

Four Cs

Multi-Academy Trust



## THE TEACH EAST TRAINEE COMPLAINTS/APEALS PROCEDURE POLICY

**Presented to:**

**Full Trustees Meeting**

**29 March 2018**

Date approved: <sup>1</sup>	8 February 2018 (Teach East Executive Board)
Date adopted:	29 March 2018 (Four Cs MAT Trustees)
Date reviewed: <sup>2</sup>	
Date of next review: <sup>3</sup>	

<sup>1</sup> This is the date the policy was approved by the meeting

<sup>2</sup> This is the date the policy was reviewed prior to its approval above

<sup>3</sup> This is the date as set by the policy review clause or the date approved plus two years

## **The Teach East Trainee Complaint/Appeals Procedure**

### **1. General Principles**

1.1 Teach East aims to operate a complaints/appeals system which:

- Is conducted fairly and reasonably.
- Follows clear straightforward written procedures.
- Is evidence-based.
- Comes to a clear conclusion without unnecessary delay.
- Gives reasons.
- Provides appropriate redress.
- Provides an opportunity for review if the above standards have not been met.

1.2 Complaints/appeals will only be accepted if submitted within one calendar month of the trainee receiving notification of the decision against which they wish to appeal.

1.3 Complaints appeals will be treated seriously and trainees will not suffer any disadvantage or recrimination as a result of making an appeal in good faith. Appeals made frivolously, vexatiously or with malice will not be investigated.

### **2. Making a Complaint/Appeal**

2.1 The following sections explain what this means, and what to do if a complaint/appeal is not resolved satisfactorily:

Level 1: Local Level (Informal Resolution). To make a complaint/appeal a trainee must start at Level 1.

Level 2: Director of Teach East/CEO of lead school (Formal Review).

Level 3: Executive Board.

2.2 After the internal Teach East processes have been exhausted, complainants have the opportunity to have their complaint independently reviewed by the Office of the Independent Adjudicator (OIA).

### **3. Expected Time Limits**

3.1 The OIA Good Practice Framework stipulates that the handling of complaints will normally be completed within 90 calendar days of the start of the formal stage (Level 2).\*

	<b>Trainee</b>	<b>Teach East Complaints and Appeals Team</b>	<b>Investigation</b>
<b>Level 1</b>	Complaint should be raised within 1 month of cause for complaint	No involvement	Response will be communicated within 6 weeks of notification of complaint. If this is not possible, an alternative timescale will be issued to the complainant within the 6 weeks.
<b>Level 2</b>	Complaint should be raised within 1 month of outcome of Level 1	Will acknowledge receipt of complaint within 5 working days of receipt	*Indicative timescales for this stage are that a response will be sent within 6 weeks of receipt of complaint form in Academic Services. If this is not possible, an alternative timescale will be issued to the complainant.
<b>Level 3</b>	Complaint should be raised within 10 working days of outcome of Level 2 complaint	Will acknowledge receipt of complaint within 5 working days of receipt	*Indicative timescales for this stage are that a response will be sent within 4 weeks of receipt of complaint/appeal form. If this is not possible, an alternative timescale will be issued to the complainant.
<b>OIA</b>	Complaint should be raised within 12 months of the date of the Completion of Procedures letter	No direct involvement with complainant	Variable

- 3.2 For any complaints/appeals relating to fitness to practise, a medical professional will be consulted and if required will form part of any appropriate panel.
- 3.3 If a trainee fails to proceed within the given deadlines of this procedure, he or she may not be able to progress through the internal mechanisms of Teach East.
- 3.4 The procedure has been separated into Responsibilities of Trainees and Responsibilities of those involved in the handling of the complaint/appeal on behalf of Teach East.

## 4. Responsibilities of Trainees

### 4.1 Level 1: Local Level (Informal Resolution)

- 4.1.1 You are expected to try to resolve a complaint directly, informally and quickly with the person/department concerned. In some circumstances, in the first instance, you may prefer to approach a different member of staff eg mentor, pastoral support.
- 4.1.2 You should raise the complaint/appeal within one month of the unsatisfactory circumstances occurring, at the latest. The sooner the matter is raised, the better.
- 4.1.3 You are expected to explain clearly what the problem is and what outcome you are seeking.
- 4.1.4 If you are dissatisfied with the outcome, you can escalate your complaint to level 2.

