

Complaints Procedure

Organisation

Education Otherwise Association is registered as a Charity (1055120). The Charity is managed by a ten-strong Board of Trustees. The Officers of the Board consist of a President, Management Chair, Service Chair and a Treasurer. Our postal address is 61 Bridge Street, Kington, HR5 3DJ.

Education Otherwise views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the individual, or organisation, that has made the complaint.

Policy

We will:

- Provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
- Publicise the existence of our complaints procedure so that it is known how to make a complaint.
- Make sure that everyone at Education Otherwise knows what to do if a complaint is received.
- Make sure that all complaints are investigated fairly and in a timely fashion.
- Make sure that complaints are, wherever possible, resolved and make all reasonable effort to support the repair of relationships.
- Gather information which helps us to improve what we do.

Definition of a complaint

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of Education Otherwise, its trustees, associate trustees or volunteers.

Complaints may come from any person or organisation as a result of having a direct or indirect experience with Education Otherwise.

A complaint can be made verbally, by phone, by email or in writing to any trustee (external complainant) and to the President (internal complainant) using our usual contact details. However, the formal complaints process will only be triggered on receipt by the President of a written formal complaint. In the absence of the President, internal complaints must be directed to a Co-Chair.

Bullying and harassment

All Education Otherwise trustees, trustee associates and volunteers have a responsibility to report any incident that they experience, or witness, of bullying or harassment. Reports must be made regardless of whether a complaint has been made by the victim, or victims. Reports will be treated seriously and investigated promptly, confidentially and impartially.

Education Otherwise will investigate all complaints of bullying and take disciplinary action against any trustee, trustee associate or volunteer where a complaint of bullying is upheld.

Education Otherwise trustees, trustee associates and volunteers are advised to avoid any confrontation, or challenge to the perpetrator of bullying, or harassment, as this could prejudice the wellbeing of those involved.

Bullying and harassment can include:

- Ridicule, humiliation, or patronising and belittling remarks, (particularly in front of others);
- Persistent or destructive criticism or sarcasm;
- Loud or aggressive attacks and overt or more subtle intimidation, such as constant criticism of trivial nature;
- Spreading malicious gossip or rumours;
- Ostracising, undermining, ignoring or isolating an individual;
- Frequent critical remarks about a person's personality traits/abilities, or lack thereof;
- Manipulation, mobbing, or incitement of others to commit bullying or harassment;
- Threats of a physical or psychological nature;
- Victimisation because of someone's gender, race, disability, sexual orientation, age, religion, other beliefs, a complaint they've made, or any other reason;
- Behaviour or language that causes concern, fear or distress to others;
- Inappropriate and derogatory remarks personally or in connection with an individual's role;
- Verbal and physical abuse, such as shouting and throwing objects;
- Derogatory name-calling and insults, or using unwelcome 'nick-names';
- Unnecessary or unwanted physical contact, or invasion of personal space;
- Sexually suggestive behaviour, or compromising sexual invitations or demands;
- Racial harassment, including racist jokes or graffiti;
- Excessive supervision and monitoring, or abuse of power;
- Setting unreasonable deadlines for task completion;
- Deliberately sabotaging or impeding performance;
- Taking the credit for another's work;
- Always blaming an individual or a group for anything that goes wrong;
- Being excessively critical about little matters;
- Constantly changing work requirements without prior notification/discussion with the individual concerned, particularly if followed by criticising when things go wrong;
- Ignoring or discounting a person's achievement;
- Never listening to a person's point of view;
- Deliberately withholding information or resources an individual needs to do their job;
- Imposing menial tasks.

Legal provisions

There is no specific legislation in the UK dealing with the issues of workplace bullying, but the Protection from Harassment Act 1997 is applicable in most instances and there are other laws which may be relevant and applicable such as the:

- Data Protection Act 2018;

- Equality Act 2010;
- Protection from Harassment Act 1997;

Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and Education Otherwise will comply with any relevant data protection requirements.

Responsibility

Overall responsibility for this policy and its implementation lies with the board of trustees.

