

LANCASHIRE TEACHING AGENCY

PROCEDURE FOR DEALING WITH COMPLAINTS ABOUT SUPPLY SUPPORT STAFF (SEPTEMBER 2021)

1. Purpose and Scope

The purpose of this procedure is to deal with complaints raised by members of the public in relation to the conduct/operation of the Lancashire Teaching Agency or its employees.

Where possible, complaints will be resolved informally. Where a complaint has not been resolved informally, then the formal procedures set out in Sections C, D and E will be followed.

2. Introduction

For the purposes of this procedure, a concern or complaint is defined as an expression of dissatisfaction about the conduct, actions or lack of action by a Supply Support staff working for the LTA, or unacceptable delay in dealing with a matter. The source of such complaints could be a school in which the Supply Support staff is placed, pupils/parents from the School or other members of the public.

This procedure does not cover grievances against other Supply Support staff working for the LTA or 'whistleblowing' by an employee, or complaints about a function of Reed Education, for which separate procedures exist. In addition, if the complaint is against an employee of Reed Education (not a Supply Support staff), then the complainant must use the Complaints Procedure of Reed as appropriate.

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also the subject of separate procedures, which may involve other agencies.

It is good practice to ensure that complaints are dealt with as speedily as possible. In this procedure it is recommended that **each stage** of the procedure is completed, as far as is possible, within 15 working days. The member of staff who is the subject of a complaint should be involved at the earliest opportunity.

Where it is clear that a complainant does not wish to pursue or wishes to withdraw a complaint, it is recommended that a written record is made of the complainant's decision.

A record of formal complaints, how they were dealt with and the outcome should be maintained in the LTA Complaints Register.

3. Stage 1 – Initial informal stage

All complaints or expressions of concern, should be referred to the LTA Branch Manager. The LTA Branch Manager may, where appropriate, delegate the informal stage procedures but may not delegate the formal stage procedures.

This stage should be completed within 15 working days of the receipt of the complaint, as far as is possible

- i. On receiving a complaint or expression of concern, the LTA Branch Manager will acknowledge the complaint/concern and will make enquiries, to establish the facts, with a view to resolving the matter on an informal basis.

The member of staff will be informed of the details of the complaint in all circumstances and be invited to respond. A copy of any written complaint will be provided to them. The LTA Branch Manager must remind the member of staff that they may seek advice from their professional association/union or other adviser before responding, and give a copy of this procedure to the member of staff.

- ii. In the light of the enquiries, the LTA Branch Manager will decide how to respond to the complaint. The LTA Branch Manager should make the member of staff aware of the explanation/response to be made to the complainant.
- iii. The LTA Branch Manager will make a response to the complainant in writing, if appropriate, with a copy to the member of staff. The complainant should be asked if s/he accepts the explanation and any member of staff who is the subject of the complaint so advised. It may be necessary for the Branch Manager to offer advice or guidance to the member of staff concerned. Where the explanation is accepted by the complainant the matter will be regarded as resolved. Where the explanation is not accepted, the complainant has a right to refer the matter to Stage 2 if they so wish. In either case, the member of staff who is the subject of the complaint will be informed of the outcome.
- iv. The Branch Manager will also inform the member of staff of any subsequent actions intended, including any action under disciplinary or competence procedures. Such action will only be undertaken when the complainant has accepted the explanation and the complaint has been resolved. Where the complaint has not been resolved, any action

will be deferred until the appropriate stages in this procedure have been exhausted, in order to protect the interests of the member of staff and to avoid prejudicing the final resolution of the complaint.

- v. Anonymous complaints cannot normally be dealt with unless they are sufficiently serious to refer under Section 5.

4. Stage 2 - Formal Stage

This stage should be completed within 15 working days, as far as is possible.

