



Huddersfield Horizon SCITT Procedures for Handling Complaints

Next Full Review Due:

September 2023

Reviewer: Emily Beach (SCITT Director)

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Huddersfield Horizon SCITT/South Pennine Academies Handling Complaints

INTRODUCTION AND LEGAL FRAMEWORK

Huddersfield Horizon SCITT takes any concerns raised by trainees, tutors, mentors, facilitators and members of the community seriously. This policy (which meet the Standards set out in the Education (Independent Academy Standards (England) Regulations 2010 Schedule 1, Part 7) identifies the structures that will ensure that any issues are resolved in a fair, balanced and transparent manner in line with our aim of providing a safe environment for learning.

GENERAL PRINCIPLES

- The resolution of a complaint provides the potential opportunity for the SCITT to improve its practice and develop further a strong partnership with trainees, tutors, mentors, facilitators and partnership schools.
- The complaints procedure should be easily accessible and well publicised, so that all individuals know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff at a level closest to the cause for the concern.
- Procedures should be as speedy as possible, consistent with fairness to all.
- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the Director that the concern/complaint has the potential to be a disciplinary issue, advice should be sought from South Pennine Academies Head of HR.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Individuals need to feel confident that a complaint will not disadvantage them. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the academy should consider how to make amends in an appropriate way.
- Huddersfield Horizon SCITT staff should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the academy.
- All records pertaining to complaints should be stored by the academy for a period of 6 years, and should be available for inspection when requested.
- The findings and recommendations of the panel will be available for inspection on the academy premises by the proprietor and Director.
- A written record will be kept of all complaints made along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.
- Huddersfield Horizon SCITT will record the action it takes as a result of complaints (regardless of whether they are upheld).
- Every complaint should be acknowledged as "genuinely felt" by the complainant.

ANONYMOUS COMPLAINT(S)

- Huddersfield Horizon SCITT will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the CEO who will decide

what, if any, action should be taken. This will then be communicated back to the SCITT Director for appropriate action.

RESOLUTION PRINCIPLES

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It **may** be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made □ an undertaking to review academy policies in light of the complain □ an apology.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of Huddersfield Horizon SCITT.

CONFIDENTIALITY

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school's inspector, or under another legal authority, and will be shared in accordance with our GDPR policy

TIME SCALES

You must raise the complaint as soon as possible, and within three months of the incident or, where a series of associated incidents have occurred, within 3 months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

We will consider complaints received made outside of term time to have been received on the first day after the holiday.

SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision of community facilities or services by Huddersfield Horizon SCITT, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
□ Matters likely to require a Child Protection	Complaints about child protection matters are handled under our child protection and safeguarding

Investigation	<p>policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<input type="checkbox"/> Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p>
<input type="checkbox"/> Staff grievances	<p>Complaints from staff will be dealt with under the trust's internal grievance procedures.</p>
<input type="checkbox"/> Staff conduct	<p>Complaints about staff will be dealt with under the Partnership's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<input type="checkbox"/> Complaints about services provided by other providers who may use academy premises or facilities	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Huddersfield Horizon SCITT or South Pennine Academies in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

PUBLICATION

This Complaints Policy has been ratified by the Trustees, and will be reviewed annually. It will be published on the Partnership's website and provided to stakeholders on request by the Partnership's office. A copy of this Complaints Policy will be provided to a complainant when a concern, difficulty or complaint is first raised.

An annual summary of complaints and resolution, at which ever stage will be provided for the Strategic Partnership Board. This summary will not include and names, or breach data protection.

WITHDRAWAL OF A COMPLAINT

If a complainant wants to withdraw their complaint, we ask them to confirm this in writing.

Academy Concern and Complaints Procedure

Stage 1: Informal Concern heard by staff member

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and Huddersfield Horizon SCITT can be crucial in determining whether the complaint will escalate.

