

# MACCA

Sports Academies

'Using sport as a foundation to develop great people'

## Complaints Policy and Procedure

### 1. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that have a booking on a MACCA Sports Academies course. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide.

### 2. The difference between a concern and a complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. MACCA Sports Academies take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head of Programme will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, MACCA Sports Academies will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### 3. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against staff should be made in the first instance, to the Head of Programme for the setting in question via the contact details shared in our Course Information. Please mark them as Private and Confidential.

Complaints that involve or are about the Head of Programme should be addressed to the Operational Lead for the setting, via the central email address, [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com). Please mark them as Private and Confidential.

Complaints about the Operation Lead should be addressed to the Director via the central email address, [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com). Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com). You can also ask a third-party organisation such as the Citizens Advice to help you.

In accordance with equality law, we will make reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This includes for instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

#### 4. Anonymous complaints

We will not normally investigate anonymous complaints. However, Operational Lead and/or Director, if appropriate, will determine whether the complaint warrants an investigation.

#### 5. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

#### 6. Scope of this complaints procedure

This procedure covers all complaints about any services by MACCA Sports Academies, other than complaints that are dealt with under other statutory procedures, including those listed below.

<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
	<p>Any safeguarding concerns should be raised directly with the Designated Safeguarding Lead. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p><a href="#">Our Child Protection and Safeguarding Policy is on the website and includes Contact details for Designated Safeguarding Leads and LADOs in the policy appendix.</a></p>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	<p>We have an internal whistleblowing procedure for all our employees and volunteers, including temporary staff and contractors.</p> <p>Volunteer staff who have concerns about our services should complain through the working's complaints procedure.</p> <p>Whistleblowing Procedure is available on the website.</p>
<ul style="list-style-type: none"><li>• Staff grievances</li></ul>	<p>Complaints from staff will be dealt with under the working's internal grievance procedures.</p> <p>Grievance Procedure is available from the website and via the Staff Handbook</p>
<ul style="list-style-type: none"><li>• Staff conduct</li></ul>	<p>Complaints about staff will be dealt with under MACCA Sports Academies internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against MACCA Sports Academies in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 7. Resolving complaints

At each stage in the procedure, MACCA Sports Academies want 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 MACCA Sports Academies policies in light of the complaint
- an apology.

## 8. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing to the person dealing with the complaint at the relevant stage.

### 9a. Stage 1 – Informal complaints about any MACCA Sports Academies service/setting

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns within settings should be raised with a member of the team on site, one of the instructors or Head of Programme.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 working days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

### 9b. Stage 2 – Formal complaints about any MACCA Sports Academies service/setting

Formal complaints must be made to the Head of Programme for the setting (unless they are about the Head of Programme in which case formal complaints must be made to the Operational Lead for the setting in question via email, [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com). This should be done in writing and if possible on the Complaint Form – Page 15 of the Appendix).

The Head of Programme will record the date the complaint is received and will acknowledge receipt of the complaint in writing (by email) within 3 working days.

Within this response, the Head of Programme will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head of Programme can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Head of Programme may delegate the investigation to the Regional Lead, Operational Lead or Director – Education Partnerships.*

During the investigation, the Head of Programme (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head of Programme will provide a formal written response within 20

working days of the date of receipt of the complaint.

Where there are exceptional circumstances resulting in delays, the Head of Programme will notify the complainant of this and of a revised timetable as soon as possible.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions MACCA Sports Academies will take to resolve the complaint.

The Head of Programme will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Head of Programme, or Operational Lead, the Director will complete all the actions at Stage 2.

Complaints about the Head of Programme or Operation Lead must be made to the Director, via email [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com)

### **9c. Stage 3 – Formal Resolution - Director**

The complainant must put the complaint in writing, addressed to the Director of MACCA Sports Academies, setting out briefly the facts and stating what it is that the complainant considers should have been done or where MACCA Sports Academies has not met reasonable expectations. The Director may delegate this to an Operational Lead.

The complaint will be acknowledged within 3 working days.

A stage 3 complaint should be resolved within 30 working days of receiving the complaint. Where there are exceptional circumstances resulting in delays, the complainant will be notified of this and informed of the new timescales as soon as possible.

