

## Devon Primary SCITT Complaints Policy for Trainees

### 1. Principles

Our belief is that taking informal concerns seriously is the best way of meeting the needs of everyone. Such informal concerns will be dealt with swiftly and with appropriate response, often without the need for subsequent formal complaints and appeals procedures.

Any anonymous complaint will not be investigated unless there are exceptional circumstances.

To allow for a proper investigation, complaints should be brought to the attention of DPSCITT as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered except in exceptional circumstances.

### 2. Dealing with Complaints

a) At each stage, the person investigating the complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish by a friend, colleague or trade union representative
- Keep notes of the interview(s) and each party to receive a copy

b) At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- An apology
- An explanation
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review DPSCITT's procedures in light of the complaint

### 3. Records

Notes/records should be taken of all complaints, including informal complaints. Records relating to individual complaints will be confidential.

### 4. Informal Complaints Procedure – Stage 1 *(See Appended Flowchart)*

The majority of issues raised by trainees are concerns rather than complaints. DPSCITT is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing to

implement formal procedures.

Complainants will be asked what specifically the concern is about, what outcome they are hoping for and how this might be achieved. Where a concern is straightforward and likely to be resolved with little or no investigation, resolution might be achieved on-the-spot through providing an explanation of why the issue occurred and / or an apology and what will be done to stop a similar situation happening in the future.

Informal complaints would normally be made directly to the SCITT Director.

## **5. Formal Written Complaints Procedure – Stage 2 (see Flowchart)**

i) If someone wants to make a formal written complaint about a member of staff, they should write to the SCITT Director, using the complaints form at the end of this document, with details of:

- The complaint
- Any attempts they made to raise/resolve the complaint (who they spoke to and when)
- Actions they feel might resolve the problem
- Any staff they would prefer not to discuss the issue with

The SCITT Director will investigate the matter and conduct a robust investigation, including speaking to all relevant parties, including the complainant, who may be accompanied by a friend, colleague, or trade union representative.

The SCITT Director will decide on an appropriate course of action on the basis of that report, and the complainant will be notified in writing accordingly. The SCITT Director will aim to respond within 10 working days of a complaint being lodged, and will notify the complainant within that timescale if that deadline is not going to be met, with reasons why.

If the complainant is not satisfied with the response, they will need to follow the TARKA Complaints Policy Stage 3 (contact TARKA HR department).

ii) If the formal written complaint is one against the SCITT Director they will need to follow the TARKA Complaints Policy Stage 3 (contact TARKA HR department).

iii) If someone wants to make a formal written complaint about a placement school or the taught course, they should write to the SCITT Director with details of:

- The complaint
- Any attempts they made to raise/resolve the complaint (who they spoke to and when)
- Actions they feel might resolve the problem
- Any staff they would prefer not to discuss the issue with

The SCITT Director will investigate the matter and conduct an investigation, including speaking to all relevant parties, including the complainant, who may be accompanied by a friend, colleague, or trade union representative.

The SCITT Director will decide on an appropriate course of action on the basis of that report, and the complainant will be notified in writing accordingly. The SCITT Director will aim to respond within 10 working days of a complaint being lodged and will notify the complainant within that timescale if that deadline is not going to be met, with reasons why.

The SCITT Director will inform the Executive Committee of the complaint.

If the complainant is not satisfied with the response, they can write to the Chair of the Executive Committee, with details of their previous communication and the reason why they are still not satisfied, within 10 working days of receipt of the outcome letter. The Chair of the Executive committee will respond within 10 working days, giving details of the process.

The Chair of the Executive Committee will convene a *Complaint Panel*.

(a) Constitution of the panel

The panel will consist of 3 members:

This must not include any members involved in the complaint in any capacity (e.g. staff from any school involved in a complaint).

The panel will investigate the matter and conduct a robust investigation, including speaking to all relevant parties, including the complainant, who may be accompanied by a friend, colleague or trade union representative.

(b) Remit of the panel

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to DPSCITT systems or procedures to ensure that problems of a similar nature do not recur

(c) Proceedings of the panel

- The appeal will be closed to the public
- The complainant may attend and be accompanied if they wish by a friend, colleague or trade union representative
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence
- The panel may ask questions at any point
- The panel will deliberate in private
- The panel will inform the complainants of the decision as quickly as possible and within five working days
- The panel's findings and recommendations will be sent to the complainant and individual complained about (where applicable) in writing (this may be email if all parties agree)

If the complainant is not satisfied with this response, they can write to TARKA HR who will form a panel for **Appeals** (see TARKA Complaints Policy Stage 3 (contact TARKA HR department)).

