

MPCTTM

Motivational Preparation College for Training

Q009 - MPCT Complaints Policy



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e.g. Version 1

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MPCT COMPLAINTS POLICY

1 Introduction

MPCT Complaints Policy

- 1.1 MPCT is committed to dealing effectively with complaints. We aim to clarify any issues about which you are not sure. If possible we will put right any mistakes we have made and we will apologise. We aim to learn from mistakes and use that experience to improve what we do.
- 1.2 Our definition of a complaint is ‘an expression of dissatisfaction in relation to MPCT or a member of its staff that requires a response from MPCT’.
- 1.3 The aim of this procedure is to achieve a fair, effective and as rapid as possible resolution of any concerns about the education and/or welfare of individual learners/students in the care of trust at MPCT. The purpose of this complaints procedure supports our commitment and is a way of ensuring that anyone with an interest in MPCT can raise a concern, with confidence that it will be heard and if well founded, addressed in an appropriate and timely fashion.
- 1.4 It is acknowledged that the nature of any complaint may also breach our code of conduct and thus may also be treated as a misconduct investigation.
- 1.5 The expression ‘parents’ is used for those having parental responsibility for the child.
- 1.6 These procedures apply to all parents of learners and to prospective parents of learners at MPCT as well as learners/students. A copy of this procedure is available on MPCTs’ website and can also be obtained on request from MPCT Head office. There will also be learner advice on how to place a complaint or any concern within their Learner Journey covered also within their Induction period.
- 1.7 **Timing** Effective and fair resolution of concerns usually requires that they are brought to the attention of MPCT Senior Leadership Teams attention promptly, which should normally be within three months of the relevant event(s).

Complaints may be heard after this time if the Managing Director (MD) or

Director of HR (DHR) or the SLT Complaints Panel considers that the delay has not prejudiced an effective and fair resolution. There may be more than one fair and reasonable response to a situation accordingly, where a complaint is upheld, the MD and DHR or SLT Complaints Panel will usually make recommendations to be acted upon by MPCT if required. Legal proceedings; where legal proceedings exist between the MPCT and the parents/learner, this procedure may be subject to the constraints of the legal process.

- 1.8 Record Keeping** Correspondence, statements and records relating to individual complaints will be kept confidential except where the Welsh Government or a Local Authority or Awarding body are involved or when conducting an inspection under 163 of the Education Act 2002 requests access to them.

When to use this procedure

- 2.1** When you have a concern or make a complaint we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by MPCT, in which case we will tell you who to complain to. At other times you may be concerned about matters that are handled by other procedures, in which case we will explain to you how your concern will be dealt with.
- 2.2** If your concern or complaint is about another body as well as MPCT (for example the local authority, awarding bodies etc.) we will work with them to decide how to handle your concern.

3 Have you asked us yet?

- 3.1** If you are approaching us for the first time you should give us a chance to respond. If you are not happy with our response then you may make your complaint using the procedure we describe below. Most concerns can be settled quickly just by speaking to the relevant person within MPCT, without the need to use a formal procedure.

4 What we expect from you

- 4.1 We believe that all complainants have a right to be heard, understood and respected, but MPCT staff also have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour.
- 4.2 We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining. We have a separate policy to manage situations where we find that someone's actions are unacceptable.
- 4.3 **Our approach to answering your concern or complaint:**
- 4.3.1 We will consider all your concerns and complaints in an open and fair way.
- 4.3.2 Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.
- 4.3.3 We may ask for advice from the local authority or awarding body where appropriate.
- 4.3.4 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this complaints policy), in which case we will explain why this is so, and will tell you what steps will be taken.
- 4.3.5 MPCT will keep the records of documents used to investigate your concern or complaint for seven years after it has been dealt with. Records will be kept within MPCT and reviewed after seven years to decide if they need to be kept for longer.
- 4.3.6 Complaints that are made anonymously will be recorded but investigation will be at the discretion of MPCT depending on the nature of the complaint.
- 4.3.7 Where complaints are considered to have been made only to cause harm or offence to individuals or towards MPCT, then records will be kept of the investigations that are made and what actions are taken, including the reasons for 'no action'. These may be passed on to MPCT legal team if malicious and unfounded to see what action should be taken.
- 4.3.8 Answering your concern or complaint

5 The chart in **APPENDIX A** shows what may happen when you make a complaint or raise a concern.

5.1 There are up to three Stages: A, B and C. All timescales shown are targets and are flexible; however it is in everyone's best interest to resolve a complaint as soon as possible.

