

# Complaints policy

## 2024/5

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## Introduction

The purpose of this complaints policy is to provide clear procedures for dealing with complaints and grievances made by Associate Teachers relating to Kent & Medway Training SCITT (KMT). KMT encourages a culture of listening to feedback as well as sharing with Associate Teachers the actions we have taken to respond to concerns; the complaints process should be seen as part of this wider positive culture.

## Scope

This policy can be used by anyone who is a current Associate Teacher with KMT, or an Associate Teacher who completed their training with KMT within 12 calendar months of the date of initiating the complaint .

**Pre-programme** complaints regarding applications should be made directly to the Head of KMT, Polly Butterfield-Tracey, via email to [polly.butterfield-tracey@KMTraining.org.uk](mailto:polly.butterfield-tracey@KMTraining.org.uk)

This policy does not cover complaints or queries referred to below:

- Complaints related to judgments on Leeds Beckett University Assignments or the DL PGCE accreditation, which are covered by:  
<https://www.leedsbeckett.ac.uk/our-university/information-for-students-and-applicants/student-complaints/>
- Complaints related to review or assessment judgements, or decisions to terminate school placements, which are covered by KMT's Disciplinary and Appeals Policy which is available in the handbook.
- Kent and Medway Training (KMT) SCITT is a member of the Leigh Institute in Leigh Academies Trust. As such, complaints related to inappropriate behaviour by members of KMT staff or other Associate Teachers may be better dealt with using Leigh Academies Trust Human Resources policies which are available on request.

This policy has been produced following the Office of the Independent Adjudicator's Good Practice Framework - Handling complaints and academic appeals (oiahe.org.uk) revised in December 2022.

### **Definitions and examples**

For the purposes of this policy, a complaint is defined as:

*"An expression of dissatisfaction by one or more students about something a provider has done or not done, or about the standard of service provided by or on behalf of the provider." (OIAHE 2022)*

Examples of complaints this policy aims to help resolve include:

- KMT not meeting obligations, including those outlined in KMT handbook, induction materials, general guidance documents and partnership agreement
- misleading or incorrect information on the KMT website, promotional information or other KMT material
- concerns about the delivery of the training programme, teaching or administration, including elements provided by KMT partner schools or other partners, poor quality of facilities, learning resources or services provided directly by KMT
- complaints about partner schools or other organisations providing a service on behalf of KMT that the Associate Teacher feels has affected their learning experience
- KMT's response to events causing significant disruption to the normal delivery of a course, service or other aspect of the Associate Teacher experience, such as industrial action or a public health emergency
- concerns about policies or procedures relating to financial support or welfare support

Examples of issues that **are not** normally handled as complaints include:

- a concern about a decision made regarding Associate Teacher progression, assessment and awards, which would normally be

considered under the appeals and grievance process.

- a concern raised by an Associate Teacher about the outcome of their own disciplinary process. (At the end of any disciplinary appeal process [see Disciplinary Policy in the handbook], the Associate Teacher could complain to the [Office of the Independent Adjudicator Office of the Independent Adjudicator for Higher Education - OIAHE.](#))
- a concern about a decision made under other specific regulations, such as fitness to practise. (At the end of any appeal process, the Associate Teacher could complain to OIAHE.)
- matters relating to the Student Loans Company, which has its own complaints procedures.

Note: An Associate Teacher complaint will usually be about something that has a direct impact on the person making the complaint. Where an Associate Teacher has a more general concern about policies or actions of a provider, there may be other ways to raise the matter. For example, the Leigh Institute Executive might routinely discuss concerns raised by individual Associate Teachers with KMT senior leaders on behalf of the whole cohort.

