



# COMPLAINTS POLICY

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# Introduction

Marvellous Minds Tuition aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.



This policy has been created to deal with any complaint against a member of staff or the centre as a whole, relating to any aspects of the centre or the provision of facilities or services. It is designed to ensure that the centre's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress. Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the centre provides. This policy outlines the procedure that the complainant and centre must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage. The Centre Director will be the first point of contact when following the complaints procedure.

## Legal Framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014
- Ofsted policies for organisations on the voluntary childcare register

This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
  - ESFA (2015) 'Creating an academy complaints procedure'
  - HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
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## Definitions

For the purpose of this policy, a **“complaint”** can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice. A **“concern”** can be defined as ‘an expression of worry or doubt’ where reassurance is required. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented. A **“grievance”** is an issue raised by a member of staff where they feel the centre has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the centre’s Grievance Policy.

For the purpose of this policy, concerns will be classed and addressed as complaints. For the purpose of this policy, **“unreasonable complaints”** include:

### Vexatious complaints:

- Are obsessive, persistent, harassing, prolific, repetitious.
- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insist upon pursuing meritorious complaints in an unreasonable manner.
- Are designed to cause disruption or annoyance.
- Demand for redress which lacks any serious purpose or value.

### Serial or persistent complaints:

- Are duplicated, sent by the same complainant once the initial complaint has been closed.

Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary. For the purpose of this policy, **“duplicate complaints”** are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the Centre Directors. Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

## Roles and Responsibilities

The complainant will:

- Cooperate with the centre in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaints co-ordinator, who is usually the Centre Director, will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the centre’s system and retained in line with the centre’s Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Centre Director and Managing Directors. Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant’s need for additional support, including interpretation support, and will be aware of any issues concerning this.



## How A Formal Complaint Is Investigated

- The complaint will be investigated by the Centre Director in the first instance.
- A robust investigation will be initiated, which will involve speaking to all relevant parties, including the complainant (who may be accompanied)
- Upon completion of the investigation, a report will be written.
- The Centre Director will decide on an appropriate course of action on the basis of the report, and the complainant and the member of staff will be notified in writing accordingly.
- The Centre will respond within seven working days of a complaint being lodged, and will notify the complainant within that time scale if that deadline is not going to be met, with reasons why.
- Should a complainant wish to appeal the outcome of their complaint this will need to be done in writing to one of the Managing Directors within 30 days.

The Centre Director's role includes:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and Centre Director to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible. When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally. When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.

Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

## Making A Complaint

Complaints are not restricted to parents of attending pupils. The centre will consider all complaints including those from key stakeholders such as schools, as well as staff members.

The centre will ensure the complaints procedure is:

- ✓ Easily accessible and publicised on the organisation's website.
- ✓ Simple to understand and put into practice.
- ✓ Impartial and fair to all parties involved.
- ✓ Respectful of confidentiality duties.
- ✓ Fairly investigated, by an independent person when necessary.
- ✓ Used to address all issues to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The centre upholds a twelve-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. We will consider complaints made outside of term time to have been received on the first day after the holiday period. Complaints should be made using the appropriate channels of communication, including the use of the complaints form.

All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau). A complaint can progress to the next stage of the procedure even if it is not viewed as "justified".

All complainants are given the opportunity to fully complete the complaints procedure. Any complaint made against a member of staff will be initially dealt with by the Centre Director, and then by the Managing Directors/management board. Any complaint made against the Centre Director shall be initially dealt with by the Managing Directors/Management board. Any complaint made against the entire centre should be made in writing to the Managing Directors. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, and the complainant notified along with new timescales.

Information about a complaint will not be disclosed to a third party without written consent from the complainant. Information about a complaint will not be disclosed to a third party without written consent from the complainant. We will not normally investigate anonymous complaints. However, the centre director, if appropriate, will determine whether the complaint warrants an investigation.

At each stage in the procedure, the centre wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- ✓ an explanation
- ✓ an admission that the situation could have been handled differently or better
- ✓ an assurance that we will try to ensure the event complained of will not recur
- ✓ an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- ✓ an undertaking to review centre policies in light of the complaint
- ✓ an apology.