5.2 MPCT will work with you to ensure that the time allowed to deal with your concern or complaint is reasonable and helps to achieve an answer to the problem.

5.3 Most complaints can be resolved at Stages A or B. You can bring a relative or companion to support you at any time during the process but you will normally be expected to speak for yourself.

5.4 We recognise that when the complainant is a Learner/student under the age of 16 it is reasonable for the companion to speak on their behalf and/or to advise them.

6 Assessment of Complaint

6.1 Upon receipt of your complaint it will be forwarded to the Designated Decision Maker (DDM) which is the Lead Safeguarding Officer who will assess the nature of the complaint and decide the most appropriate way for it to be managed. These will fall into the following categories:

6.1.1 Complaint regarding an organisational issue

6.1.2 Complaint against an identified individual/s but does not breach code of conduct

6.1.3 Complaint against an identified individual/s where due to the nature of the complaint a breach of the organisations code of conduct may have occurred.

6.2 The DDM will maintain operational control over the complaint and where necessary direct the complaint to the most appropriate manager for investigation.

6.3 Any complaints defined under Para 6.1.3 will be managed through the MPCT Conduct Policy and will run concurrently with this

policy with regard to informing and keeping up to date the complainant.

6.4 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else needs to know about your concern or complaint, so as to address it appropriately. This could particularly be the case if the complaint becomes a matter for a higher-level procedure or a 'safeguarding concern'.

6.5 If you are a Learner under 16 and wish to raise a concern or bring a complaint we will ask for your permission before we involve your parent(s) or carer(s). If you are a Learner under 16 and are involved in a complaint in any other way, we may ask your parent(s) or carer(s) to become involved and attend any discussion or interview with you.

7 Stage A (Informal Resolution)

7.1 It is hoped that most complaints and concerns will be resolved quickly and informally. If you have a concern, you can often resolve it quickly by talking to an Instructor/Manager at the Centre or a member of the Senior Leadership Team. You should raise your concern as soon as you can; normally we would expect you to raise your issue within 5 working days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively in regard to proper investigation. Normally complaints will not be investigated if they relate to something that happened more than 6 months ago unless a serious complaint has been made and the need for full investigation and or external agencies/Local Authority or Police involvement. In many cases the matter will be resolved straightaway by this means to the parents' or complainant's satisfaction.

7.2 If the Instructor/Manager cannot resolve the matter alone, it may be necessary for him/her to consult with their Regional Manager /SLT.

7.3 If you are a Learner, you can raise your concerns within your Centre during learners Forums or through the centre ambassador(s) who will raise the concern to staff, or you can discuss or raise with your Instructor or Area Manager respectively. This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly.

7.4 We will try to let you know what we have done or are doing about your concern normally within 10 working days, but if this is not possible, we will talk to you and agree a revised timescale with you.

7.5 The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the concern for future reference.

8 Stage B (Formal Resolution)

8.1 In most cases, we would expect that your concern is resolved informally. If you feel that your initial concern has not been dealt with appropriately you should put your complaint in writing to the Director of Human Resources (DHR) who will then allocate the format of the investigation and who will be responsible for completing.

8.2 We would expect you to aim to do this within five working days of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible. There is also a form attached (**Appendix B**). If you are a Learner/Student at MPCT we will explain the form to you, help you complete it and give you a copy if required.

8.3 If your complaint is about the staff or members of the Senior Management Team you should put your complaint in writing to the DHR to ask for your complaint to be investigated.

8.4 In all cases, MPCT can help you to put your complaint in writing if necessary.

8.5 If you are involved in any way with a complaint, the DHR will explain what will happen and the sort of help that is available to you.

- 8.6** The DHR will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. We will aim to have a meeting with you and to explain what will happen, normally within 10 Working days of receiving your letter. An investigation will be completed and we will let you know the outcome in writing within 10 Working days of completion.

