

MARSHALL AID COMMEMORATION COMMISSION

COMPLAINTS PROCEDURE

1. Background

- 1.1 This complaints procedure applies only to acts and omissions in the United Kingdom which lead a Marshall Scholar, or a group of scholars or an organisation that does business with the Commission, to complain about a Commissioner, Commission observer or member of the Marshall Commission Secretariat's staff.
- 1.2 If a Marshall Scholar has a complaint about the UK University at which they are registered as a student, the complainant must use the complaint process of the University. If having completed the complaint process of the University the complainant is not satisfied with the response from the University, the complainant has the right to refer the complaint to the Office of the Independent Adjudicator for Higher Education. Advice on making a complaint against the University can be sought from the Assistant Secretary of the Commission, but, in no circumstances can the Commission play a formal role in the complaint.
- 1.3 In all cases in this document the receipt date for correspondence will be assumed as the next working date after transmission or posting.

2. The Process

- 2.1 If a person or organisation wishes to raise a complaint about the Commission, as allowed in paragraph 1.1 above, they should use the following process:
 - The issue should be raised informally, by email or telephone, with the Assistant Secretary (or the Executive Secretary if the issue involves the Assistant Secretary) who will make all reasonable effort to resolve the matter informally.
 - Where informal resolution has not been achieved, the complainant should write formally to the Executive Secretary (or the Chair if the issue involves the Executive Secretary) clearly outlining the full details of the complaint and setting out the outcome that the complainant is seeking. On receipt, this will be regarded as a formal complaint by the Commission.
 - The Executive Secretary will acknowledge receipt of the formal complaint within 7 working days of receipt and will make the Commissioner appointed to consider complaints (or another Commissioner appointed by the Chair if the first is included in the complaint) and the Assistant Secretary aware of the formal complaint.
 - Within 21 working days of the receipt of the formal complaint the Commissioner appointed to consider complaints shall consider the written complaint and any evidence submitted by the Commission and agree one of the following courses of action:
 - that the complaint is not justified and should be rejected;
 - that the complaint is justified or partially justified and agree the outcomes of the complaint.
 - The Commissioner will inform the complainant and the Executive Secretary of the decision in writing and, in the case of a justified or partially justified decision, instruct the Executive Secretary to action any agreed outcomes.

- 2.2 If the complainant chooses not to appeal against the decision, the Commissioner will also submit a full report of the circumstances and decision to the next meeting of the full Commission, together with recommendations for any change in policy or regulations arising.

3. Appeal Process

- 3.1 If the complainant remains dissatisfied after the process at paragraph 2.1 above, an appeal, formally in writing, may be submitted to the Chair of the Commission within 21 working days of receipt of the decision from the Commissioner appointed to consider the complaint. Appeals received after 21 working days will not be considered. If the appeal is received within the time limit the following process will be followed:

- The Chair will instruct the Executive Secretary to convene a panel of 3 Commissioners, who have had no previous involvement in the complaint, to consider the appeal. The panel will be led by the Chair (where the complaint involves the Chair, the Deputy Chair should chair the panel).
- Within 21 working days from the instruction from the Chair, the Executive Secretary will convene a hearing of the panel at which the complainant will be invited to outline the complaint and the outcome sought. The Executive Secretary will also arrange for any counter evidence to be delivered on behalf of the Commission. Any member of the Commission or Secretariat to whom the complaint relates shall have the right to make a written or verbal statement to the panel but cannot take any further part in the hearing.
- The Panel will issue its decision to the complainant within 7 working days of the decision being taken. In the event of a justified or partially justified decisions, the Panel will instruct the Executive Secretary to action any required outcomes.
- The decision of the Panel will be final and will conclude the complaints procedure of the Commission.

- 3.2 The Panel will also submit a full report of the circumstances and decision to the next meeting of the full Commission, together with recommendations for any change in policy or regulations arising.

4. Further Avenue for Complaint

- 4.1 If, having exhausted the process set out in 2 and 3 above, the complainant remains dissatisfied with the outcome of the complaint and/or the way in which the complaint was handled the complainant has the right to take a complaint to the Parliamentary and Health Service Ombudsman, who is empowered to consider complaints against, amongst other things, non-departmental government bodies. Such a complaint can only be referred to the Ombudsman by a Member of Parliament (MP). Marshall Scholars wishing to refer a complaint to the Ombudsman should contact the MP who represents the constituency in which the Scholar is residing in the UK. Advice on the Ombudsman and which MP to contact can be given on the Ombudsman's helpline, the telephone number of which is 0345 015 4033. The Ombudsman will only hear a complaint if the complaint process of the Commission has been conducted in full and an appeal has been found not justified by the Panel.

5. Useful Contacts

5.1 The following contact details may be helpful:

- Assistant Secretary: Ms Mary Denyer: m.denyer@acu.ac.uk
- Executive Secretary: Dr John Kirkland: j.kirkland@acu.ac.uk
- Chair: Dr John Hughes: john.hughes@marshallscholarship.org