



Complaints

Policy

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Definitions

A **plaintiff** is any person who has made a complaint.

A **Defendant** is any person who has had a complaint made against them.

Minor harm is defined as any physical harm where the victim of the incident (“plaintiff”) has sustained any pain, reddening of the skin, a cut which is less than 2cm in length, a bruise, or a graze which measures less than 5cm in diameter.

Minor damage is defined as any damage caused to property which is unlikely to affect the function of the item, or is likely to cost less than £15 to repair or replace.

Moderate harm is defined as any injury to a person that has drawn less than 5ml of blood. Emotional harm is also included within this definition.

Moderate damage is defined as any damage caused to property which is likely to affect the function of the item, or is likely to cost less than £75 to repair or replace.

Serious harm is defined as any physical injury to a person who has sustain any blood loss of over 5ml, any bone fracture or break, dislocation of any limb, any injury to any organ, any injury that is likely to take longer than three months to heal according to a doctor, any injury that causes permanent loss of sensation or senses (sight, touch, speech, etc.).

Serious damage is defined as any damage caused to property which is likely to prevent the proper function of the property, and is most likely to require replacement, and is likely to cost more than £75 to repair or replace.

When to Make a Complaint

You should make a complaint against another person, whether tutor or student, when you feel that they have broken any clause in any policy. As a guideline, a complaint is warranted if somebody makes an act or omission that makes you feel uncomfortable, or that you feel is unprofessional.

Unreasonable Complaints

Mr James Maths Tuition will not answer complaints if they fall within our definition of “Unreasonable”.

A complaint is unreasonable if any of the following criteria apply.

The plaintiff:

- Refuses to specify the reason or expected result for the complaint;
- Refuses to identify themselves, or provide enough detail about their complaint;
- Refuses to cooperate with the complaints investigation process while still wishing complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or within good practice;
- Introduces trivial or irrelevant information which the plaintiff expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

- Refuses to accept the findings of the investigation into that complaint where their complaints procedure has been fully and properly implemented;
- Seeks an unrealistic outcome, and/or;
- Makes excessive demands on tutor's time by frequently, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email, and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing, or electronically:

- Maliciously;
- Aggressively;
- Using threats, intimidation, or violence;
- Using abusive, offensive, or discriminatory language;
- Knowing it to be false;
- Using falsified information, and/or;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

How to Make a Complaint

To make a complaint you must go online to the Mr James Maths Tuition website, open the menu and go to "Legal". You will then be presented with an option to make a complaint through the "Report Incident" link. Follow the on-screen instructions. You will require the following information to make a complaint:

- Date and Time of Incident
- Incident Location
- Name, address, and contact details of everyone involved, including any witnesses.
- A detailed description of the incident. You must only include facts, opinions will not be accepted.
- Any evidence that you have collected, for example, photographs.
- List any damage to personal property.
- List any injury that has occurred.
- Disclose any police involvement.
 - Include police collar number, and police log/crime number where possible.

What happens When a Complaint is Made?

Once you have successfully filed a complaint, the complaint will be sent to Brad James, owner of Mr James Maths Tuition. He will then investigate the complaints using existing company policies.

Investigations Process

When an investigation is triggered, the person in charge of the investigation (“investigator”) (normally Brad James) will contact the reported person (“defendant”) and collect a statement of the incident from that person, the investigator will then collect a statement from any witnesses that you name. All statements will then be compared and verified for accuracy.

If more than one statement contradicts another, then the investigator may then contact you for more information. You will be contacted if there are any questions about your statement.

What Happens When an Investigation is Finished?

Once the investigations process is completed by the investigator, the investigator will decide what action should be taken. The possible courses of action are listed below.

No Further Action

No further action may be taken if the defendant has not been found to have broken any rule in any policy, or if there is not sufficient evidence to prove that the defendant breached any policy.

Training Opportunity/Advisory

If the defendant is a tutor, a training opportunity may be identified by the investigation. If this is the case, then Brad James will organise further training for the tutor, or will prevent the tutor from completing any sessions until they can prove that they have completed an appropriate training course.

If the defendant is a student, Brad James will issue an advisory notice to the student to remind them of the appropriate policies that they have agreed to follow.

A training opportunity or advisory will be advised if the incident that occurred has only occurred due to the lack of proper knowledge of the policies on the part of the defendant.

A training opportunity or advisory will be marked against the defendant indefinitely.

Stage 1 Warning

A stage 1 warning will be issued if it is proven that the defendant has knowingly breached policy, but did not have any malicious intent through causing the incident.