### **General principles**

- KMT aims to provide an outstanding training programme for the Associate Teachers it serves
- KMT is committed to working in partnership with Associate Teachers and partner schools, taking account of Associate Teacher views in order to improve its service
- KMT will seek to resolve complaints as informally and quickly as possible, including by mediation and conciliation where appropriate
- KMT expects all parties to act reasonably and fairly towards each other, and to treat the processes themselves with respect
- KMT will work to ensure this policy is used fairly, proportionally and in a timely manner

- KMT will consider their obligations under the equalities legislation when considering whether there are exceptional reasons to accept a complaint or academic appeal outside the normal time
- KMT will ensure that decisions are taken by people without actual or perceived conflicts of interest and that all involved will ensure an appropriate level of confidentiality through the process, without causing disadvantage
- Associate Teachers will be offered the opportunity to be accompanied to any meetings related to a complaint by a friend, family member, or representative from a Teaching Union
- KMT will put all the outcomes of any investigation in writing for the Associate Teacher. A Completion of Procedures (COP) letter will be used at 'end points' in the process

### **Investigating complaints**

At all stages in the process, the person investigating the complaint will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- collect information pertinent to the complaint raised;
- when appropriate, interview those involved in the matter and/or those who are the subject of the complaint, allowing them to be accompanied if they wish;
- conduct any interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview(s).

### **Resolving complaints**

At each stage in the process, KMT will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review KMT policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that KMT could have handled the situation better is not the same as an admission of negligence. It is important to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.

## Mediation

Where a complaint is made in relation to school-based staff or practices and where an AT wishes to be considered for reallocation to a different placement class or school, it is appropriate for a mediation meeting to first take place between the parties involved to ascertain whether the issue can be resolved and whether reallocation is indeed a proportionate response.

Mediation can also be considered an appropriate initial response to other forms of complaint; KMT reserves the right to determine when it is appropriate to suggest mediation. The mediation meeting can form part of the informal complaint process but may also be a recommendation of the formal complaint process. Any mediation meeting should include the parties directly involved as well as a neutral KMT representative. The AT is welcome to bring a friend, family member, colleague or union representative for support if it can be shown that their wellbeing would otherwise suffer.

KMT follows ACAS good practice for mediation, taking a staged approach:

### Stages of mediation

#### Separate meeting

- **First contact with the parties** – the mediator will meet parties separately. The aim of this first meeting is to allow each individual involved to tell their story and find out what they want out of the process.

#### Joint meeting

- **Hearing the issues** – the mediator generally brings the participants together and invites them to put their side of the story during a period of uninterrupted time. At this stage the mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the mediation.
- **Exploring the issues** – having identified the issues to explore, the mediation is now about encouraging communication between the parties, promoting understanding and empathy and changing perceptions. The aim of this part of the meeting is to begin to shift the focus from the past to the future and begin to look for constructive solutions.
- **Building and writing an agreement** – as the process develops, the mediator will encourage and support joint problem-solving by the parties, ensure the solution and agreements are workable and record any agreement reached.
- **Closing the mediation** – once an agreement has been reached, the mediator will bring the meeting to a close, provide a copy of the agreed statement to those involved and explain their responsibilities for its implementation. In some cases no agreement is reached and other procedures may later be used to resolve the conflict.

As part of the KMT ITT Programme and Curriculum, ATs are expected to meet the requirements set out in the progress descriptors for 'Professional Relationships and Mutual Respect' as well as the KMT AT Code of Conduct. Through the mediation process, KMT will therefore support ATs to demonstrate their willingness to develop and maintain positive professional relationships and to seek to proactively address issues where relationships have broken down. All school-based staff with QTS are expected to fully uphold all aspects of the Teachers' Standards as well as the KMT Partnership Agreement. Where a party or parties refuse to engage in the mediation and complaints resolution process without reasonable mitigation, consideration will be given as to whether this provides evidence of a failure to meet the expectations of the KMT ITT Programme, Code of Conduct or Partnership Agreement. In such cases, it may be appropriate to manage a refusal to engage in a professional manner under the terms of the Disciplinary Policy or the clauses of the Partnership Agreement.

### **Serial and Persistent Complaints**

There will be occasions when, despite all stages of the process having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, KMT may inform them in writing that the complaints process has been exhausted and that the matter is now closed. This will be done in line with wider LAT policy for dealing with unreasonable complaints.

The decision to stop responding to a complainant should never be taken lightly. KMT needs to be able to say yes to all of the following:

- KMT has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of KMT's position and of their options (if any); and
- The complainant is contacting KMT repeatedly but making substantially the same points each time.

KMT's case is stronger if it agrees with one or more of the following statements:

- It has reason to believe that the individual is contacting them with the intention of causing disruption or inconvenience;
- The complainant's communications are often or always abusive or aggressive; and/or
- The complainant makes insulting personal comments about or threats towards staff.