## 6. Review Stage

The SCITT Executive Committee will monitor the level and nature of complaints as a standing agenda item each term and will review the outcomes and resulting changes to partnership procedures.

### Office of Independent Adjudicators (OIA)

A complainant has a right, once SCITT processes are exhausted, and they are still not satisfied, to send their complaint to the OIA. The OIA will review that the process has been followed and that the outcome was reasonable rather than examining the substance of the complaint.

The OIA will not consider complaints if the complainant has not gone through the providers internal complaints procedure first, unless the circumstances are exceptional.

### **Complaints about Plymouth University**

Informal complaints should be made to the SCITT Director who will inform Plymouth University of the complaint.

If the complaint cannot be resolved informally, the Plymouth University Complaints policy will be followed.

## **7. Unreasonably persistent complainants and unreasonable complainant behaviour**

There are rare circumstances where we will deviate from the Complaints Procedure set out earlier in this policy. These include, but are not necessarily limited to:

- where the complainant's behaviour or language towards staff, members of the Executive Board or Trustees is abusive, offensive, discriminatory or threatening;
- where the complaint's behaviour is hindering our consideration of complaints and/or the proper running of the organisation because of the frequency or nature of the complainant's contact, such as, if the complainant:
  - refuses to co-operate with the complaints investigation process;
  - refuses to accept that certain issues are not within the scope of the complaints procedure;
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
  - introduces trivial or irrelevant information which they expect to be taken into account and commented on;
  - changes the basis of the complaint as the investigation proceeds;
  - seeks an unrealistic outcome, such as the inappropriate dismissal of staff;
  - makes excessive demands on the organisation's time by frequent, lengthy and complicated contact with staff while the complaint is being dealt with;
  - knowingly provides falsified information;
  - publishes unacceptable information on social media or other public forums where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds.

The *Office of the Independent Adjudicator* defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the organisation e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from partnership schools or DPSCITT premises. This will be reviewed after six months.
- conduct the Complaints Committee on the papers only i.e. not hold a

- hearing;
- refuse to consider the complaint.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. We may then take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience
- the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the DPSCITT Partnership or TLP Trustees.

We will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **Annex 1: Investigation Procedure**

### **Carrying out an Investigation into a Formal Complaint**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that "an anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances". These would include serious concerns such as child protection issues or bullying allegations, where DPSCITT would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the SCITT Director or Chair of the Executive Committee receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

When the complaint is against a member of staff, that member of staff should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary, the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed, the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer

documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend, colleague or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

