



Complaints & Feedback Policy

Policy and Feedback

Our policy is to welcome all feedback, comments, suggestions and complaints, to note or investigate them fully and resolve them wherever possible. We actively encourage you to contact us with your feedback, whether good or bad. See 3. Complaints are distinctive from Feedback. Feedback is when individuals have no expectation of a personalised response. A formal complaint is where a complainant expects a response and it may help us to see where our services, procedures or activities might be improved.

1. The definition of a complaint

A complaint is an expression of dissatisfaction, whether justified or not, about Education Otherwise policy or actions. A complaint can be received verbally, by phone, by email or in writing. See 3. It can be from the public or from a member, volunteer or trustee. Complaints arrangements do not cover:

- requests for information or explanation of policy and practice;
- matters for which there is a separate procedure, for example, grievance procedures.

2. Contact Details for Feedback or Complaints

You can use the Contact form on the website at <http://www.education-otherwise.org/contact.php> and choose 'Feedback' or 'Complaints' from the dropdown menu. You can email feedback@education-otherwise.org or complaints@education-otherwise.org You can write to: Education Otherwise Association Limited, PO Box 325, St Germans, Kings Lynn, Norfolk PE34 3XW. Or phone 08445 867541.

3. Why we have a complaints procedure

Complaints, if handled properly, can lead to better working relationships with members, our beneficiaries and the public. To help achieve this, our complaints procedure lets people know that they can complain; that we will consider their concerns fairly and objectively; and that, where possible, we will resolve them. Complaints are also a form of feedback gathering. They can tell us where we are meeting our objectives, if our objectives are appropriate, whether there are areas where we have no objectives but where it might be appropriate to have some, or where we need to change the way we work more generally.

4. Monitoring and learning from complaints

To learn from complaints and to show that we are following these procedures we need to record complaints, which we do in a complaints log kept by the Complaints Group. All complaints are kept confidentially in line with EO's privacy policies. Details of complaints and any action taken on them will be reported bi-annually to Trustees. As the volume of complaints is low this bi-annual reporting is considered appropriate. If policy changes are

needed a report may be made to the Trustees at the time Complaints group becomes aware of this for them to make a decision. The Trustees want to be assured that we are dealing with complaints received in a fair and professional way.

5. Who handles complaints

Our complaints procedure has four steps - three internal and one external. The intention is that most complaints will be resolved at stage one and the rest at stage two. Please email complaints to complaints@education-otherwise.org or write to Education Otherwise Complaints, PO Box 325, Kings Lynn, Norfolk PE34 3XW.

Stage one	In most cases the complaint should be resolved by the individual responsible for the area of work being complained about or their Line Manager.
Stage two	If the complainant feels that the problem has not been satisfactorily resolved, they can contact the Complaints Group .
Stage three	If the complainant is still unhappy with Education Otherwise' response they can ask for the complaint to be discussed by the Trustee Complaints Committee.
External Stage	The complainant can complain to the Charity Commission at any stage.

6. Complaints Group

This group is answerable to the Trustees and ideally should consist of between two and five experienced members of EO, including a Trustee and the Administrator. Complaints Group members can be proposed by any EO member but need to be approved by Trustees. Members of the Complaints Group need to comply with EO's Privacy and other Policies. In the event of a complaint being about a member of the Complaints Group or about a matter which they or other group members think a Conflict of Interest may make it hard for them to remain impartial, that member shall take no part in the procedure. Apart from exceptional circumstances, if there are fewer than two members of Complaints Group able to deal with a complaint, they need to request Trustees appoint some temporary members.

7. Getting the complaint to the right person in Education Otherwise

Complaints made in writing should be passed to the relevant person identified in the table at Point 6. Complaints made by telephone or through personal contact can be received at a number of points, sometimes far removed from the 'source' of the complaint. In these cases the recipient of the complaint should give the complainant the correct telephone number or email address for the volunteer or member of staff they need to speak to. If they don't wish to make a further phone call, then the recipient should do the following:

- note the facts of the complaint;

- take the complainant's name, address and telephone number;
- tell the complainant that we have a complaints procedure;
- tell the complainant what will happen next;
- pass this information on to the relevant person within one working week.