If a complainant wants to withdraw their complaint, the centre will ask them to confirm this in writing or electronically via email.

# Complaints Procedure

## **Stage 1 - Informal Concern Made To A Member Of Staff**

*(2 - 3 Working Days)*

In the first instance speak directly with the member of staff concerned. This may be in person, by telephone, in writing or by email. Many concerns can be resolved at this informal stage. In the case of the concern being about the member of staff the complainant can discuss the concern with the Centre Director to seek support.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the centre's ICT system and, where appropriate, encrypted. If the concern is about the centre director, the managing directors should be informed and will need to handle the complaint.

Within 3 working days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the organisation could have handled the situation better is not an admission of unlawful or negligent action. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

## **Stage 2 – Formal Complaint Made To The Centre Director**

*(15 Working Days)*

Stage 2 of the process will be completed within 15 working days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Centre Director will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the centre director should be made, as soon as reasonably practicable, to avoid any possible worsening of the situation. If the complaint is against the Centre Director, the complainant will initially need to write, in confidence, to the Managing Directors. They will seek to resolve the issue informally before moving directly to stage three of the procedure. If the complaint is about a member of the Managing Directors, a suitably skilled governor will be appointed to complete all the actions at Stage 1. Complaints about a member of the Managing Directors must be made to the organisation's Centre Director.



# Recording A Complaint

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the centre premises by the Centre Director. The centre holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Where there are communication difficulties or disabilities, the centre may provide recording devices to ensure the complainant is able to access and review the discussions at a later point. Recording devices will not be used without the prior consent of all parties.

Details of any complaint made shall not be shared with the entire organisation. The exception to this is when a complaint is made against the whole organisation and they need to be aware of the allegations made against them, to respond to any independent investigation. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.

The centre will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

## Complaints Not Covered By This Procedure

This procedure covers all complaints about any provision of services by our organisation other than complaints that are dealt with under other statutory procedures, including those listed below.

### EXCEPTIONS

### WHO TO CONTACT

#### Matters likely to require a Child Protection Investigation

Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.

#### Whistleblowing

We have an internal whistleblowing procedure for all our employees.

You may also be able to complain directly to the LA or the Department for Education, depending on the substance of your complaint.

#### Staff grievances

Complaints from staff will be dealt with under the centre's internal grievance procedures.

#### Staff conduct

Complaints about staff will be dealt with under the centre's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

If a social services authority decides to investigate a situation, the centre director or managing directors may postpone the complaints procedure. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child. If a complainant commences legal action against the centre in relation to their complaint, the centre will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## Managing Unreasonable Requests

The centre is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the centre; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. A complaint may be regarded as unreasonable when the person making the complaint:



- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

- Introduces 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.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the number of communications with a centre while a 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. Whenever possible, the centre director and managing directors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.



If the behaviour continues, the centre director will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the centre causing a significant level of disruption, the centre may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.



A decision to stop responding will only be considered in circumstances where the following statements are true:

- ✔ Every reasonable step has been taken to address the complainant's concerns.
- ✔ The complainant has been given a clear statement of the centre's position and their options.
- ✔ The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the centre will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.



# Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete the below form and send it to the Centre Director. (If your complaint is against the centre director, you will need to send the form to the managing director):

**Martine Thompson (St Albans):** martine@marvellousmindstuition.co.uk

**Sharmin Akhtar (Bedford):** sharmin@marvellousmindstuition.co.uk

**Sofia Carlson-Haynes (MD):** sofia@marvellousmindstuition.co.uk

**Ben Murphy (MD):** ben@marvellousmindstuition.co.uk

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Daytime telephone number: \_\_\_\_\_

Evening telephone number: \_\_\_\_\_

Email: \_\_\_\_\_

What is your complaint concerning, and what action would you like the organisation to take?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When did you discuss your concern/complaint with the appropriate member of staff?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What was the result of the discussion?

\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_