Procedure

1. All complaints should in the first instance be addressed to the President using our registered address.
2. The President shall acknowledge the complaint within no more than seven (7) working days and provide the complainant at that time, with an estimate of the time it will take to investigate the complaint(s).
3. The President will form a three-person panel comprising the President and two additional trustees. This panel will have sole responsibility for gathering and evaluating information (interviews, reports etc) and for recommending a resolution to the board of trustees.
4. Within seven working days of the issuance of the recommendation from the complaints panel the board of trustees will vote to accept or reject the recommended resolution to the complaint(s).
5. If the recommendation is accepted, the President is responsible to inform all the parties and to manage the implementation of the resolution.
6. If the recommendation is not accepted the President has fourteen (14) working days to form a new panel, gather additional information (if and where necessary), develop a revised resolution and submit a second recommendation to the board of trustees.
7. The board of trustees must then within seven (7) working days accept the recommendation, instructing the President to inform the parties, put in place and manage the resolution.
8. All parties to the complaint(s) will be advised of the outcome and given a right of appeal against the decision made.
9. Appeal information will be provided at the outcome of the investigation, but any appeal must be made no later than 10 working days following notification of the decision.
10. The board of trustees must then develop a final resolution, reporting back to the parties within 14 working days a final decision regards the complaint(s). This constitutes the final stage of handling any complaint.
11. Should the complaint be in respect of a trustee, that trustee may not take part in the discussions, or investigations relating to the complaint(s), other than when invited to provide evidence.
12. Should the complaint be in respect of the President, responsibilities and duties regards complaint management will be undertaken by one of the two chairpersons.

Formal complaints

A formal complaint must be made in writing and should be made to the Complaints Panel. The Complaints Panel, chaired by the President will consist of trustees selected by the President for the purpose of dealing effectively with complaints.

The Complaints Panel will submit a confidential written report to the Trustees immediately upon completion of their investigation and in any event, no later than 20 working days from the date the complaint was made. Following receipt of the report from the Complaints Panel, the trustees will take any appropriate remedial, or disciplinary action recommended.

Gross misconduct

Gross misconduct can include:

- Deliberate, or negligent breach of Education Otherwise policies, or procedures;
- Theft from Education Otherwise, Education Otherwise members, the public, or colleagues;
- Deliberate damage to organisational property, or sabotage;
- Serious negligence which causes unacceptable loss, damage or injury;
- Serious act of insubordination, particularly where amounting to deliberate provocation;
- Incapability through alcohol, or being under the influence of illegal drugs;
- Being subject to any criminal investigation of an offence which could render the trustee, or volunteer unsuitable to carry out their duties;
- Any criminal conviction, save for minor offences, such as minor traffic offences;
- Deliberate infringement of health and safety regulations;
- Fraud or deception, including making a fraudulent expenses claim;
- Bringing the charity name into disrepute by actions or omissions.

Whilst alleged gross misconduct is being investigated, the trustee or volunteer may be suspended. Suspensions will normally be for no more than 30 working days. Any decision to dismiss the trustee, trustee associate or volunteer will be taken only after a full investigation. The trustee, trustee associate or volunteer will be notified in writing of the reason for dismissal, the effective date of termination and the right of appeal.

Options for remedies

The Trustees shall determine appropriate action as a result of the complaint investigation. If any trustee, trustee associate or volunteer is found to have breached this policy, they may then be subject to disciplinary action. The form which disciplinary action takes will depend upon the circumstances of the case, but can range from counselling to termination as a trustee and as a member of Education Otherwise. No individual can remain as a trustee if their membership is terminated.

Dissatisfaction

Should Education Otherwise be unable to resolve the complaint to the satisfaction of the complainant, the complainant may refer their complaint to the Charity commission at:

<http://forms.charitycommission.gov.uk/contact-us/general-enquiries/report-a-concern-about-a-charity/raising-concerns-about-a-charity/>

Policy review

This policy is reviewed regularly and updated as required.

If you are being subjected to harassment or bullying in any form, do not feel that it is your fault, or that you should have to tolerate it. You should not feel reluctant to act; in fact you are encouraged to do so.

Policy reviewed August 2024