

MARSHALL AID COMMEMORATION COMMISSION

COMPLAINTS POLICY

1. Background

- 1.1 This policy relates to complaints against actions taken by the Marshall Aid Commemoration Commission (MACC), its members, members of the MACC Secretariat, any other organisation contracted to provide specific administrative or other services on the MACCs behalf over which it can reasonably be expected to have control, (hereafter referred to as 'MACC delivery partners'), and Marshall Scholars and Marshall Sherfield Fellows in so far as their actions are related to the MACC, subject to the qualifications below.
- 1.2 The policy does not:
 - (a) apply to reporting of actual, attempted or suspected fraud, corruption or bribery. Reporting of fraud, corruption or bribery should follow the MACC's Anti-Fraud, Bribery and Corruption Policy
<https://www.marshallscholarship.org/media/2237/macc-counter-fraud-compliance-submission-march-2020.pdf>
 - (b) apply to any complaint about the actions of a university or other host organisation at which a Marshall Scholar or Marshall Sherfield Fellow is based. Such complaints should be addressed directly to the institution involved. 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;
 - (c) apply to individual selection or placement or award decisions of the MACC, unless the complaint concerns an alleged breach of procedure;
 - (d) apply to complaints considered to be frivolous (unfounded or trivial) or malicious (with vindictive motivation)
- 1.3 Complaints about breaches of the Scholar Code of Conduct will be considered under the MACC Disciplinary Policy
<https://www.marshallscholarship.org/media/2306/macc-scholar-disciplinary-policy-2021-final.pdf>
- 1.4 This Policy is in addition to any other rights of complaint that may be available under UK law that apply to Non-Departmental Public Bodies.
- 1.5 In all references in this policy the receipt date for correspondence will be assumed as being the next working date after transmission or posting.

2 Reporting a Complaint

2.1 If a person or organisation wishes to raise a complaint about any of those listed in paragraph 1.1 above, they should use the following process:

(a) The issue should first be raised informally, in written form, 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. Communications on the issue should be sent to complaints@marshallscholarship.org or MACC, ACU, Woburn House, 20-24 Tavistock Square, London, WC1H 9HF.

(b) 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. Such communication will be regarded by the Commission as the making of a formal complaint.

2.2 The Commission reserves the right to refuse to investigate or to suspend any investigation underway where it becomes aware that police, court or tribunal proceedings have been initiated in relation to the issues raised in the complaint. Similarly, if there are allegations of a criminal offence, the Commission may refer the matter to the police and suspend our own proceedings until the outcome of any police investigation or criminal proceedings are known.

2.3 This process is designed to deal with genuine complaints that are made in good faith. Submission of a complaint that is found to be fictitious or is made in bad faith (e.g. out of spite or for personal gain) would result in disciplinary action being taken under the disciplinary process. This will be referred to the Chair of Audit Risk Management Committee (ARM) for consideration.

3 Investigation,

3.1 The Executive Secretary will acknowledge receipt of the formal complaint within 10 working days of receipt and will make the Chair of the Audit Risk Management (ARM) Committee (or another Commissioner appointed by the Chair if the first is included in the complaint) and the Assistant Secretary aware of the formal complaint.

3.2 If the complaint is about a person and if an investigation is undertaken, the person against whom the complaint was made will be notified of the complaint and the written complaint will be shared with them so that they can respond in writing.

3.3 Anonymous complaints will not normally be considered as this can impede the investigation and prevent a resolution. Exceptionally such a complaint may be considered if the MACC accepts that there is a compelling reason to

do so and the complaint is supported by sufficient evidence, for it to be brought anonymously.

- 3.4 The MACC may, where it considers it appropriate, appoint an impartial third party to undertake the investigation.
- 3.5 The MACC will, after considering the full evidence presented and completed its investigation, aim to respond in writing to the person making the complaint and, if the complaint is about an individual, the party who is the subject of the complaint within 30 working days of the complaint being received. That communication will confirm if the complaint is or is not upheld, and, if upheld all or in part, any action that will be taken including any sanctions that will be imposed.
- 3.6 If the complaint is upheld, any action taken must wait either until the party against whom the complaint has been made confirms in writing that they do not wish to appeal and explicitly, in writing, waives their right to do so or the time period for making an appeal has passed.

4

Appeals Process

Right of Appeal by Party Against Whom the Complaint Was Made

- 4.1 If the party against whom the complaint was made remains dissatisfied after the process and decision reached on the complaint, they have the right to appeal, formally in writing, to the Chair of the Commission on Chair@marshallscholarship.org within 21 working days of the decision. Appeals received after 21 working days will not be considered.