### 4.2 Level 2: Director/CEO (Formal Review)

- 4.2.1 You should complete the Complaint/Appeal Form within one month of notification of the outcome of Level 1.

You must provide a clear explanation of how you attempted to resolve your complaint informally at Level 1. As a minimum, your explanation should include a specific date, a named member of staff to whom the complaint/appeal was reported and why the complaint/appeal was not resolved to your satisfaction at Level 1.

- 4.2.2 Your complaint/appeal must be substantiated by evidence. This may comprise one, or a series of the following types of evidence: a timeline of events; reference to relevant policies; procedures and/or regulations; letters; emails; independent medical evidence; reports by professionals; witness statements; screenshots etc. Any evidence or appendices relevant to the complaint must be submitted at the same time as the Complaint/Appeal form and clearly referenced and labelled.
- 4.2.3 It is your responsibility to make your case. Complaints/appeals will not be accepted for further investigation if:
  - Your rationale for complaint is unclear.
  - You don't provide evidence.
  - You fail to include important dates, times and other details necessary for determining the eligibility of the complaint.
- 4.2.4 You are required to ensure that any evidence not written in English is translated and provided at the same time as the complaint paperwork.
- 4.2.5 If your submission is unclear or unnecessarily long, you will be asked to resubmit the form in a manner that enables proper consideration of the complaint to take place.
- 4.2.6 You will normally receive an outcome letter within six weeks of receipt of your Academic Appeal Form. If the investigation will take longer than six weeks, you will be informed of the reason and an expected date of response.
- 4.2.7 If you are dissatisfied with the outcome, you can escalate your complaint to Level 3 on the following grounds:

- You believe that a procedural irregularity has occurred in the handling and/or the investigation of the Level 2 complaint/appeal and/or;
- You are in possession of additional evidence which may have affected the outcome at Level 2 but was unavailable at the time of the original Level 2 investigation and/or;
- You have a compelling argument to demonstrate that the outcome at Level 2 was unreasonable. Claims of this nature must be supported by evidence and a clear rationale for the unreasonable nature of the decision. Claims that amount simply to an expression of dissatisfaction with the decision will not be considered.

#### 4.3 **Level 3: Executive Board**

4.3.1 You should re-submit the Complaint/Appeal Form within ten working days of notification of the outcome of the Level 2 complaint. You must set out the grounds of the complaint by making reference to the above standards and must provide evidence to support your claim, including proof of why new evidence being presented was not available at the time of the submission of your Level 2 complaint/appeal.

#### 4.3.2 **You should send the completed form to:**

Teach East Lead School  
 Mike Sandeman CEO and Head of College  
 Arthur Mellows Village College  
 Helpston Road, Glinton  
 Peterborough PE6 7JX  
**Email : [office@arthurmellows.org](mailto:office@arthurmellows.org)**

4.3.3 You will normally receive an outcome letter within four weeks of receipt of your Level 3 complaint. If the review will take longer than four weeks, you will be informed of the reason and an expected date of response.

#### 5. **Office of the Independent Adjudicator**

5.1 Once the internal complaints/appeals procedure has been completed, if you are still not satisfied with the outcome, you may take your complaint/appeal to the Office of the Independent Adjudicator (OIA). The OIA operates externally to Teach East. It will not normally look at a complaint/appeal unless and until all relevant internal complaints procedures have been exhausted. Further information is available from the [OIA website](http://www.oiahe.org.uk), [www.oiahe.org.uk](http://www.oiahe.org.uk).

#### 6. **Completion of Procedures**

6.1 As required by the OIA, if we are unable to resolve a complaint/appeal to your satisfaction, and there are no further steps available to you, we will issue a formal 'Completion of Procedures' letter. This provides a formal confirmation that you have exhausted the internal complaints/appeal procedure, and is required before a complaint/ appeal may be considered by the OIA.

