DEPARTMENT OF EDUCATION, SPORT AND CULTURE

RHEYNN YNSEE, SPOYRT AS CULTOOR



Isle of Man Government

Reiltys Ellan Vannin

Complaints Policy and Procedure

Department of Education, Sport and Culture

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Summary

About this policy

The Department of Education, Sport and Culture's ('the Department') vision is:

- to inspire, empower and provide learning, sporting and cultural opportunities that support all children, young people and adults;
- in striving for excellence, be a forward thinking, inclusive and nurturing organisation which enables everyone to achieve; enriching the lives of the community within the Isle of Man.

The Department is committed to providing the highest standard of service, however whilst we do everything we can to ensure our service users get the best possible service, we understand that sometimes we don't get things right.

This document sets out the policy and procedure the Department will follow when considering a complaint or concern.

If you feel dissatisfied with the quality of service or a decision made by a member of staff, please talk to the person concerned in the first instance as they may be able to resolve the matter immediately. The vast majority of complaints or concerns can be resolved informally at the first point of contact.

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

Effective Date

This document is effective from 01/12/2025. It will be kept under review every two years.

Glossary

Department means the Department of Education, Sport and Culture.

DESC has the same meaning as 'Department' above.

DESC Complaints Officer means the Complaints Officer who is responsible for looking into and co-ordinating all complaints received by the Department.

Head of Service means the Senior Officer responsible for the management of an individual Division or Service within DESC.

These include:

- Headteacher or Principal – Primary, Secondary School & UCM
- Head of Sport, Recreation and Youth – Sport, Recreation and Youth Division
- Head of Culture and Arts – Culture Division
- Director of Education, Advice and Support Division – Education, Advice and Support Division
- Deputy Chief Officer – Policy, Strategy and Governance Division

UCM means the University College Isle of Man

Complaints Policy and Procedure

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 opportunity. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure.

A complaint may be made:-

- in person, by telephone or in writing (including email)
- by a third party acting on behalf of the complainant and with their explicit consent.

Complaints received by schools and UCM outside of term time

Complaints received by schools and UCM outside of term time or within a few days prior to the start or end of term will be considered to have been received on the first day after the holiday period.

Anonymous Complaints

It is usually proper to disregard anonymous complaints, unless somebody is prepared to substantiate them. However, if any child protection issues are raised within an anonymous complaint then these should be investigated.

Duplicate Complaints

After a complaint has been resolved, a similar complaint may be received from a close contact or relative of the original complainant. If the complaint is about the same subject and there are no new aspects to consider, the new complainant can be informed that the complaint has already been considered and the process is complete.

Large Numbers of Complaints

Occasionally, the Department may receive a large volume of complaints that are;-

- all based on the same subject
- from complainants not directly affected by an issue

In such circumstances, 'template' responses may be issued and either sent to complainants or posted on the relevant website.

Malicious Complaints

Where a complaint has been received and investigated by the Department and in the opinion of the Department 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.

Complainant who leaves the Island during the complaints process

Should a complainant leave the Island while an investigation is ongoing, the Complaints Officer will review and advise accordingly as to what should happen next.

Child-Friendly Complaints Guide

The Department does have a child-friendly complaints guide which can be found on the Department's website.

Remedies

When we get things wrong we will act to:

- Admit that a situation could have been handled differently;
- 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 within reason that people seek when they complain.

Unresolved Complaints

If a complainant, once the 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 here.

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: Equality In Education

Timescales

Complaints should be made at the time of an incident or when it first comes to your attention, but not exceeding **12 months** after a cause for complaint occurs. This time limit can be extended, provided you have good reasons for not making the complaint sooner and it's possible to complete a fair review. We will consider complaints made outside of this time frame only if there are exceptional circumstances.

If, after 28 days, we have not heard from you after requesting further information evidence, or after our final response has been sent to you, we will close the complaint without further contacting you.

Personal Information

The Department of Education, Sport and Culture is a data controller for the purposes of the Data Protection Act 2022 and the Data Protection (Application of GDPR) Order 2018 and the Data Protection (Application of LED) Order 2018, together with any regulations made under them (Manx Data Protection Legislation). In order to investigate your complaint fully it may be necessary to share some of your information with other Department staff. This will only be done if absolutely necessary and in relation to resolving your complaint.

The Department's privacy notice can be viewed on the website https://desc.gov.im/desc-footer/privacy-notice-desc/ or a hard copy can be provided to you.