The Chair of the Commission will acknowledge receipt of the appeal within 10 working days of receipt.
- 4.2 The Chair will instruct the Executive Secretary to convene a panel of three Commissioners, with 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 will chair the panel).
- 4.3 Within 21 working days from the receipt of the appeal the Chair will convene the selected panel to which the party against whom the complaint was made will be invited to submit a statement in writing outlining their reasons for appealing the decision. The Executive Secretary will arrange for any evidence to be delivered on behalf of the MACC in response. The complainant shall have the right to submit a written statement to the panel in response to the statement provided by the party against whom the complaint was made.
- 4.4 The Panel will aim to issue its decision to the party against whom the complaint was made within seven working days of its decision. In the event of a justified or partially justified decisions, the Panel will instruct the Executive Secretary to action any required outcomes.

- 4.5 The decision of the Panel will be final and will conclude the complaints procedure of the Commission.

Right of Appeal by the Complainant Against Process

- 4.6 The only circumstance under which an appeal will be considered from the complainant is if the policy above has not been followed all or in part. In those circumstances, the complainant must explain formally in writing, within 21 working days of the decision, the basis for their appeal by identifying the part or parts of the procedure that they believe were not followed.

The Chair will consider the grounds put forward by the complainant and decide if the appeal should be allowed. If allowed, paragraph 4.2 will apply and the Executive Secretary will arrange for any evidence to be delivered on behalf of the MACC in response. The Panel will aim to issue its decision within seven working days of its decision. 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 appeal by the complainant.

The procedures outlined above represent the sole channels for complaints to the MACC, and the MACC is unable to enter into any further correspondence once these have been exhausted. It may, however, be possible to make a complaint through other routes. Whilst the Commission is unable to give detailed advice on these, those seeking to make complaints may wish to consult the website of the Parliamentary and Health Service Ombudsman, who is empowered to consider complaints against Non Departmental Public Bodies. The Ombudsman helpline number is 0345 015 4033

Complaints Procedure

1. Receipt of the Complaint

- 1.1 Complaints emailed to complaints@marshallscholarship.org or received by post will be directed to the Executive Secretary or their delegate.
- 1.2 The Executive Secretary (or their delegate) will log the complaint on the Complaints Register.
- 1.3 The Executive Secretary (or their delegate) will assess whether the complaint falls within the Complaints Policy.
- 1.4 Within 10 working days of receipt of the complaint, the Executive Secretary or their delegate will either acknowledge receipt of the complaint and its acceptance or respond noting that the matter falls outside the Complaints Policy. The Executive Secretary may refer the complainant to be considered under another MACC policy, if appropriate, (such as the Anti-fraud, Bribery and Corruption or Disciplinary Policy).
- 1.5 The response will be made to the complainant by the communication method in which the complaint was received.
- 1.6 Where the complaint falls within this policy, the Executive Secretary or their delegate will, within 10 working days of receipt of the complaint, make the Executive Secretary (where the responsibility for handling complaints has been delegated) and the Chair of the ARM Committee aware of the formal complaint.

2. Investigation

- 2.1 The Executive Secretary or the appointed third party investigator will consider the full evidence of the complaint and investigate as appropriate and will in consultation with the Chair of the Audit and Risk Management Committee (ARM) recommend one of the following courses of action:
 - A that the complaint is not justified and should be rejected;
 - B that the complaint is justified or partially justified and agree the outcomes of the complaint.

If the complaint is upheld, all or in part, then the Chair of the ARM will consider what actions, if any, will be taken.

3. Communication of Decision

- 3.1 The Executive Secretary or their delegate shall inform the person making the complaint and, if the complaint was against an individual, the party against whom the complaint was made within 10 working days of the decision reached on their complaint

4. Appeals

- 4.1 Any appeal must be submitted in writing within 21 days of the decision. Appeals must be submitted to Chair@marshallscholarship.org.
- 4.2 The Chair of the Commission will acknowledge receipt of the appeal within 10 working days of receipt.

5 Reporting

- 5.1 The details and outcome of the complaint will be recorded in the Complaints Register.
- 5.2 A summary of the Complaints Register will be tabled to the ARM annually. The tabled summary will maintain the confidentiality of both those who have submitted formal complaints and those who were the subject of complaints as far as may be practical. Where appropriate, changes in policy or practice resulting from any complaint will also be recorded in the minutes of the ARM and Board meeting concerned.

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Complaints Procedure Timeline

Marshall Scholarship | March 25, 2021