KMT will not stop responding just because a complainant is difficult to deal with or asks complex questions. In relation to serial and persistent complaints, it is the subject matter that does not warrant a response, not the correspondent.

## **Stages in the process**

There are four potential stages within this policy as follows:

**Stage 1** - Informal resolution

**Stage 2** - Formal stage

**Stage 3** - Review Stage

**Stage 4** - Independent external review (OIA)

**Appendix A** provides a flowchart to illustrate the stages of KMT's complaints process. This flowchart includes the timeframe for each stage of the process

### **Stage 1: Informal Resolution**

Associate Teachers should email their Course Programme Lead (CPL) to make an informal complaint, who will pass information onto the KMT senior leadership team. After discussion with the the team, the Course Programme Lead will then



attempt to resolve the complaint quickly and informally and at a local level through, for example:

- a face-to-face meeting with the Associate Teacher
- asking an appropriate colleague to resolve the complaint
- providing background information or an explanation relevant to the issue/giving more information or a more detailed explanation, for example in the Associate Teacher Log of Actions
- suggesting solutions
- being empathetic and understanding when there is no apparent solution
- giving an apology
- arranging for mediation where it is appropriate to do so
- seeking advice from Leigh Academies Trust People Team

## **Stage 2: Formal Stage**

This stage should be used when:

- an Associate Teacher is dissatisfied with the outcome of the informal resolution process
- the Associate Teacher has a good reason for not wanting to engage with early resolution
- early resolution was attempted, but the Associate Teacher remains dissatisfied and starts the formal process in line with KMT's procedures
- the issues raised are complex and will require detailed investigation
- KMT decides that the Associate Teacher's complaint should be considered at the formal stage without first trying early resolution, for example because the complaint is brought by a former Associate Teacher and there is no ongoing relationship

To trigger this stage, an Associate Teacher should use the **Complaint Recording Form included as Appendix B**. This will help Associate Teachers set out their complaint in a clear and succinct way, referring to evidence relevant to the complaint. The Associate Teacher should try to include all their information and evidence when sending in their formal complaint or appeal as it may not be

possible to consider further information later in the process.

On receipt of this form, KMT staff who have not previously been involved in the case (usually the Head of KMT or Deputy Head of KMT) will:

- conduct an initial evaluation to check that the complaint is being dealt with under the right procedures
- determine the scope and purpose of an investigation
- conduct an investigation, which will be proportionate to the complexity and seriousness of the complaint, interviewing the Associate Teacher and other relevant parties where appropriate
- produce a report based on these investigations which outlines:
  - the process followed
  - the information gathered
  - the conclusions drawn
  - any recommendations which will lead to improved provision and/or reduce the chance of similar complaints occurring; this may include recommendations for mediation to be undertaken
  - ensure the Associate Teacher (and their representative where appropriate) receive a copy of the investigation together with copies of the information considered
- write to the Associate Teacher setting out the outcome of the formal stage, outlining the reasons for each decision made. This letter will also include information about:
  - the Associate Teacher's right to take the complaint to the review stage and the grounds for such a referral
  - the time limit for escalating to the review stage
  - the appropriate procedure and support available.

Where the complaint has been upheld, KMT will explain how and when it will implement any remedy and what the Associate Teacher can do if they remain dissatisfied.

### **Stage 3: Review Stage (final internal KMT stage)**

If the Associate Teacher is dissatisfied with the outcome of the formal stage, they can request a review. A review process will be led by a member of staff not previously involved in the case in order to minimise bias (usually a member of the wider Leigh Institute Executive team). A review may cover:

- a review of the procedures followed at the formal stage
- a consideration of whether the outcome was reasonable
- any new material evidence that the Associate Teacher was unable, for valid reasons, to provide at Stage 2.

The review will not:

- re-hear the complaint afresh
- involve a further investigation.