- a. Where a complaint or expression of concern has not been resolved at Stage 1 or where the complainant does not wish to utilise Stage 1 of the procedure, the LTA Area Manager should establish, as soon as possible, whether the complainant wishes to make a formal complaint, ensuring that the complainant is aware of the procedures for making a complaint by giving them a copy of the procedure. At this stage, the complaint must be recorded in writing either by, or on behalf of, the complainant and should be submitted to the LTA Area Manager as soon as possible. The complaint should be formally acknowledged and the complainant informed that the member of staff will be given a copy of the complaint.
- b. The LTA Area Manager must:
 - i. inform the member of staff of the complaint at the earliest opportunity
 - ii. advise the member of staff to consult with a friend or representative of their professional association/union
 - iii. ensure that a copy of the complaint is given to the member of staff as soon as it is received
 - iv. ensure that a copy of this procedure is given to the member of staff.
- c. The LTA Area Manager will arrange for a full investigation of the complaint. This may involve interviews being held and/or written statements being taken or made, including, if appropriate, an interview with the member of staff against whom the complaint is made, accompanied by a friend or representative if they so wish.
- d. Upon completion of the investigation, the LTA Area Manager will compile a report and consider whether further actions should be taken.

The LTA Area Manager will advise the complainant in writing of the action taken, if any, or to be taken to resolve the complaint.

5. Serious allegations or complaints

- a. If the allegations refer to criminal activity which may require the involvement of the Police, the LTA Branch Manager/LTA Area Manager should seek the advice of the Reed Legal team or of the Reed Policy team so that appropriate action can be taken
- b. If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the LTA Branch Manager/ LTA Area Manager should seek the advice of the Reed Legal team so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.
- c. If the allegations relate to the abuse of children, the LTA Branch Manager / LTA Area Manager should seek the advice of the Reed Legal team. Serious allegations of this nature must be referred under Reed Policy team. Reference should also be made to the separate procedure "Staff Facing Allegations of Physical/Sexual Abuse".
- d. In all the above, consideration may need to be given to the possible non-placement of any member of staff concerned in accordance with the LTA Disciplinary Procedure. Investigations at Branch level and the stages set out in this procedure should not proceed where external agencies (e.g. Police, Social Care) are involved. Following the conclusion of such external enquiries, an internal investigation under other procedures (eg Disciplinary) may be follow.

6. Stage 3 – Appeal stage

Complaints which have not been resolved at Stage 2 should be considered by the Reed Education Divisional Director within 15 working days, as far as is possible.

The Reed Education Divisional Director will consider complaints where the LTA Area Manager is not able to resolve the complaint to the satisfaction of the complainant and the complainant exercises the right of appeal. Any appeal must be in writing.

The Reed Education Divisional Director will consider the written materials or a hearing will be arranged, if requested by the complainant, the LTA Branch Manager, the LTA Area Manager or the person who is the subject of the complaint.

The recommended procedure for a Complaints Appeal Hearing to consider the complaint is outlined at Annex 1.

BS/JLW

24 November 2021

Annex 1: Complaints Appeals Procedure

1. The following procedure is appropriate for any Complaints Appeals Hearing.
- 2. Procedure at the Hearing**
 - 2.1 The Managements case will (normally) be presented by the LTA Area Manager (the Investigating Officer), who will be entitled to call witnesses to support the case.
 - 2.2 The complainant and/or their representative and the person/body hearing the case will be entitled to question the persons referred to at 2.1 above.
 - 2.3 The complainant and/or their representative will be entitled to present a statement of case and will be entitled to call witnesses to support the case.
 - 2.4 The Investigating Officer and the designated person/body hearing the case will be entitled to question the persons referred to at 2.3 above.
 - 2.5 The Investigating Officer will have the opportunity to sum up. (No new evidence may be introduced at this stage).
 - 2.6 The employee and/or their representative shall then also have the opportunity to sum up. (No new evidence may be introduced at this stage).
 - 2.7 At the conclusion, all parties will withdraw except the persons conducting the hearing and, if present, the Human Resources Representative (advising on procedure and evidence only). The persons conducting the hearing will deliberate in private. Should any parties need to be recalled to clarify any points of uncertainty, all parties should return notwithstanding that the point giving cause for concern relates to one party only.
 - 2.8 The parties will be informed of the decision and the employee will be given written confirmation of the decision.
 - 2.9 There will be no further right of appeal under this procedure.