The investigation may include the offer of a meeting with the complainant, whenever reasonably possible, and any meeting with the complainant will take place within 15 working days of the written complaint being received.

*Page 13 of Appendix B should be used for Stage 3 and 4*

### **9c. Stage 4 – Appeals Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the setting. This is the final stage of the complaints procedure.

The Complaints Panel may include one or more persons from the following categories:

- i. A Regional Lead for the setting
- ii. A Regional Lead for an alternative setting or Operational Lead for region
- iii. Operational Lead or Director

A request to escalate to Stage 4 must be made to M Albinson, Director via [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com) 10 working days of receipt of the Stage 3 response.

The Director Leader will record the date the complaint is received and acknowledge receipt of the complaint in writing (by email) within 3 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Director will write to the complainant to inform them of the date of the meeting.

The complainant will be invited to the panel hearing. The Director will make it clear to the complainant that they may be accompanied at the panel hearing if they wish.

The Director will aim to convene a meeting within 15 working days of receipt of the Stage 4 request. If this is not possible, the Director will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of two proposed dates, without good reason, the Director will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.

Generally, neither party is encouraged to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a staff member is called as a witness in a complaint, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 working days before the meeting, the Governance Leader will:

- confirm and notify the complainant of the date, time and venue of the meeting
  - Invite the complainant to the meeting and make it clear to the complainant that they may be accompanied at the panel hearing by one person if they wish.
  - Aim to ensure that the dates are convenient to all parties and ensure that the venue and proceedings are accessible

Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel meeting will normally take place in person.

The panel will consider the complaint and all the evidence presented. The panel may:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to MACCA Sports Academies's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the working with a full explanation of their decision and the reason(s) for it, in writing, within 10 working days. The Governance Leader will inform all parties concerned.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the working.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the working will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision. All correspondence, statements and records relating to individual complaints will be kept confidential.

### **10. Serial or persistent complainants**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Director may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence is vexatious and that MACCA Sports Academies will not respond to any further correspondence on this issue or a closely related issue.

### **11. Monitoring, evaluation and review**

MACCA Sports Academies will review this procedure each year (September) and assess its implementation and effectiveness.

### **12. Data Protection**

Unless stated elsewhere in this policy the data gathered during this management process is processed in line with our data protection policy which can be found on our website – [www.maccasportsacademies.com](http://www.maccasportsacademies.com)

If you have any questions about the way your data has been gathered or will be retained, please contact the MACCA Sports Academies Data Protection officer at [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com).

## Appendix 1: Complaint Form – Stage 2

Please complete and return to Head of Programme by email, [admin@maccasportsacademies.com](mailto:admin@maccasportsacademies.com) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Child's name (if relevant):</b>
<b>Your relationship to the child (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to member of MACCA Sports Academies staff about it.</b>

<b>What actions do you feel might resolve the problem at this stage?</b>
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**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Action taken:**

**Date:**

## Appendix 2: Appeals form for stages 3 and 4

Please complete and return to Operational Lead for a complaint about an Head of Programme / Director for a complaint about an Operational Lead

<b>Your name:</b>
<b>Child's name (if relevant):</b>
<b>Your relationship to the child (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Email address:</b>
<b>Please tick which stages this complaint has already been through:</b>
<b>Stage 1:</b>
<b>Stage 2:</b>
<b>Stage 3:</b>

**I am dissatisfied with the response to the above complaint and would like an appeals hearing for the following reasons:**

**What actions do you feel might resolve the problem at this stage?**

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Action taken:

Date:

## Appendix 3: Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with MACCA Sports Academies in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Director or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Director or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

#### Complaints Co-ordinator

(this could be the Regional Lead, Operational Lead, Director or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head of Programme, Regional Lead, Operation Lead or Director to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint

including interpretation support or where the complainant is a child or young person

- keep records.

## Panel Chair

The Panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.  
If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and MACCA Sports Academies are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the working has one).

## Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No Director, Operational Lead or Regional Lead may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the working and the complainant  
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting  
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting  
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.  
The panel should respect the views of the child/young person and give them equal

consideration to those of adults.

If the child/young person is the complainant, the panel 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 panel 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 panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.