A complaint must have been considered at the formal stage (Stage 2) before it can be escalated to the review stage. If a complaint reaches this stage, a Complaints Committee convened by the KMT Strategic Board will consider the way in which the complaint was investigated in Stage 2. The Associate Teacher will be invited in writing to attend a hearing and given 10 days' notice of the hearing date. The Associate Teacher will be informed of the date of the meeting and an explanation of what they need to do if they can't attend on that date or don't wish to attend. They will be provided with:

- the names of the panel members and their job titles
- the names of anyone else attending the meeting and what their role will be
- a statement informing them that they may be accompanied and who by (see below)
- an outline of how the meeting will proceed
- copies of relevant documents
- information about the support that is available to them including contact details

Associate Teachers will be offered the opportunity to be accompanied by a

friend, family member, or representative from a Teaching Union. Internal complaints and appeals procedures do not have the same level of formality as a court of law. In most cases it will not be necessary, appropriate or helpful for an Associate Teacher or the provider to be legally represented during a complaint. The involvement of a legal representative has potential to change the nature of the procedure or delay the process. The Head of KMT would carefully consider whether it would be reasonable in the particular circumstances of the case to allow legal representation.

The Complaints Committee panel will consist of two members of the Strategic Board, one Course Programme Lead as well as any relevant KMT staff, members of the LAT People Team (HR). They will consider the evidence and there will be an opportunity for the Associate Teacher and investigating officer to make a presentation.

The panel will consider the following questions:

- Were the relevant procedures followed during the formal stage?
- Was the outcome reasonable in all circumstances?
- Has the Associate Teacher received clear reasons why the complaint was rejected at the earlier stage?
- If new material evidence has been provided, has the Associate Teacher given valid reasons for not supplying this earlier?

The panel, having considered the material submitted to them may:

- overturn the outcome of the formal stage and recommend a remedy
- refer the complaint back to the formal stage for reconsideration
- uphold the outcome of the formal stage.

A note of any meeting will be taken, setting out who attended, a brief outline of what took place and the reasons for the decisions taken. KMT will not make or retain audio or video recordings of panel hearings or meetings but will consider requests from Associate Teachers to do this if it is considered a reasonable

adjustment for some disabled Associate Teachers or staff. Associate Teachers should not make recordings without permission.

The Chair of the Complaints Committee panel will write to the Associate Teacher with their decision and an outline of the reasons for their decision within three working days of the hearing.

Where a complaint or appeal is upheld, KMT will explain how and when it will implement any remedy, whether that includes an apology, and what the Associate Teacher can do if they remain dissatisfied; where appropriate, this letter will also advise the Associate Teacher on their right to submit a complaint to the OIA, the time limit for doing so and where and how to access advice and support with this process.

N.B At any stage of the complaints process, KMT may need to take steps to verify the evidence provided as the basis of complaints, for example by reviewing records or written information, and/or seeking further testimony from others involved. If the complaint is found not to be genuine, it may decide to consider the matter under our disciplinary procedures.