However, Huddersfield Horizon SCITT respects the views of a complainant who indicates that he/she would have difficulty discussing a concern or complaint with a particular member of staff. In these cases, the member of staff receiving the complaint should refer the complainant to the Director. Where the complaint concerns the Director, the complainant should be referred to the Chief Executive Officer.

Where the initial approach is made to a member of the Strategic Partnership Board, the next step would be to refer the complainant to Emily Beach, SCITT Director to initiate either Stage 1 or Stage 2 of the complaints procedure. The SCITT Directory must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

- Any member of staff i.e. reception staff who receive a concern/complaint should direct the complaint to Emily Beach, SCITT Director.
- An Initial Record of Concern form [Appendix 2] will be completed. The complaint is acknowledged by telephone and any action to be taken will be explained to the complainant.
- Informal concerns will be dealt with as quickly as possible and Huddersfield Horizon SCITT will communicate with the complainant within 3 working days of receiving the concern. Should this stage take longer to resolve there will be ongoing communication between the complainant and Huddersfield Horizon SCITT.

Should the issue not be resolved within Stage One or if the issue is of a particularly serious nature, such as a child protection issue, the Director will be informed and an initial assessment/first evidence trawl will be completed

Should the issue not be resolved within stage 1, the complainant will be asked to put the complaint in writing and this will move to the formal stage.

Stage 2: Formal Complaint reviewed by the Director

Should the issue not be resolved within Stage One or if the issue is of a particularly serious nature, the Director will be informed and the complaint will be investigated further. The Director will delegate the task of collating the information to another staff member (nominated person), who will feedback to the Director who will make the decision on the action to be taken. If the complaint is about the Director, then the complaint will be heard by the CEO.

- The complainant will be asked to put the complaint in writing (email is acceptable however we require a postal address to respond) and will then receive an acknowledgement of the complaint, and will be provided with a timescale for the completion of the investigation and reporting back to them with the outcomes, within 2 working days of receipt of the complaint, there will then be ongoing communication with the complainant in line with the agreed timescales.

- Within this response Huddersfield Horizon SCITT will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. Huddersfield Horizon SCITT can consider whether a face to face meeting is the most appropriate way of doing this.
- An initial trawl of evidence will be conducted by the nominated person using the Handling Complaints (“Yellow”) form [Appendix 3].
- The nominated person will then report the findings to the Director
- The Director will then make a decision based upon the evidence presented, if the Director is unable to make a decision based on the information provided they should instruct further investigations to take place.

Once the Director is satisfied that they have enough evidence to conclude the complaint, they should write to the complainant detailing any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where, appropriate, it will include details of actions Huddersfield Horizon SCITT will take to resolve the complaint.

The Director will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome at stage 2.

Stage 3: Concern heard by The Strategic Partnership Board

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the SCITT Strategic Partnership Board.

A request to escalate to Stage 2 must be made to the business administrator, via the SCITT office, within 15 days of receipt of the Stage 2 response.

The business administrator will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

- The panel can be drawn from the nominated members and may consist of three or five people and will include at least one member that is independent of the management and running of the SCITT.
- The complainant will receive a letter inviting the complainant to the meeting giving 7 days’ notice of the meeting, along with any written material that will be reviewed at the hearing.
- The complainant has the right to be accompanied at this meeting.
- A date for a meeting of the Strategic Partners complaints panel meeting will be arranged. If the complainant refuses 3 proposed meeting times, without good reason, the business administrator will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties.
- The panel will nominate their own chair.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to Huddersfield Horizon SCITT systems or procedures to prevent similar issues in the future.

Notification of the Panel's Decision

The Chair of the Committee will provide the complainant, Huddersfield Horizon SCITT and where relevant, the person complained about, with a full explanation of their decision and the reason(s) for it, and any recommendations made, in writing within 5 working days. The letter to the complainant will give details on how to progress to stage 4 should the complainant still not be satisfied.

A record of the panel's decision will be retained by Huddersfield Horizon SCITT and will be acted upon accordingly.