**7. Responsibilities of those involved in the handling of the Complaint/Appeal on behalf of Teach East**

**7.1 Level 1: Local Level (Informal Resolution)**

7.1.1 Staff dealing with complaints/appeals are encouraged, whenever practical, to meet with the trainee to establish the precise cause of dissatisfaction, to explore the remedy sought by the trainee and to foster a mutual understanding of the issues involved.

7.1.2 The member of staff is expected to listen to the complaint and to try to resolve it in a straightforward, reasonable and prompt manner.

7.1.3 Although informal, the member of staff should make notes of any meetings and keep a record of the agreed outcome. Notes should be shared with the trainee. The trainee should be notified that the matter is deemed to be resolved and advised of the availability of Level 2 of the complaints/appeals procedure, if the complaint is not upheld or the trainee is dissatisfied with the attempt at resolution.

**7.2 Level 2: Director / CEO (Formal Review)**

7.2.1 On receipt of a level 2 complaint/appeal the Director/CEO will undertake an initial evaluation to check that the complaint is submitted under the right procedures, within the appropriate deadlines, and in the required format with supporting evidence.

7.2.2 The complaint/appeal will be referred to the appropriate person at Teach East. If the subject of the original complaint is regarding a person at Teach East then a member of the Executive Committee will conduct a review.

7.2.3 Teach East will ensure that an investigation is carried out. The investigation may be delegated to an appropriate member of staff. It will not normally be appropriate to keep the name of the person investigating the complaint/appeal confidential. The investigation and its outcome must be fair and reasonable.

7.2.4 It may be appropriate for the investigator to meet with the complainant and/or other parties named in the paperwork. Should the investigator wish to meet with the complainant, he or she will contact the trainee to propose this course of action and secure an appropriate date to meet. The complainant will be offered the opportunity to bring a supporter to this meeting. The supporter must be either: a Union representative; a fellow trainee; a member of staff. The supporter may take notes on the trainee's behalf, make representations on the trainee's behalf and ask questions, but may not answer questions on the trainee's behalf.

7.2.5 If Teach East finds in favour of the trainee, it may decide on whatever redress it thinks appropriate, bearing in mind the outcome sought by the trainee.

7.2.6 A report of the investigation will be prepared before a written response is provided to the complainant. The report will be provided to the trainee with the outcome letter.

7.2.7 If the complaint is not upheld, the trainee will be notified of the availability of Level 3 of the complaints procedure.

### 7.3 **Level 3: Executive Committee**

- 7.3.1 On receipt of a Level 3 complaint form, the Executive Committee will undertake an initial evaluation to check that the complaint is submitted within the appropriate deadlines, meets the criteria for Level 3 review and is in the required format with supporting evidence. A complaint without adequate grounds and evidence will be dismissed.
- 7.3.2 If the trainee provides evidence to support the criteria, the complaint will be referred to Executive Board for review. The review stage will not usually consider the issues afresh or involve further investigation. In reaching a decision, the reviewer is expected to be fair and reasonable.
- 7.3.3 If the complaint is upheld, both the trainee and Teach East management will receive a written explanation of the decision.
- 7.3.4 If the Executive Committee does not uphold the complaint, the trainee will receive a written response giving reasons and a 'Completion of Procedures' letter (see below) will be issued.
- 7.3.5 The Executive Committee may decide to uphold part, but not all, of the complaint and will respond to the trainee accordingly.

### 8. **Office of the Independent Adjudicator**

- 8.1 Once the internal complaints procedure has been completed, if the trainee is still not happy with the outcome, he or she may take his or her complaint to the Office of the Independent Adjudicator (OIA). The OIA operates externally to the University. It will not normally look at a complaint unless and until all relevant internal complaints procedures have been exhausted. Further information is available from the [OIA website](#).

### 9. **Completion of Procedures**

- 9.1 As required by the OIA, if we are unable to resolve a complaint to the trainee's satisfaction, and there are no further steps available to the trainee, a formal 'Completion of Procedures' letter will be issued within 28 days of the outcome being determined. This provides a formal confirmation that the trainee has exhausted the internal complaints procedure, and is required before a complaint may be considered by the OIA.

### 10.0 **Review**

- 10.1 The Trust Board will review this policy in line with the procedure for policy review.

#### Date for Review

If no other reason for review, this policy will be reviewed every three years by the Trustees with the next review being Spring 2021.