Stage 2 Warning

A stage 2 warning will be issued if the defendant has already had a stage 1 warning issued against them in the last 12 months. A stage 2 warning will be issued if it is proven that the defendant has knowingly breached policy, and as a result, caused minor physical harm to another person, or has caused minor damage to property.

A stage 2 warning incurs a £15 fine from the defendant.

Stage 3 Warning

A stage 3 warning will be issued if the defendant has already had a stage 2 warning issued against them within the last 6 months. A stage 3 warning will be issued if it is proven that the defendant has knowingly breached policy, and as a result, caused moderate harm to another person, or has caused moderate damage to property.

A stage 3 warning will result in a minimum twenty-eight day suspension. If the defendant is a tutor, then they will not be eligible to teach, or earn money, through Mr James Maths Tuition. If the defendant is a student, then they will not be allowed to have any sessions taught by Mr James Maths Tuition for twenty-eight days.

Any sessions that the student has planned during their suspension will be cancelled and they will not be eligible for a refund. The student will also be prevented from booking a session during their suspension.

A stage 3 warning will incur a fine of £75 from the defendant.

Termination

Termination will be enacted if the defendant has been issued a stage 3 warning within the last three months.

Termination will be enacted if the defendant has knowingly breached any policy or any UK law.

Termination will be enacted if any clause in an employment contract has been breached (tutors only).

Termination will be enacted if the defendant has caused serious harm to another person, or has caused extensive damage to property.

Termination will be enacted immediately after a termination notice is issued on a complaint, or after the result of an appeal is known and where the appeal issues the same verdict. Mr James Maths Tuition will not be held accountable for a freelance tutors actions in the case of a termination, and any losses should be recovered directly from the tutor.

If termination is enacted on a tutor, they will not be eligible for any future payments from Mr James Maths Tuition, the tutor has agreed to forfeiture of future funds in their employment contract.

If termination is enacted on a student, any future sessions will be cancelled and no refund will be issued, the student has agreed to forfeiture of refunds in their code of conduct.

Compensation

Compensation will be issued to the plaintiff when the investigator concludes a verdict of a) a stage 1 warning, b) a stage 2 warning, c) a stage 3 warning, or d) termination.

Compensation is always pending an appeal. This means that, because the defendant has a right to appeal, compensation will not be awarded until any appeal is concluded.

Compensation is awarded according to the verdict.

A stage 1 warning verdict will award compensation to the plaintiff in the total sum, or a maximum of £15, paid by the plaintiff to replace or repair damaged property, the plaintiff will need to provide a receipt. £15 will be awarded in the case of any proven injury, photos of the injury will be required.

A stage 2 warning will award compensation to the plaintiff for the total sum, or a maximum of £75, paid by the plaintiff to replace or repair damaged property, the plaintiff will need to provide a receipt. £75 will be awarded in the case of any proven injury, photos of the injury will be required.

A stage 3 warning will award the plaintiff 70% of the defendants confiscated fees. Example 1 | If a student has received a stage 3 warning, their outstanding sessions within a 28 day period will be confiscated without refund.

Therefore, if the student had 5 x £30 sessions booked in that time, then the plaintiff will be awarded £105. Example 2 | If a tutor is due to receive any funds for their taught sessions within their 28 day suspension, then those fees will be confiscated. If they are due £100, for example, the plaintiff will be awarded £70.

Compensation for an act which resulted in termination must be collected directly from the defendant. Mr James Maths Tuition will not pay compensation in this instance as the defendant.

Appeals

You can make an appeal once the result of an investigation is known. Both the defendant and plaintiff may appeal a result. When making an appeal you must provide the following information.

- Reason for appeal.
- Policy or law which disproves original result of investigation.
- Other evidence which contradicts result of investigation.

Secondary Appeal

You may only appeal a result once for free. Any additional appeals will incur a charge of £120. This charge is applied because it is deemed that the original investigation and the first appeal is highly likely to have proven or disproven the case against the defendant.

Investigation Process Changes

When an appeal is made against an investigation result, the investigator for the complaint is replaced by a third party who has no official capacity in Mr James Maths Tution.

The third party will be a completely impartial individual. Mr James Maths Tution must approach the third party of mediation of the investigation, the plaintiff and defendant must be made aware of the change and must be given the opportunity to contact the third party investigator.

The third party investigator will then be changed again each time a new appeal is launched. Third party investigators will be paid 50% of the charge for additional appeals following the primary appeal.

The primary appeal investigator will be paid £20 per hour. All fees due to third party investigators are to be paid by Mr James Maths Tution.