### **Stage 5: Independent External Review (OIA)**

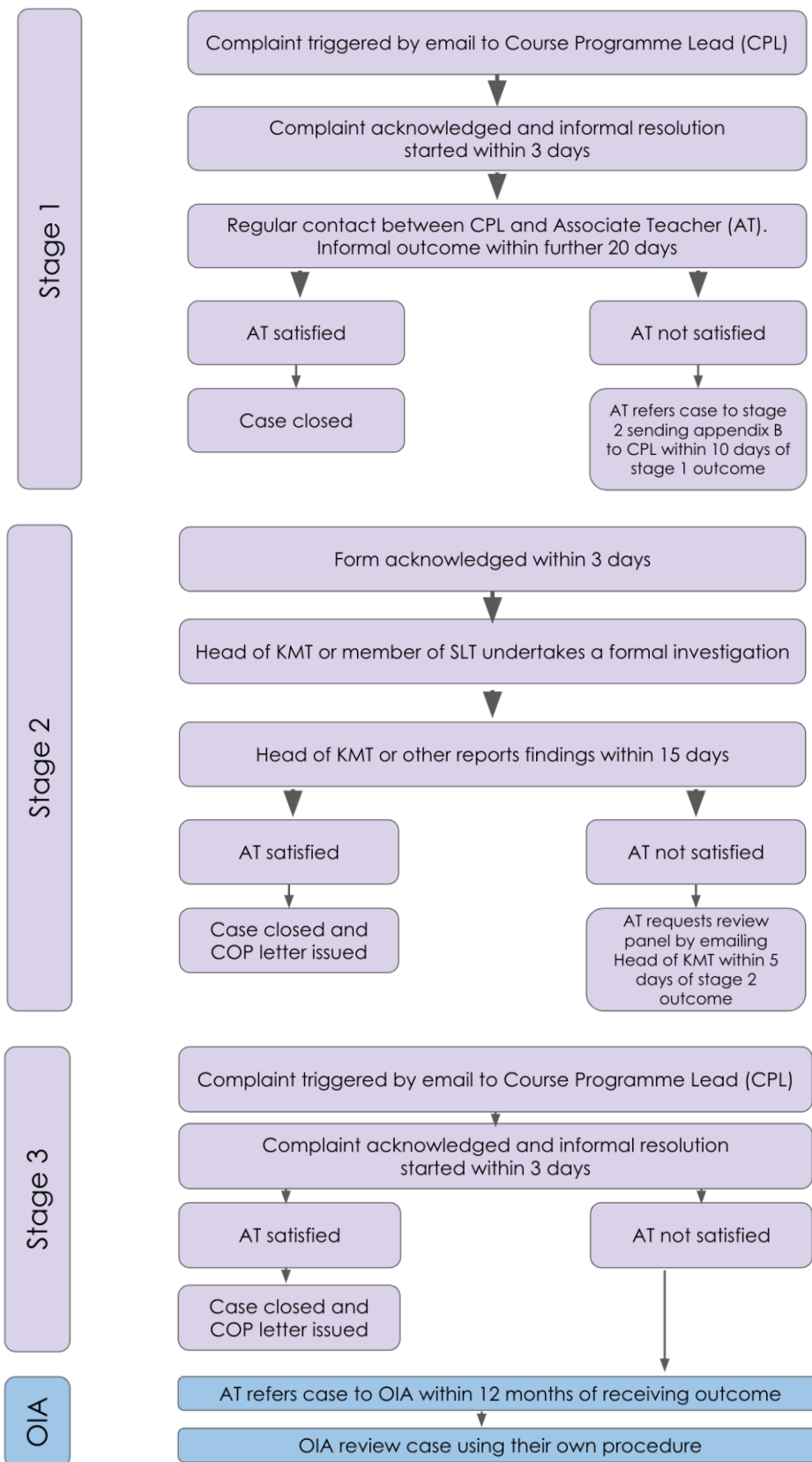
Once the review stage is completed, the Associate Teacher is entitled to ask the Office of the Independent Adjudicator for Higher Education (OIAHE), the independent ombudsman service, to review his or her complaint about the outcome of KMT's complaint process.

## **6. GENERAL DATA PROTECTION REGULATIONS**

- KMT will retain data related to the complaint for 15 months from the start of the complaint and after this time all data will be deleted. All data will be stored securely during this time.
- All complaints will be treated confidentially. KMT will only disclose information to those who need it to investigate the complaint or to respond to the issues raised.

- In some circumstances data may be used to consider whether an Associate Teacher is fit to practise.
- KMT will only share data with an Associate Teacher that is relevant to the complaint and reserves the right to redact or withhold information pertaining to other individuals in line with GDPR regulations.
- If an Associate Teacher makes a complaint, they should only include any necessary information about third parties. Evidence provided must focus on the impact that a third party has had on the Associate Teacher themselves. For example, if the mitigation is based on the health of a family member, KMT does not need to see the detailed medical information about that person.

**Appendix A: Flow chart of KMT complaints process**



NB. Days are LAT & KMT term days (not including weekends, bank holidays or school holidays)

## Appendix B: KMT Complaints recording form

To be used if Stage 1 informal resolution has failed to provide you with a satisfactory outcome.

<b>Name</b>	
<b>Address</b>	
<b>Post code</b>	
<b>Phone number</b>	
<b>KMT training programme</b>	

**Please give specific details of your complaint:**

**Please list evidence that supports your complaint:**

**What actions have been taken to resolve the complaint so far?**



What further actions do you feel might resolve the problem at this stage?

<b>Signature</b>	
<b>Date</b>	
<b>For office use only:</b>	
<b>Date of acknowledgement</b>	
<b>By whom</b>	
<b>Complaint referred to</b>	
<b>Date</b>	