8. Timetable (stage 1)

Complaints must be acknowledged by the person handling the complaint within 10 working days. The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of our complaints procedure should be attached.

To meet our standards, complainants should receive a definitive reply within six weeks. 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.

9.1 Replying to the complaint (stage 1)

Whether the complaint is justified or not the reply to the complainant should describe the action take to investigate the complaint, the conclusions from the investigation, whether the complaint is upheld or not and any action taken as a result of the complaint. All replies should set out the procedure to be followed if the complainant is unhappy with this response – see Stage 2.

Remedies:

If the complaint is found to be justified consider what can be done to re-establish goodwill.

What is appropriate will vary from case to case. Do

- Apologise (don't be grudging);
- Explain what has been done to investigate the complaint, the findings, and what action, if any, has been taken as a result. This could include:
 - putting right what has gone wrong;
 - giving an assurance that the situation will be put right;
 - a change in procedures or policies;
 - an assurance that this will not happen again;

9.2 Recording complaints (stage 1)

The complaints record and conclusions should be completed and emailed to complaints@education-otherwise.org with Complaints and the area of voluntary work in the Subject line. Eg. Complaints – Local Contact.

10 Stage 2 complaints - complaints that are taken further

Should the complainant decide to take matters further and contact the Complaints Group, they need to put their complaint in writing showing who and what the problem concerns, when it arose, what efforts they have taken to resolve their issue already and what they would like to happen to resolve their complaint. Complaints Group need to ensure that the complaint is genuine and substantive and that it wouldn't be better dealt with under another policy eg. Disciplinary, whistleblowing etc. They will ensure that everyone affected by the matter is aware of the complaint and of the need for confidentiality. They will then:

- Acknowledge receipt of the request within ten working days of receiving it. The acknowledgement should confirm that Complaints Group will deal with the case and say when the complainant can expect a reply. Complainants should receive a reply within 30 working days. If this is not possible a progress report should be sent with an indication of when a full reply will be given;
- Communicate with all concerned to seek areas of agreement and attempt to negotiate a solution. Formal mediation can also be offered if all the parties agree this may be helpful.
- Keep the person who dealt with the original complaint, at stage one, informed of what is happening;
- Investigate the facts of the case. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at stage one.

10.1 Replying to the complainant (Stage 2 complaints)

The procedure is very similar to stage 1 complaints.

The reply should describe what has been done to investigate the complaint, the conclusions drawn from the investigation, and the action taken as a result of the investigation.

Should the Complaints Group disagree with the findings of the original investigation the letter of reply should say so. Education Otherwise should apologise and where possible say what is being done to ensure that the problem does not happen again. All replies should set out the procedure to follow if the complainant is unhappy with Education Otherwise' response i.e. give them the name and contact details of the person in accordance with Stage 3 of the process.

10.2 Recording Stage 2 complaints

The action taken needs to be recorded in the complaints log held by Complaints Group.

11 Guidelines for handling complaints about the Trustees

Education Otherwise must take complaints about the trustees seriously and ensure they are properly investigated in a fair and open way.

11.1 Who handles complaints about the Trustees

If the complaint is about the trustees generally, the Complaints Group will manage the complaint through the three stages with the expectation that the Trustee Complaints

Committee will be asked to advise. These stages must be expedited swiftly so that there is no suspicion that the trustees are failing to deal with a complaint about themselves.

12 Keeping a balance

Education Otherwise does not receive many complaints, so this policy needs to be seen in that context. There may be times when someone does not want to go as far as to make a complaint but they do have suggestions or comments about how things could be done better. Education Otherwise will be receptive to these and act upon them where possible, feedback can be emailed to feedback@education-otherwise.org

13 Confidentiality

We ask parties to a complaint not to discuss the matter publicly on lists and forum or with colleagues as it can prejudice the investigation and cause hurt to one or more of the parties to any complaint. See EO's Privacy Policy.

14 Trustee Complaints Committee

There will be a Trustee Complaints Committee. Members of the Trustee Complaints Committee will be appointed from amongst the Trustees when required and will make trustee level decisions referred by Complaints Group and receive any grievances and appeals on behalf of the Trustees, for instance about the way a complaint has been investigated.

15 Complaining to the Charity Commission

The following text in italics is from the Charity Commission's website, and explains their policy for accepting complaints about charities.

We will look into complaints against charities:

- *where concerns are expressed about serious mismanagement, for example involving a failure to observe the requirements of charity law; and*
- *where there is harm, or the risk of harm, and the use of the Commission's powers is proportionate to it; or*
- *where there is clear evidence of deliberate abuse.*

The Commission will not investigate every type of complaint involving a charity. We will not do so:

- *where the complainant is simply disagreeing with a decision which the charity, as a free and independent body, has taken within the law and the powers in its constitution;*
- *to resolve internal disagreements over a charity's policy or strategy which those involved should be responsible for resolving themselves;*
- *to take up individual complaints of poor service from a charity where there is no general risk to its services, its clients or its resources; or*
- *where the complaint is being dealt with, or is the responsibility of, another statutory or supervisory body.*

We think of harm as:

- *detrimental effects on the people or causes the charity serves;*
- *loss or misuse of significant assets or resources;*
- *damage to the public reputation of a charity or charities generally; and*
- *damage to public confidence in charity regulation.*

People are free to complain to the Charity Commission at any time about Education Otherwise' charitable activities. However, Education Otherwise would prefer the opportunity to resolve issues with the complainant beforehand, as many complaints can be resolved without the need to involve the Charity Commission.

False, Vexatious or Malicious Complaints

Making false or malicious complaints will be regarded as a serious disciplinary offence, which if proven, may result in disciplinary action being taken and may include removal of membership.

A malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the Complaints Procedure or, for example, to attempt to defame the name or character of another person. A vexatious complaint is one that is grossly unreasonable, one that is repeatedly made or one that falls into one of the examples below:

- a) Changing the substance of a complaint, seeking to prolong contact by continually raising further concerns or questions during the investigation or upon receipt of a response. (New issues which are significantly different from the original complaint would be addressed as a separate complaint.)
- b) An unwillingness to accept documented evidence as being factual, or denying receipt of an adequate response in spite of correspondence specifically answering the questions or not accepting that facts can sometimes be difficult to verify (when a long period of time has elapsed for instance).
- c) Not clearly identifying the precise issues which they wish to be investigated, despite reasonable efforts of staff or volunteers.
- d) Having in the course of addressing a complaint had an excessive number of contacts with EO placing unreasonable demands on staff or volunteers. (A contact may be by telephone, letter, or email). Discretion would always be used in determining the precise number of "excessive contacts" applicable under this section, and judgement would be based on the specific circumstances of each individual case.
- e) Harassing or being abusive or aggressive on more than one occasion towards staff or volunteers dealing with their complaint may render a complaint vexatious. (We do recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and we will make reasonable allowances for this, but we will not tolerate harassment.)
- f) Displaying unreasonable demands or expectations and failing to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable).
- g) Demanding resources and time which may impact the normal running of EO or communication with its members or the public.
- h) Making the same complaint, whether frivolous or not, on two or more occasions when it has already been the subject of the complaints process

A malicious complaint is one which is untrue and made with the intent to harm or discredit another individual or where the complainant knows or should have known that there are no reasonable grounds for the complaint. It will be regarded as gross misconduct and disciplinary action will be taken. Eg.

- a) Making or persisting in pursuing a complaint knowing or believing that there are no reasonable grounds for the complaint;
- b) Deliberately intending to deceive or mislead the investigation of a complaint;
- c) Making the complaint for an ulterior motive;

If we do take the unusual step of declaring a complaint, or complainant, vexatious or frivolous or malicious we will write and inform you of our decision and you will have the right of appeal, and will need to contact Complaints Group in the first instance who will ask the Trustees to arrange an independent appeal panel.