The appeal hearing of the Partnership's Complaints Panel is representative of the whole Partnership. The hearing therefore forms the last SCITT/Partnership-based stage of the complaints process. Individual complaints would not be heard by the whole Strategic Partnership Board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

Stage 4: Appeal complaint reviewed by CEO

Following a decision at Stage 3, if the complainant remains dissatisfied they need to write to the CEO giving details of the complaint and why they remain dissatisfied. The CEO will review the previous appeal and respond to the complainant within 20 working days.

This is the final stage of the complaints procedure.

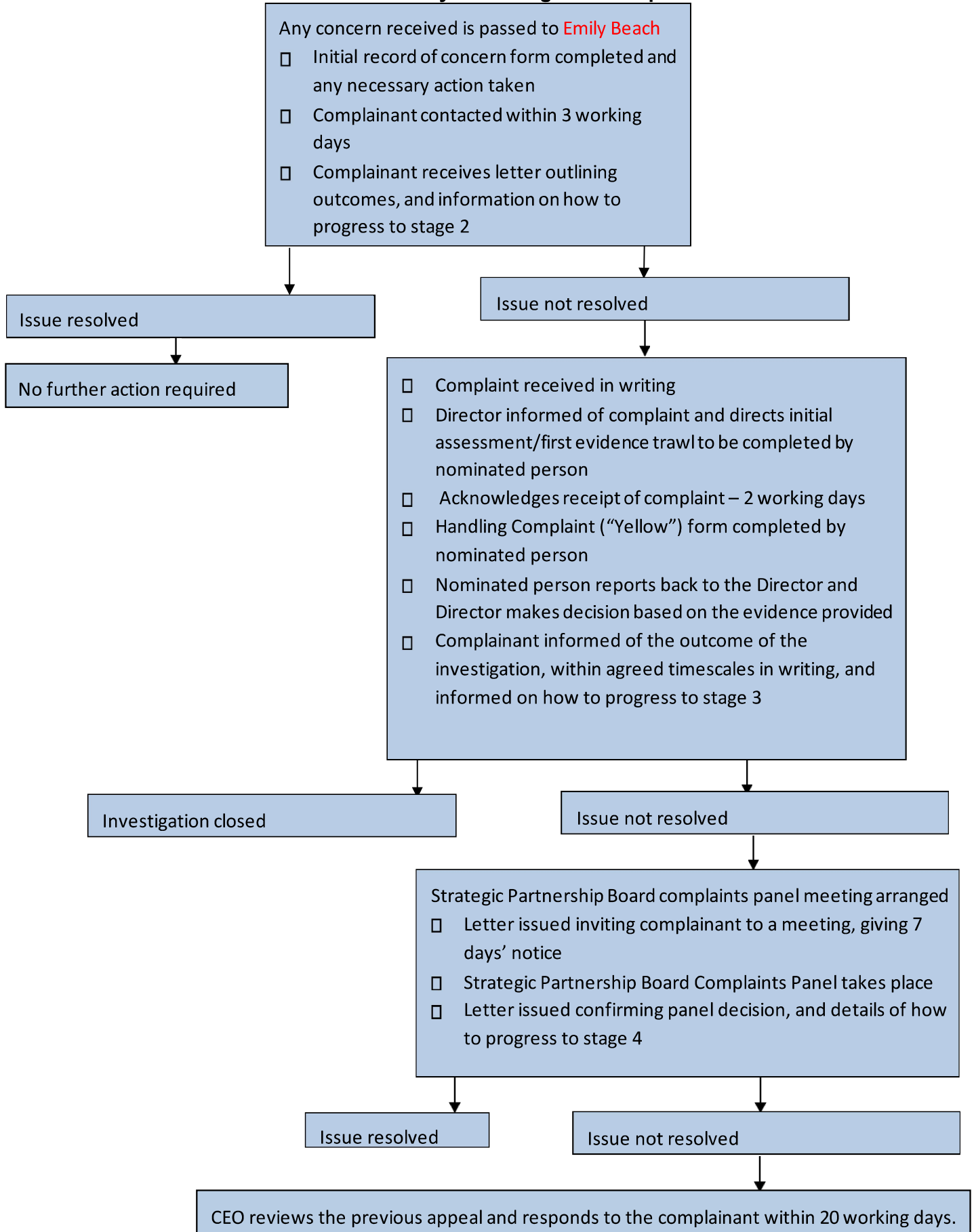
The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