9 Stage C (Formal Panel Resolution)

- 9.1** It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write to request for the Local Authority or Governing Body's or Awarding Bodies complaints procedure for them to discuss your complaint. You do not have to write down details of your whole complaint again.
- 9.2** If you prefer, instead of sending a letter or e-mail, you can talk to the DHR who will write down what is discussed and what, in your own words, would resolve the problem. We would normally expect you to do this within five working days of receiving MPCT's response. You will be asked to read the notes or will have the notes read back to you and then be asked to sign them as a true record of what was said. We will let you know how the complaint will be dealt with and will send a letter to confirm this. The complaints committee (set up either internally or externally as appropriately required) will normally have a meeting with you within 20 working days of receiving your letter.
- 9.3** The letter will also tell you when all the evidence and documentation to be considered by the complaints committee must be received. Everyone involved will see the evidence and documentation before the meeting. The letter will also record what we have agreed with you about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, a new meeting date will be arranged with you.
- 9.4** Normally in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the committee may think it

reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.

- 9.5** We will write to you within 10 Working days of the meeting explaining the outcome of the governing body's complaints committee's consideration.
- 9.6** We will keep records of all conversations and discussions for the purpose of future reference and review by the full governing body. These records will be kept for a minimum of seven years.
- 9.7** MPCT complaints committee is the final arbiter of complaints. The Complaints Committee of MPCT is the final deciding body. Complainants have a right of appeal to the Local Authority or Awarding bodies only if they believe the procedures were not followed correctly or that the decision was reached without proper regard to relevant policies or legislation. The Local Authority is not empowered to alter a decision, only to request that the complaint be reinvestigated. The reinvestigation of the complaint will take place using individuals not previously involved.
- 9.8** If you believe that the Local Authority has acted unreasonably you may appeal to the Minister for Education and Lifelong Learning, Welsh Government, Cardiff Bay, Cardiff, CF99 1NA or if in England; Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD. Contact form <https://www.education...>
- 9.9** The Minister for Education could step in if a Governing or Awarding body or a Local Authority had not carried out its legal duty or has acted unreasonably. The Minister for Education would not do anything until MPCT and the Local Authority has finished looking into the complaint.

10 Special circumstances

10.1 Where a complaint is made about any of the following the complaints procedure will be applied differently.

- I. A Director or member of the Senior Leadership Team.
- II. The concern or complaint will be referred to the Managing Director (MD) for

investigation. The MD may alternatively delegate the matter to DHR if the complaint is not about them. Stage B onwards of the complaints procedure will apply.

- III. The MD and DHR will be informed and will investigate it or may delegate it to another Director or member of the MLT if appropriate to do so.. Stage B onwards of the complaints procedure will apply.
- IV. The whole of the SLT. The complaint will be referred to the to the appropriate governing body who will inform the Local Authority as required. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.
- V. In all cases MPCT and any awarding bodys' used will ensure that complaints are dealt with in an unbiased, open and fair way. Under certain circumstances this may include an external investigator investigating a complaint, including on behalf of any awarding body used.

11 Our commitment to you

11.1 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.

11.2 If you need help to make your concerns known we will try and assist you. If you are a young person and need extra assistance the Welsh Government has established MEIC, which is a national advocacy and advice helpline for children and young people.

11.3 Advice and support can also be accessed from the Children's Commissioner for Wales and England.

11.4 MPCT has consulted with staff and Learners on this policy and will consult further if any amendments are made in the future.

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Signed by the Managing Director:

Name: Huw Lewis MBE

Date approved:

Date of review:

Authorised by Director of Risk – Steve Williams

Reviewed by LSO – Richard Erskine

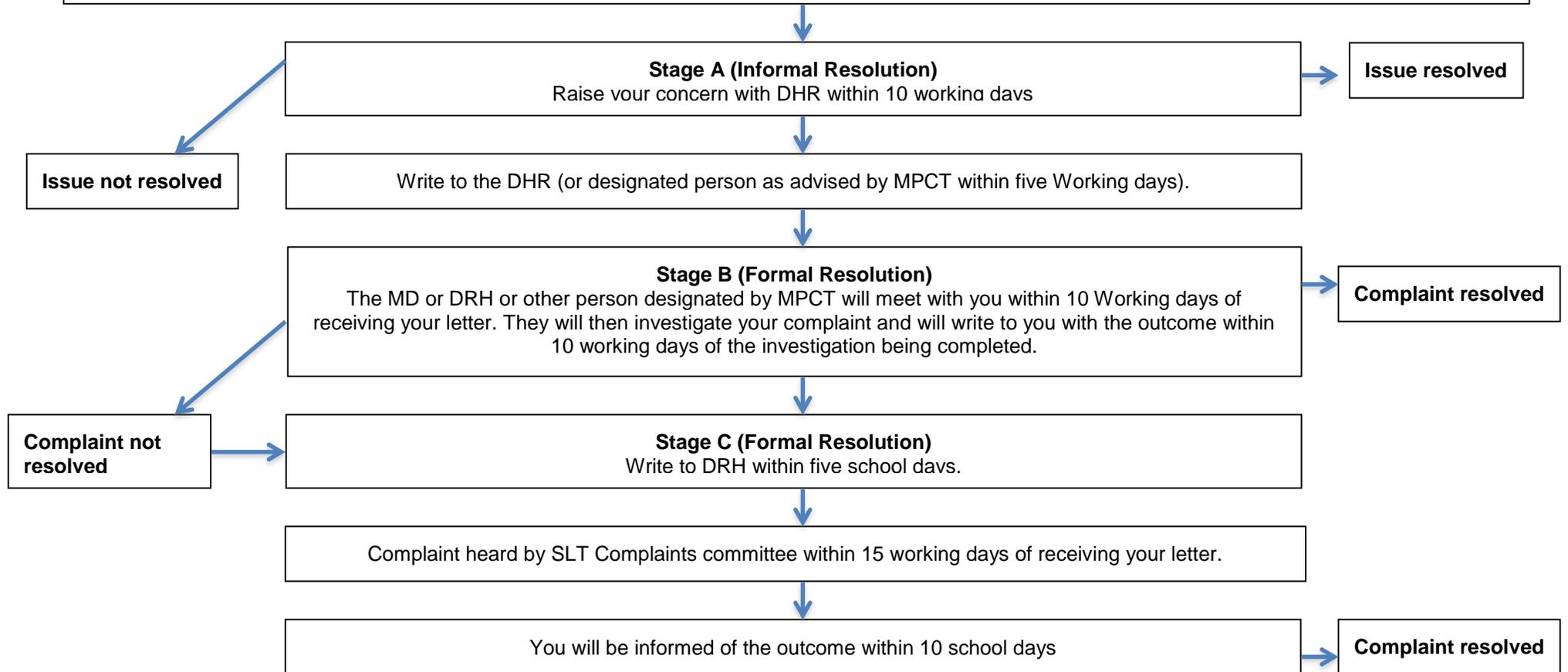
Date reviewed - Nov 18

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APPENDIX A: Summary of dealing with concerns or complaints

This procedure will be followed in the event of a concern or a complaint about MPCT provided that the concern or complaint does not fall under other statutory procedures.



*If the complaint is about the Managing Director you should write to the DRH.

** If the complaint is about the DRH you should write to Managing Director

All timescales shown are targets and are flexible; however it is in everyone's best interest to resolve a complaint as soon as possible.

MPCT will work with you to ensure that the time allowed to deal with your concern or complaint is reasonable and helps to achieve an answer to the problem.

Appendix B: MPCT complaint form

The person who experienced the problem should normally fill in this form. If you are making a complaint on behalf of someone else please fill in Section B also. Please note that before taking forward the complaint we will need to be satisfied that you have the authority to act on behalf of the person concerned. If you are a Learner/student at MPCT we will help you complete this form, will explain it to you if required and we will give you a copy of it when it is completed.

A. Your details Surname Forename(s)
Title: Mr/Mrs/Ms/other
Address:
Postcode:
Daytime phone number Mobile phone number:
E-mail address:
How would you prefer us to contact you?
B. If you are making a complaint on behalf of someone else, what are his or her details?
Their Name in Full:
Address:
Postcode:
What is your relationship to them?

Why are you making a complaint on their behalf?
C. About your complaint (continue your answers on separate sheets of paper if necessary)
C.1 Name of the MPCT Centre you are complaining about.
C.2 What do you think they did wrong or did not do?
C.3 Describe how you have been affected.
C.4 When did you first become aware of the problem?
C.5 If it is more than three months since you first became aware of the problem, please give the reason why you have not raised this before*.
C.6 What do you think should be done to put matters right?

C.7 Have you already raised this with a member MPCT staff? If so, please give brief details about how and when you did so.
*It is important to raise concerns/complaints as soon as possible. The school may not be able to investigate a complaint older than 3 months and unless there are strong reasons for the delay, matters over 6 months old will not be investigated.
Signature of complainant:
Date:
Signature if you are making a complaint on behalf of someone else
Signature:
Date:

Please send this form and any documents to support your complaint to:

Donna Briggs Director of Human Resources
MPCT House
Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
CF23 8RS
T: 08442 438438 enquiries@mpct.co.uk

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: