right. This may include reviewing a particular decision and/or putting measures in place to rectify or remedy the position and/or avoid it happening again in future.

Complaints not upheld, and the review process

- 9.3 If your complaint is not upheld or you are unhappy with the resolution offered, you may ask for your complaint to be internally reviewed.
- 9.4 A review of your complaint will consider the investigation and response provided by the original decision-maker in respect of your complaint and may ask for further information about why you think that decision was unfair.
- 9.5 Internal reviews will be carried out by the Company Secretary in the first instance, or if the initial complaint was handled by the Company Secretary, the review will be carried out by the Deputy Executive Director.

⁷ Policy Asset 7A5

- 9.6 If the Deputy Executive Director has been involved in the matter complained of or its original resolution, your complaint will be reviewed by the Executive Director, or if the Executive Director has been involved in the matter complained of or its original decision, a member of the Board of Trustees if will oversee the appointment of an appropriate alternative individual to conduct the review.
- 9.7 Once the review is concluded, we will inform you of the outcome of this review, using your chosen method of communication, including the reasons for the decision made. If your complaint is upheld upon internal review, we will explain the steps we are taking to put things right.
- 9.8 If you are unhappy with our response to your complaint following this internal review, you may wish to escalate your complaint to one of the following regulators:
- 9.8.1 the Charity Commission for England and Wales⁸; or,
 - 9.8.2 for complaints relating to MSF UK's fundraising activity, the Fundraising Regulator⁹, or the Independent Fundraising Standards and Adjudication Panel for Scotland¹⁰ (for concerns relating to fundraising carried out in Scotland).

10 Monitoring and record keeping

- 10.1 The Head of Policy, Risk and Planning is responsible for monitoring MSF UK's complaints process and compliance with this policy.
- 10.2 The Executive Director will report on any serious matters that need to be brought to the attention of the MSF UK Board as part of their written report at every Board meeting.

11 Data Protection

- 11.1 All external complaints data must be handled in accordance with our MSF UK Data Protection Policy¹¹. Under MSF UK's Classification Scheme¹², all complaints must be classified as at least Restricted, and staff handling complaints should consider whether the subject matter is sufficiently high risk that a confidential labelling is warranted.
- 11.2 If a complaint meets the threshold for external reporting, for example in the case of a Serious Incident, under Article 6 of the UK GDPR, sharing personal data with external regulatory bodies is justified to fulfil our legal obligation. All reportable complaints will be handled in accordance with our External Reporting and Thresholds Policy¹³.
- 11.3 In reporting both internally and externally, consideration must be made to data minimisation, accuracy and risk to data subjects.

12 Exceptions

- 12.1 Exceptions to this policy must be agreed by the Deputy Executive Director, and must be reported to the People Committee at the earliest opportunity.

13 Supporting Documents

- 13.1 There are no supporting documents to this policy.

⁸ forms.charitycommission.gov.uk

⁹ fundraisingregulator.org.uk/complaints

¹⁰ goodfundraising.scot

¹¹ Policy Asset 4B4

¹² Policy Asset 4B3

¹³ Policy Asset 7A5