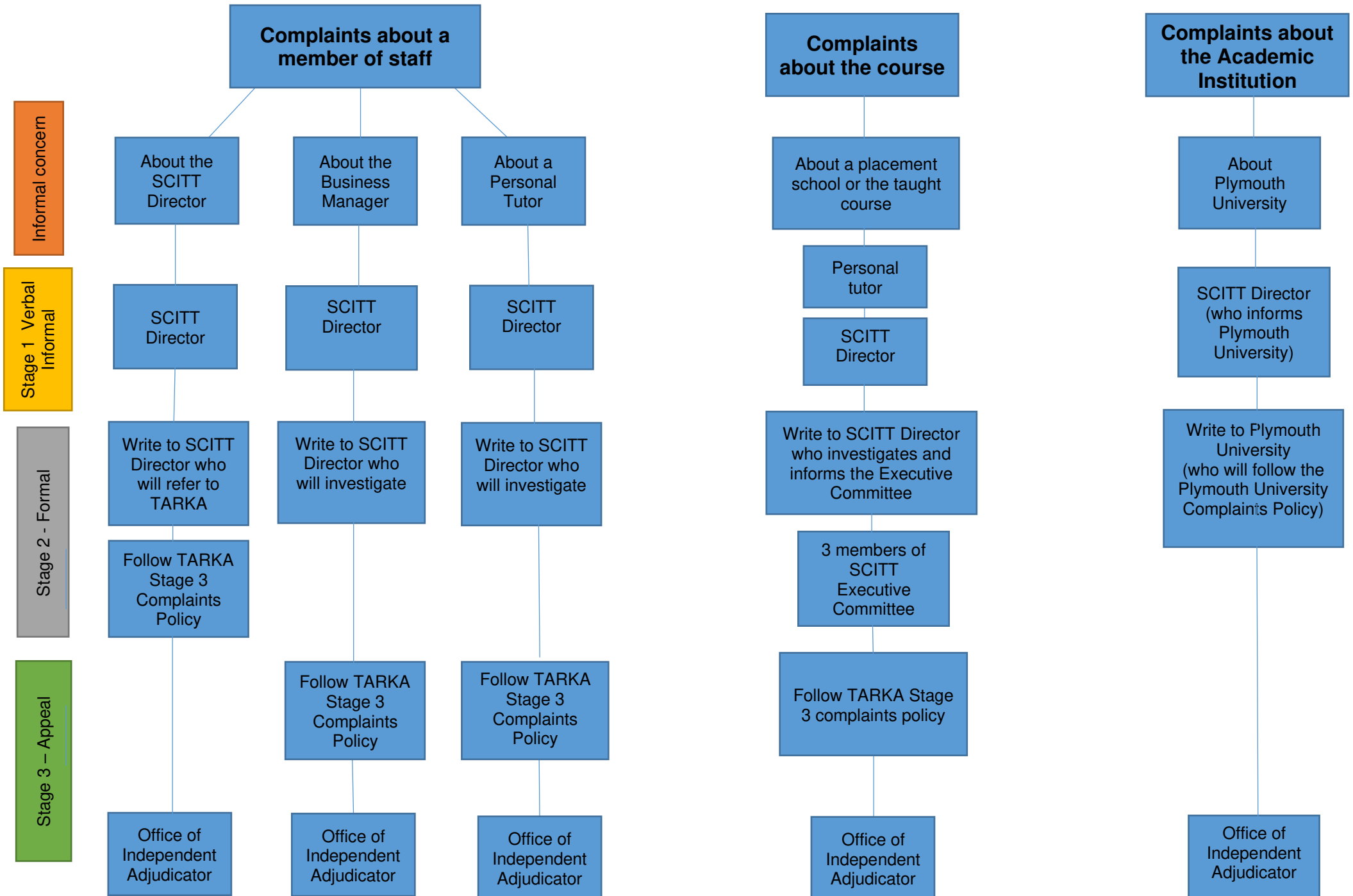
A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there are good reasons not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Appeals Committee

<b>Policy Adopted/Amended by</b>	<b>Date</b>
<b>Executive Board</b>	<b>10.10.23</b>

## Appendix 2: DPSCITT Complaints Flowchart



### Appendix 3: Trainee Formal Complaints Form (Stage 2)

Please read the DPSCITT Complaints Policy before completing this form. In particular, **please note that it is expected that all complaints will start at Stage 1 of the procedure.** Once you have completed this form, please submit it to the DPSCITT Director.

#### SECTION A – YOUR PERSONAL DETAILS

Last name	
First name	
Address	
Postcode	
Telephone number	
Email address	

#### SECTION B – YOUR ACADEMIC INFORMATION

Course name	
Placement School	



## **SECTION C – DETAILS OF YOUR COMPLAINT**

Please set out clearly and concisely what you are complaining about and why. Please continue on a separate sheet if necessary, clearly indicating your name.

**SECTION D – ACTION TAKEN TO RESOLVE YOUR COMPLAINT AT STAGE 1**

Your complaint will not be considered at Stage 2 unless you have first attempted to resolve it at Stage 1.

With whom have you discussed your complaint?

What action was taken at Stage 1?

Why are you dissatisfied with this?

Have you been advised to escalate your complaint to Stage 2? If so, please state by whom and date of advice:

**SECTION E – YOUR DESIRED OUTCOME**

Please indicate what you would like in order to resolve your complaint to your satisfaction (e.g. apology).

## **SECTION F – YOUR SUPPORTING DOCUMENTATION**

Please list below all documents/evidence that you are submitting in relation to your complaint (e.g. relevant emails and documents supporting the issues raised, or evidence). Please ensure that you include your Stage 1 complaint and the response you received.

## **SECTION G – TRAINEE DECLARATION**

The information that I have provided is accurate to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_