Complaints	
Use:	The Department of Education, Sport and Culture will use your information to: • Correspond with you regarding your complaint. • Correspond with service areas to seek resolution or clarification.
Data collected:	• Name • Telephone number • Address • Email • Details of your complaint
Retention period:	Complaint correspondence is kept for up to 6 years from the date of the complaint subject to other proceedings.

Equality

The Department of Education, Sport and Culture is committed to equal opportunities, and our aim is to make our complaints policy and procedure easy to use and accessible to all of our service users. We will take steps to accommodate any reasonable adjustments you may request to enable you to access this document or receive responses to complaints in other formats, and provide such assistance as you may reasonably require. If you would like a

response to a complaint in another format, please advise us when you make your complaint. For more information about the Equality Act 2017 please click this link

Section 1 - Complaints not about the Head of Service

Stage 1 Resolution

If the issue cannot be resolved informally, the first stage of the complaints process is to raise your complaint with the relevant Head of Service as listed below:

- Headteacher or Principal – Primary, Secondary School & UCM complaints
- Head of Sport, Recreation and Youth – Sport, Recreation and Youth Division complaints
- Head of Culture and Arts – Culture Division complaints
- Director of the Education, Advice and Support Division – Education, Advice and Support Division complaints
- Deputy Chief Officer – Policy, Strategy and Governance Division complaints

If you contact the Head of Service by email or in writing, please use the complaints form found in **Appendix 2.** This form should be sent to the relevant Head of Services whose contact details are available from their website.

For stage 1 of the complaints process, the Complaints Officer will act as the main point of contact for the Deputy Chief Officer and the Director of the Education, Advice and Support Division.

When writing or emailing, please make sure to include: -

- A clear description outlining your complaint.
- Any supporting information you have.
- The name(s) of the member(s) of staff who has/have been dealing with the complaint.
- Your full postal address and telephone number.

Acknowledgement of your complaint will be made within 5 working days and a review of your complaint will be undertaken by the Head of Service as quickly as possible. You will also be provided with a summary of the complaint that will be subject to investigation. You can expect a full written response to your complaint within 28 working days.

If we are not able to send a full written response within these timescales, we will inform you of the reason why and will keep you up to date on the progress.

What action will be taken?

The Head of Service will treat all 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. When complaints are received, we will ensure they are looked into openly and honestly. You can expect your complaint to be considered impartially.

The Head of Service may nominate another staff member to deal with your complaint, on their behalf.

Stage 2 -Appeal

If you believe the Head of Service did not handle your complaint in accordance with the published complaints procedure, has not addressed your complaint, or they have acted unlawfully or unreasonably in the exercise of their duties, you can contact the Department after the completion of **stage 1** of the complaints procedure and request an appeal.

The Complaints Officer will review whether the Head of Service has followed the complaints procedure, has addressed your complaint, or if they have acted unlawfully or unreasonably in the exercise of their duties, and keep you informed of the outcome of your appeal.

The Department does not typically reinvestigate complaints or overturn decisions made by the Head of Service, unless it is found that they did not handle the complaint in accordance with the published complaints procedure and has not addressed the complaint.

Steps to be followed by the complainant: -

- The appeal shall be submitted as soon as possible after receiving the stage 1 complaint decision and no later than 90 working days (three months) after receiving the decision from the Department.

- The appeal shall be submitted in writing by e-mail or letter.

- The appeal, besides the personal information (full name, address and other contact details) of the complainant, shall include the reasons why the complainant is not satisfied with the procedure carried out in stage 1.

- The Department does reserve the right to refuse an appeal should there be sufficient evidence that the procedure has been followed correctly, and/or the complaint is vexatious, unreasonable, abusive or repetitive.

Once the Department has made its final response, neither the service nor Department will comment on the matter further, unless there are new aspects to consider.

Any additional matters arising at **stage 2** which were not included in the original complaint must be reviewed separately by the Head of Service or Complaints Officer and will not be included in the stage 2 appeal.

You will receive a receipt of acknowledgement of your appeal within 5 working days, along with a summary outlining the specific aspects of your appeal that will be reviewed. The Department will make every effort to review a stage 2 appeal within 28 days. However, if the case is particularly complex, we reserve the right to extend this timeframe to ensure a thorough and fair assessment.

If we are not able to send a full written response within these timescales, we will inform you of the reason why and will keep you up to date on the progress.

