



ECHO YOUTH THEATRE

COMPLAINTS POLICY

INCLUDING GRIEVANCES & RAISING CONCERNS (WHISTLEBLOWING)

Introduction

We are committed to the highest standards of openness, honesty, and accountability.

Parents/carers, children and young people have the right to complain if they are unhappy with any aspect of our organisation. Staff and volunteers also have the right to complain or raise concerns.

This policy explains how we will manage any complaints, grievances, concerns or allegations, including “whistleblowing” disclosures, to ensure decisions are made appropriately, especially when the welfare of children/young people is implicated.

Complaints

A complaint is where a person, or a person close to the complainant, has personally been poorly treated and is seeking redress or justice for themselves or that person. Any complaint will be taken seriously.

We ask those making a complaint to follow our Complaints Procedure detailed at Annex A.

Grievances

A grievance is when a staff member or volunteer has a dispute about their own circumstances relating to their job role. Anyone who meets this criterion should follow our Grievance Procedure at Annex B.

Raising Concerns (Whistleblowing)

Whistleblowing is very different from a complaint or a grievance. The term ‘whistleblowing’ usually applies when a person is acting as a witness to misconduct or malpractice that they have observed and which threatens other people. It is a “protected disclosure” under the Public Interest Disclosure Act 1998 when made in good faith. Our policy on Raising Concerns (Whistleblowing) is at Annex C.

Expectations

We expect anyone who wishes to raise problems with us to:

- treat all staff with courtesy and respect.
- respect the needs and well-being of children and adults.

- avoid any use, or threatened use, of violence to people or property.
- avoid any aggression or verbal abuse.
- recognise the time constraints under which our volunteers work and allow a reasonable time to respond.
- recognise that resolving a specific problem can often take some time.
- follow our relevant procedure.

Complainants should not communicate with us about issues relating to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Anyone who raises either informal or formal concerns or formal complaints can expect Echo Youth Theatre to:

- regularly communicate with the enquirer in writing and confirm:
 - how and when problems can be raised,
 - the existence of our complaints procedure, and
 - the existence of this policy.
- respond within a reasonable time.
- be available for consultation within reasonable time limits bearing in mind the operational limitations of our organisation and the nature of the complaint.
- respond with courtesy and respect.
- attempt to resolve problems using reasonable means in line with the complaints procedure and other policies and procedures.
- keep complainants informed of progress towards a resolution of the issues raised.

Policy Review

We will make changes to our policies and procedures in line with Norfolk Safeguarding Children Partnership's guidance on norfolkscsp.org.uk and in line with any changes to legislation. This policy will be reviewed annually.

Annexes:

- A. Complaints Procedure**
- B. Grievance Procedure**
- C. Raising Concerns (Whistleblowing) Policy**
- D. Unreasonable and Vexatious Complaints Policy**

Annex A to Complaints Policy

Complaints Procedure

We are committed to dealing with all complaints and interactions with staff, volunteers, parents and children fairly and impartially, and to providing a high-quality service to those who have a concern they require resolving. Any complaint will be taken seriously.

We ask those making a complaint to follow our Complaints Procedure below.

Complaints Procedure Stage One

If you have a complaint, please put this in writing for the attention of Jo Myers, Company Manager, Echo Youth Theatre. If the complaint is about the Company Manager, put it in writing for the attention of The Board of Directors, Echo Youth Theatre. Written complaints should be sent by electronic means (not by post), using the email address admin@echoyouththeatre.co.uk

The person making the complaint will receive written acknowledgement of their complaint within 5 working days, this will also set out what will happen next.

Investigation Procedure Stage Two

The complaint will be investigated by the Company Manager, Echo Youth Theatre, unless the complaint is about the Company Manager, in which case, it will be investigated by an appropriate member of the Board of Directors. If the complaint raises any safeguarding issues, the complaint will be referred to a Designated Safeguarding Person (DSP) and handled in accordance with our Safeguarding Policy

If the investigator needs to meet with the complainant, they will do so within 10 working days from the date of the written acknowledgement of the complaint. If the complainant is unable to meet the investigator within this time-frame, the investigator may decide to proceed with the investigation without meeting the complainant, or may decide to delay the process. This decision lies with the investigator and the complainant will be informed in writing if a delay will occur.

Complaints will be fully investigated and a written response provided by the investigator to the complainant within 28 working days from the date of the written acknowledgement of the complaint.

The response will contain the outcome of the investigation with any recommendations and or changes to be made.