Only after exhausting the arrangements set out in this procedure for handling complaints will a complainant be able to progress the matter further to the Secretary of State. Complainants that are not satisfied with the way in which their complaint has been handled by the academy/Partnership, are to be made aware of the Education Funding Agency's complaints system which can be found at the following:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf

South Pennine Academies Flowchart: Summary of Dealing with Complaints



Initial Record of Concern

Name of Complainant:
Trainee's name (if relevant):
Complainants relationship to trainee (if applicable):
Address Postcode: Daytime telephone number: Evening Telephone number:
What actions does the complainant want to see to resolve the problem at this stage:
Initial Facts found
Completed by
Date

Handling Complaints

Please attach hand written original notes, which are dated and signed where possible

Insert name/role to complete Initial assessment/first evidence trawl

Name of the person making the complaint/expressing concern:

Relationship to Huddersfield Horizon SCITT:

Date of the complaint/concern:

How complaint was received:

The nature of the allegation/concern

Date: Time:

Place/location of incident:

Date of alleged incident: Time:

Trainee involved: Form:

Trainee witnesses named by complainant:

.....

.....

Staff involved:

Trainee(s) to be interviewed:

.....

Statements attached, dated and signed tick

CCTV to be checked tick

Camera no: Date: Time:

Copy DVD made: Yes / No

SCITT Director Decision

Further investigation/action to be taken: YES / NO

By:

Director signed:

Date:

Further investigation, follow up and outline action taken with.....

Complainant

- Letter sent?
- Meeting held?

Trainees(s)

- Unfounded or malicious allegation? Referral to social care?

Staff

- Disciplinary meeting/outcome? - Referral to ISA if dismissal

Signed:

Date:

A copy of all records must be forwarded to the Operations Director

The Remit, roles and responsibilities of the Strategic Partnership Board Panel

The remit of the Strategic Partnership Board 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 the academy's systems or procedures to ensure that problems of a similar nature do not recur.

Individuals sitting on a complaints panel will note and consider the following:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation, the panel will also include at least one member who is independent to the management and running of the Academy.
- b. The aim of the hearing, which needs to be held in private, i.e. only panel members and business administrator to Strategic Partnership Board present, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it is recognised the complainant might not be satisfied with the outcome of the hearing.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone, and care is needed to ensure the setting is informal and not adversarial.
- d. When dealing with a complaint involving a minor, consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. Individuals sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities:

The person in charge of co-ordinating the complaints procedure at the SCITT is the SCITT Director. Overall responsibility is retained by the Trust through the Director of Operations. The role of Strategic Partnership Board arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the complaint as above..

- (A) The Director of Operations is the contact point for the complainant and is required to;
- Set the date and time of the hearing, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible.
 - Collate any written material and send it to the parties in advance of the hearing
 - Meet and welcome the parties as they arrive at the hearing
 - Arrange for a record to be made of the proceedings
 - Notify all parties of the panel's decision

(B) **The role of the Chair of the Strategic Partnership Board** The role:

- check that the correct procedure has been followed;

- if a hearing is appropriate, notify the business administrator to arrange the panel;

(C) The role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- an explanation of the panel is delivered to the parties. Ensuring that each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Checklist for a Panel Hearing

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Director may question both the complainant and the witnesses after each has spoken.
- The Director is then invited to explain the academy's actions and be followed by the academy's witnesses.
- The complainant may question both the Director and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Director is then invited to sum up the academy's actions and response to the complaint.□
Both parties leave together while the panel decides on the issues.

The chair explains that both parties will hear from the panel within a set timescale