

AUDIOVISUAL LICENSING ALLIANCE (AVLA) LIMITED

COMPLAINTS POLICY AND PROCEDURE

*This policy and procedure (“**Complaints Policy**”) was approved and adopted by the Members of Audiovisual Licensing Alliance (AVLA) Limited (“**AVLA**”) on 21 November 2022 and it comes into effect on the same date. Defined terms shall have the meanings set out in the AVLA Articles of Association unless otherwise stated here.*

AVLA views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person (or organisation) who has made the complaint. Our policy is:

- To provide a clear, usable policy for parties wishing to complain;
- To properly identify formal complaints;
- To make sure that AVLA officers and board members know what to do in the event of a complaint;
- To ensure that complaints are investigated fairly and in a timely way;
- To respect the confidentiality of information received during the course of a complaint
- To resolve complaints, wherever possible;
- To gather information that helps us to improve what we do.

Who can make a complaint?

You are eligible to lodge a complaint if:

- you are a Member
- you are licensee

Complaints may be about operational or policy issues but please note that complaints about the licence fees we charge, the terms of our licences or about the interpretation of copyright law are outside the scope of this Code of Conduct as they are matters subject to jurisdiction of the courts and the Copyright Tribunal. Suitable matters for using this complaints procedures would be, for example:-

- the timeliness of a response from us;
- the behaviour of our staff in handling a response
- lack of clarity about our mandate and its effect
- the application of our distribution policy
- an alleged failure to operate within our mandate

What is the procedure for making a complaint?

All complaints should be made in writing (sent by post or as an electronic attachment to an email) and must:-

- notify us that you are invoking our formal complaint procedure;
- provide your name and address (if an individual);
- provide the name and address of your organisation making the complaint;
- give your position within the complainant organisation;
- provide details of the nature of the complaint, including all pertinent factual details.

Who should complaints be addressed to?

Complaints - Audiovisual Licensing Alliance (AVLA) Limited - c/o ALCS, 6th Floor International House, 1 St. Katharine's Way, London E1W 1UN, United Kingdom. Email: secretariat@avla.uk

What happens once a complaint is lodged?

Stage One

- 1.** We will acknowledge receipt of the complaint within 10 working days. During this time we will make an assessment as to whether the complaint is legitimate and falls within the scope of this Code of Conduct or whether it is frivolous or an abuse of the complaints procedure (in which case the complainant will be notified of this in an acknowledgement letter together with an explanation of why this decision has been made). We may request further information to enable us to consider the complaint.
- 2.** In most cases, a complaint may satisfactorily be resolved by a review of the matter on the part the person responsible for the action or decision upon which the complaint is based. Such person will be informed about the complaint and, if possible, they should resolve the matter swiftly and appropriately and communicate the resolution to the complainant.
- 3.** Whether or not the complaint has been resolved, the complaint facts will be passed on to the secretariat within 10 working days of the acknowledgement of receipt. If the matter has not been resolved then, following notification, the secretariat will delegate an appropriate person to investigate the complaint and to take appropriate action. If the complaint relates to a specific person, that person will be informed of the complaint and given a fair opportunity to respond.

4. Within 5 working days of delegation by the secretariat, the complainant will be informed who is dealing with the complaint and when the complainant can expect a reply. A copy of this complaints procedure will also be provided. Ideally, complainants should receive a definitive reply to the substance of the complaint within one calendar month. If this is not possible, a progress report should be sent with an indication of when a full reply will be given. The reply should describe the action taken to investigate the complaint, the conclusions from the investigation and any action taken as a result of the complaint.

Stage Two

5. If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed at board level. At this stage, the complaint will be passed to the chair of the AVLA board.
6. The request for board level review should be acknowledged within 10 working days of receiving it. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.
7. The person who dealt with the original complaint at Stage One should be kept informed of what is happening.
8. Ideally complainants should receive a definitive reply within one calendar month of instigating Stage Two. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.
9. Whether or not the complaint is upheld, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.
10. The decision taken at this stage is final, unless the board decides it is appropriate to seek appropriate external assistance with resolution.

For any complaints that remain unresolved following this internal process, AVLA will provide access to an independent, external dispute resolution process in accordance with the framework provided by the Centre for Effective Dispute Resolution (CEDR).