



**Isle of Man**  
**Government**

*Reiltys Ellan Vannin*



# **COMPLAINTS PROCEDURE**

Department of Education, Sport and Culture

*Rheynn Ynsee, Spoyrt as Cultoor*

# Complaints Procedure

The Department of Education Sport and Culture realises that however hard as an organisation it tries, there will be occasions where it will receive complaints about its services.

If you feel dissatisfied with the quality of service or a decision made by a member of staff, please talk to the person concerned as they may be able to resolve the matter immediately, the vast majority of complaints can be resolved informally at the first point of contact. If the complaint cannot be resolved within 10 working days of the complaint being raised then the formal complaint should be raised with the relevant person below.

When complaints are received, we will ensure they are investigated openly and honestly.

## Who should you complain to?

However if you are still not satisfied you should address your concern/s with the relevant Head of Service:

- **Headteacher – Primary & Secondary School complaints**
- **Head of Sport, Recreation & Youth – Sport, Recreation and Youth Service complaints**
- **Head of Culture and Arts – Culture Division Complaints**
- **Director of Strategic Advice for Education – Education Advice and Support Division complaints**
- **Deputy Chief Executive – Policy, Strategy & Governance Division complaints**

If the matter:-

- has still not been resolved to your satisfaction, or
- is of a sensitive nature and directly involves one of the Heads of Service identified above,

you can send a letter to the Complaints Officer, Thie Slieau Whallian, Foxdale Road, St Johns, IM4 3AS, or by e mail to [admin.desc@gov.im](mailto:admin.desc@gov.im)

## The Complaints Officer will need to have

- A clear description outlining your complaint and how you feel the matter can be satisfactorily resolved.
- The member/s of staff who has/have been dealing with the complaint
- Your full postal address and telephone number.

The complaints form attached at Appendix 2 can be used to ensure the above is completed.

### **What action will be taken?**

We will treat all written complaints seriously and deal with them in a confidential manner.

You can expect to be treated with courtesy, respect and fairness at all times and we expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness.

We will acknowledge receipt of your complaint within 5 working days and a review or investigation of your complaint will be undertaken by a senior officer as quickly as possible. You can expect a full written answer within 20 working days. If we are not able to send a full reply within these timescales we will inform you of the reason why and will keep you up to date on the progress.

### **Anonymous Complaints**

It is usually proper to disregard anonymous complaints, unless somebody is prepared to substantiate them.

### **Malicious Complaints**

Where a complaint has been received and investigated by the Department and in the opinion of the Investigating Officer the complaint is malicious or vexatious, the Department will consider taking further action against the person who has submitted the complaint – See **Appendix 1** Vexatious Complaints, Unreasonable and Abusive Behaviour Policy.

### **Remedies**

When we get things wrong we will act to:

- Accept responsibility and apologise;
- Explain what went wrong and why;
- Make any changes required;
- Learn lessons from mistakes and review any policies or practices where appropriate

The remedy applied needs to be proportionate and appropriate to the failure in service, and take into account what redress people seek when they complain.

### **Unresolved complaints**

If a complainant, once the above procedure has been concluded, is still not satisfied, under Section 27 of the Tynwald Commissioner for Administration Act 2011 a

complainant has the right to raise the matter with the Tynwald Commissioner for Administration whose contact details can be found on the Isle of Man Government website.

### **Resolution of Equality disputes**

A separate process exists for the resolution of disputes under the Equality Act 2017, details of which can be found on the Department's website ([www.gov.im/desc](http://www.gov.im/desc) ) under 'Equality in Education' – see <https://www.gov.im/about-the-government/departments/education-sport-and-culture/information-and-publications/e/equality-in-education/>

## Appendix 1

### Vexatious Complaints, Unreasonable and Abusive Behaviour Policy

#### Vexatious or repetitive Complaints

On occasions we receive complaints which can be deemed vexatious or repetitive. Some of these complaints can be costly to handle; or responding to them may be a disproportionate use of staff's time.

Deciding whether a complaint is vexatious requires us, in each case, to take into account the context and history of the complaint. We will consider whether the complaint is likely to cause unjustified distress, disruption or irritation. In particular we will consider the following issues:

- Could the complaint fairly be seen as obsessive?
- Is the complaint harassing or causing distress to staff?
- Does the complaint appear to be designed to cause disruption or annoyance?
- Does the complaint lack seriousness or value?

We will take into consideration the following factors (which are not an exhaustive list) when determining whether a complaint is vexatious:

- Where the complainant requests information which has already been provided.
- Where the nature and extent of the complainant's correspondence with us suggests an obsessive approach to disclosure.
- Where the tone adopted in correspondence by the complainant is confrontational and demonstrates that the purpose is to argue and not really to obtain information.
- Where the correspondence could reasonably be expected to have a negative effect on the health and wellbeing of our staff.
- Where the complaint, viewed as a whole, appears to be intended simply to re-open issues which have been disputed several times before, and is, in effect, the pursuit of a complaint by alternative means.
- Where it is not a one off complaint, but a case of the same complaints having been made repeatedly, or where on repetition, the particulars of the complaints have been varied making it difficult to know exactly what the complainant is seeking and making it less likely that the request can be satisfied.

No single one of the above factors would lead to a finding by itself that a complaint was vexatious. However, based on the strength of the various factors, taken together with the history and context of a complaint, a complaint may be deemed vexatious by the Department.

Complaints can sometimes become a vehicle for individuals to try to reopen previous issues. Although we recognise that people are not always satisfied with the responses they receive, the raising of complaints is not a panacea for problems that have not been resolved through other channels. Continued complaints after the underlying complaint has been addressed, go beyond the reasonable pursuit of resolution.

Our staff have the right to undertake their work free from abuse, threats and harassment, or vexatious and repetitive complaints. We expect our staff to be treated with courtesy and respect. The Department has a duty to protect the welfare and safety of staff and considers threats or abuse toward staff as unacceptable. Staff are also expected to treat complaints with courtesy, respect and fairness.

We also consider that inflammatory statements and unsubstantiated allegations can amount to abusive behaviour.

Where complaints are deemed vexatious, the complainant will be notified in writing that no further correspondence will be entered into on the matter in question.

Where unreasonable or abusive behaviour is determined, the complainant will be notified in writing that no further contact will be undertaken, and this will apply to all Department contacts. A decision to restrict contact will be reconsidered if the complainant subsequently demonstrates more reasonable behaviour.

If appropriate, incidents of harassment or aggression will be documented and if felt necessary will be reported to the Police.

**Department of Education Sport and Culture**

**Complaint Form**

**Details of Complainant:-**

Title

Name

Address

Post Code

Telephone number

E mail address

**Names and details of persons involved**

**Details of Complaint ( please use separate sheet if necessary )**

**Signature of complainant** \_\_\_\_\_

**Date** \_\_\_\_\_

**Print name please** \_\_\_\_\_