If the complainant is unsatisfied with the outcome from Stage Two, they can appeal within 5 working days from the date of the outcome and progress to Stage Three

Appeal Procedure Stage Three

If the complaint cannot be resolved to the complainant's satisfaction at Stage Two, then it will be referred to another appropriate member of the Board of Directors, who will acknowledge receipt of the appeal to the complainant within 5 working days.

Echo Youth Theatre may appoint a member of our Management Team or an appropriate external person to review the Stage Three appeal, if there is not an appropriate member of the Board of Directors available.

The person appointed to handle the appeal will review the Stage Two investigation and recommend one of the following actions within 10 working days:

- Uphold the decision made at Stage Two, or
- Make changes to the Stage Two recommendation/actions

The complainant will be informed in writing of the outcome of Stage Three. The decision reached about this complaint will then be final.

Unreasonable or Vexatious Complaints

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
- use obscenities, racist or homophobic language.
- contain personally offensive remarks about members of staff.
- are repeatedly submitted with only minor differences after we have fully addressed the complaint.

Complaints of this nature, or in the event that complainants are pursuing complaints in unreasonable ways, we follow our Unreasonable and Vexatious Complaints Policy at Annex D.

Annex B to Complaints Policy

Grievance Procedure

A grievance is when a worker/employee/volunteer has a dispute about their own circumstances relating to their job role. Specifically at Echo Youth Theatre, this applies to volunteers and contracted/freelance staff formally appointed to a role on either the Board of Trustees, Management Team, a Production Team for a specific production or staff for a specific event.

Dealing with grievances informally

If you have a grievance or complaint about your work or a colleague, you should start by speaking with your team/event leader wherever possible, and attempt to agree a solution informally between you.

Formal grievance

If the matter is serious or you wish to raise it formally, you should put the grievance in writing to the Company Manager. You should keep to the facts and avoid language that is insulting or abusive. If your grievance is against the Company Manager and you feel unable to approach them, you should send it to another member of the Board of Directors.

Grievance hearing

The Company Manager (or other Director) will call you to a meeting, usually within 5 working days, to discuss your grievance. You have the right to be accompanied by a colleague.

After the meeting, the Company Manager (or other Director) will give you a decision in writing, usually within 48 hours. If the decision will take longer, they will inform you of this and the timescale.

Appeal

If you are unhappy with the decision on your grievance, you can raise an appeal. You will need to raise your appeal in writing to the Board of Directors, within 5 working days of the date of the decision.

Your appeal will be heard by an appropriate member of the Board of Directors. Echo Youth Theatre may appoint a member of our Management Team or an appropriate external person to review your appeal, if there is not an appropriate member of the Board of Directors available.

You will be invited to an appeal meeting, normally within 5 working days of raising your appeal. You have the right to be accompanied by a colleague. After the meeting you will receive a decision, usually within 48 hours. The appeal review decision is final.

Annex C to Complaints Policy

Raising Concerns (Whistleblowing) Policy

Introduction

Staff wishing to raise a concern about malpractice or wrongdoing by another member of staff are entitled to do so without fear of reprisal.

In the context of this policy the term “staff” refers to any adult in a position of responsibility, or appointed to a job role, for a production or event, regardless of whether they are paid or volunteering.

Whistleblowing is a mechanism where staff or volunteers can voice their concerns, without fear of repercussion in circumstances where their concerns have not been dealt with or they do not feel able to follow usual reporting lines for some reason.

This policy is designed to ensure concerns are raised and dealt with appropriately, and to safeguard the welfare of the children and young people in our care, and ensure staff feel confident to report certain types of wrongdoing by a colleague.

We want you to raise any concerns at the earliest opportunity, so that they can be considered and hopefully resolved quickly. We are committed to dealing with any disclosure appropriately, consistently, fairly and professionally and no-one should feel that any issue or concern is not important enough to be raised.

We do not tolerate bullying, harassment or victimisation in any form, including to those who raise a concern in connection with this policy. Furthermore, we will not tolerate any attempt to bully someone into not raising any such concern.

Scope of this Policy

Whistleblowing is the term used to describe the disclosure of information about suspected wrongdoing or dangers identified at work. It is a “protected disclosure” under the Public Interest Disclosure Act 1998 when made in good faith.

This includes concerns such as:

- A child being at risk of harm
- Neglect or abuse of a child
- A breach of safeguarding procedures
- Unsafe working conditions or practices
- Fraud or misuse of our funds
- Discrimination or harassment
- Criminal activity or misconduct

Safeguarding Concerns

While safeguarding concerns should normally be raised through our Safeguarding Policy, we recognise there may be times when staff feel unable to use the standard reporting procedures, for example, if:

- They believe their concern is not being taken seriously.
- They feel there has been a failure to follow the safeguarding policy or procedures.
- They feel there has been an inadequate response to a safeguarding disclosure or incident.
- They fear repercussions for reporting a concern.
- The person responsible for safeguarding may be implicated.

In such cases, safeguarding concerns can and should be raised under this whistleblowing policy. Staff are encouraged to raise concerns internally following the procedure set out in this policy, but may also contact external whistleblowing services if they do not feel able to do so, or if they believe the matter has not been properly addressed.

Whistleblowing Procedure

If you have a whistleblowing concern, we hope you will feel able to raise it first with the Company Manager. This may be done orally or in writing.

If you feel unable to raise the matter with the Company Manager, then the next point of contact is an appropriate member of the Board of Directors.

If you wish to make a written statement, please describe the background and history of the concern (giving relevant dates) and the reasons why you are particularly concerned about the situation. The earlier a concern is expressed, the easier it will be to take action.

You will need to demonstrate to the person you contact that there are reasonable grounds for the issue to be raised.

The person the whistleblowing concern is reported to will:

- formally acknowledge receipt of your concern.
- formally notify you who will be investigating your concern.
- offer you an opportunity for a meeting to discuss the issue if required, so long as you have not submitted your concern in writing anonymously. You can be accompanied by a work colleague if required.
- respect your confidentiality where this has been requested.
- take steps to ensure that you have appropriate support and advice.
- agree a timetable for feedback.
- provide you with as much feedback as it is possible while observing data protection regulations; and
- take appropriate and timely action against anyone who victimises you.

Confidentiality

All concerns will be treated in confidence, and the identity of the person reporting the concerns will not be revealed, unless they wish it to be. However, in some cases, confidentiality may not be possible, for example when reporting abuse or a criminal offence, as action may need to be taken and the person reporting the concerns may be needed to provide evidence in disciplinary or criminal proceedings.

If you request anonymity, you will be consulted if it does become necessary to reveal your identity.

Anonymous Allegations

Whenever possible, staff should be prepared to put their name to an allegation. Concerns expressed anonymously are much harder to investigate.

In considering an anonymous allegation, we will take into account:

- the seriousness of the issues raised.
- the credibility of the concern.
- the likelihood of confirming the allegation from other sources.

False Allegations

If a member of staff makes an allegation in good faith, but the allegation is not confirmed by any subsequent investigation, no action will be taken against them.

However, we may consider further action if we believe that an allegation has been made frivolously, maliciously or for personal gain.

If a member of staff continues to pursue a concern or allegation, beyond the point it has been reasonably dealt with, and the concern becomes a persistent, unreasonable, habitual and/or vexatious complaint, we will follow the procedures at Annex D.

External Organisations

If a staff member is unhappy with the outcome of the internal whistleblowing procedure or feels unable to raise their concerns using the internal procedure, they can whistleblow to a prescribed body rather than our organisation.

The organisations below can offer support with this:

Protect - Free confidential whistleblowing advice. Call on 020 3117 2520

The National Society for the Prevention of Cruelty to Children (NSPCC) - Contact them about matters relating to child welfare and protection. Tel: 0800 028 0285. Email: help@nspcc.org.uk

Children's Advice and Duty Service (CADS) service run by Norfolk County Council - the contact number for staff reporting is 0344 800 8021

Annex D to Complaints Policy

Unreasonable and Vexatious Complaints Policy

Introduction

The majority of complaints are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the running of the organisation and directly or indirectly the overall well-being of the children and/or staff.

In these exceptional circumstances, we may act in accordance with this policy. This policy applies to all complainants, and identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be persistent, unreasonable, habitual and/or vexatious. This policy also explains how we will respond to these situations.

In this policy, the term habitual means 'done constantly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests are disproportionate and repeated.

We aim to deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass our staff or volunteers, while ensuring that other stakeholders suffer no detriment.

Policy Use

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under our relevant complaints procedure. However, it is not necessary for a complaint to have progressed through all the stages, before this policy can be invoked.

Habitual or Vexatious Complainant

A complainant may be deemed to be habitual or vexatious if they:

- persist in pursuing a complaint where the complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided), or
- change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response, or
- are unwilling to accept documented evidence of action, or
- are unwilling to accept that an external body has reached a final decision on a chosen course of action, or

- deny receiving an adequate response in spite of correspondence specifically answering their questions, or
- persist in pursuing a matter when they have already exhausted other statutory routes, or
- do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns, or
- continue to seek to pursue a complaint where the concerns identified are not within the remit of the organisation to investigate, or
- introduce trivial or irrelevant information, which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales, or
- have in the course of addressing a complaint, had an excessive number of contacts with the organisation placing unreasonable demands on staff time, or
- have threatened or used physical violence towards staff at any time, or
- have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint, or
- are known to have recorded meetings or telephone conversations or circulated such records to third parties without the prior knowledge and consent of other parties involved, or
- make unreasonable demands and fail to accept that these may be unreasonable.

Unreasonable Complaints

A complaint may be deemed unreasonable if the complainant's behaviour falls under any or all of the criteria below:

- Refusal to articulate the complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refusal to cooperate with our investigation process.
- Refusal to accept that certain issues are not within the scope of our complaints procedure
- Insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduction of trivial or irrelevant information which they expect to be taken into account and commented on
- Raising large numbers of detailed but unimportant questions, and insisting they are fully answered, often immediately and to their own timescales
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Repeatedly making the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refusal to accept the findings of the investigation into a complaint where the complaint procedure has been fully and properly implemented
- Seeking an unrealistic outcome
- Making excessive demands on staff time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Using threats to intimidate

- Using abusive, offensive or discriminatory language or violence
- Knowingly providing falsified information
- Publishing unacceptable information on social media or other public forum

Harassment

For the purpose of this policy, harassment is the unreasonable pursuit of one or more complaints in such a way that they either:

- appear to be targeted over a significant period of time on one or more members of staff, or
- cause ongoing distress to individual member(s) of staff, or
- have a significant adverse effect on the whole/parts of the organisation, or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient - this could include persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time and undermine confidence, well-being, and health - or
- unnecessarily take up an inordinate amount of staff time, detracting from staff members' ability to undertake legitimate business.

Duplicate Complaint

If we have resolved a complaint under the complaints procedure and receive a duplicate complaint on the same subject from another individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to consider. If we are satisfied that there is no new relevant information, we will tell the new complainant that we have already investigated and responded to this issue, and the process is complete.

Persistent Complaining

For the purposes of this policy, persistent complaining is defined as when the complainant's behaviour is characterised by:

- actions which are obsessive, persistent, harassing, prolific or repetitious, or
- prolific correspondence or excessive email or telephone contact about a concern or complaint, or
- excessive and unreasonable use Freedom of Information requests, or
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes, or
- an insistence upon pursuing complaints in an unreasonable manner, or
- an insistence on introducing trivial or irrelevant information which the complainant expects to be considered and commented upon or raising many detailed but unimportant questions insisting that they are answered fully, or
- making unjustified complaints about the investigator seeking to have them replaced, or
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the organisation.

Our Response

We will always work with someone with a legitimate complaint to resolve the difficulty and reach a resolution. However, in cases of unreasonably persistent complaints, vexatious complainants, unreasonable complaints or harassment, we will take any or all of the following courses of action, as appropriate.

- Where physical violence is used or threatened, we will refuse further personal contact with the complainant. The complainant will, thereafter, only be contacted by written communication. All incidences of physical violence will be reported to the police and will be documented.
- We will document all instances of harassment, abusive or verbally aggressive behaviour by a complainant.
- Inform the complainant formally that their behaviour falls under the terms of this policy and is now considered to be unreasonable and request a change in their approach.
- All future meetings will be conducted with a third person present.
- Meetings will be recorded or notes taken by a third party.
- Inform the complainant that, except in emergencies, we will respond only to written communication.
- Inform the complainant in writing that their complaint will not be investigated further until it is pursued in a manner considered reasonable.
- Temporarily suspend, for a specified period, all contact with the complainant.
- Place restrictions on the complainant's access to our organisation and/or staff.
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in our organisation.
- Consider taking legal advice on pursuing a case under Anti-Harassment legislation.
- Cease to respond to complaints of a vexatious nature, where the following applies:
 - Every reasonable step has been taken to address the complainant's concerns.
 - The complainant has been given a clear statement of the organisation's position and their options
 - The complainant contacts the organisation repeatedly, making substantially the same points each time.