You can contact the Department by telephone, email or in writing using the contact details below:

The Complaints Officer
Department of Education, Sport and Culture
Thie Slieau Whallian,
Foxdale Road,
St John's
IM4 3AS
email: desccomplaints@gov.im

Or ring us +44 1624 685808

Section 2 - Complaints about the Head of Service

Stage 1 Resolution

If your complaint is against a Head of Service, you can contact the Department's Complaints Officer, who will conduct a review into the complaint in accordance with the complaint's procedure.

You can contact the Department by telephone, email or in writing using the Complaints Officer's contact details above.

When writing or emailing please make sure to include: -

- A clear description outlining your complaint against the Head of Service.
- Any supporting information you have.
- Your full postal address and telephone number.

We will acknowledge receipt of your complaint within 5 working days. You will also be provided with a summary of the complaint that will be subject to investigation. You can expect a full written response to your complaint within 28 working days. If we are not able to send a full written response within these timescales, we will inform you of the reason why and will keep you up to date on the progress.

Stage 2 Appeal

If you wish to appeal the Department's decision you will need to write to the Complaints Officer, explaining the reasons for your appeal.

The purpose of the appeal process is to identify whether the complaints procedure has been followed correctly by the Department and if the complaint has been addressed.

Steps to be followed by the complainant: -

- The appeal shall be submitted as soon as possible after receiving the stage 1 complaint decision and no later than 90 working days (three months) after receiving the decision from the Department.

- The appeal shall be submitted in writing by e-mail or letter.

- The appeal, besides the personal information (full name, address and other contact details) of the complainant, shall include the reasons why the complainant is not satisfied with the procedure carried out in stage 1.

Any additional matters arising at **stage 2** which were not included in the original complaint must be reviewed separately by the Head of Service or Complaints Officer and will not be included in the stage 2 appeal.

You will receive a receipt of acknowledgement of your appeal within 5 working days, along with a summary outlining the specific aspects of your appeal that will be reviewed. The Department will make every effort to review a stage 2 appeal within 28 days. However, if the case is particularly complex, we reserve the right to extend this timeframe to ensure a

thorough and fair assessment.

If we are not able to send a full written response within these timescales, we will inform you of the reason why and will keep you up to date on the progress.

The Department does reserve the right to refuse an appeal should there be sufficient evidence that the procedure has been followed correctly, and/or the complaint is vexatious, unreasonable, abusive or repetitive.

Once the Department has made its final response, neither the service nor Department will comment on the matter further, unless there are new aspects to consider.

Section 3 - Consideration of the Tynwald Commissioner for Administration

If you still remain dissatisfied, and depending on the nature of your complaint, you may complain to the Tynwald Commissioner for Administration ("The Tynwald Ombudsman") within six months of receipt of the stage 2 appeal outcome letter.

The Tynwald Ombudsman can be contacted at:

Tynwald Commissioner for Administration,
C/o Office of the Clerk of Tynwald,
Legislative Buildings,
Finch Road,
Douglas,
Isle of Man,
IM1 3PW
Email: ombudsman@parliament.org.im
Website: https://www.tynwald.org.im/ombudsman

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 or resolution.
- 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 solution 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 its 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.

Appendix 2 - Complaint Form

Details of Complainant: - Title: Name: Address: Post Code: Telephone number: Email address:
Names and details of any persons involved
Is the complaint about a Head of Service? Y/N *If no, please confirm you have contacted the Head of Service and that they have carried out the stage 1 process, in accordance with the Complaints Procedure:* *If the complaint is about the Head of Service, please note your complaint will be handled by the Department's Complaints Officer.*
Details of complaint **(Please use separate sheet if necessary)**

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature of complainant: **Date:** **Print name:**

Version Control and Review

The business area that owns this document is Policy Strategy & Governance Division.

Version	Author	Date	Changes
V1.0	Policy, Strategy & Governance	October 2023	Final version 1.0 published.
V1.1	Policy, Strategy & Governance	February 2024	Policy and Procedure had minor changes made. Final version 1.1 was uploaded to website.
V1.1	Policy, Strategy & Governance	October 2025	The February 2024 version (1.1) of the Policy and Procedure has been reviewed.
V1.2	Policy, Strategy & Governance	December 2025	Version 1.2 published – following the review and minor clarification changes have been made.

Review Date

This document was issued on 01/12/2025. It will be kept under review every two years.