



Pleckgate
HIGH SCHOOL

COMPLAINTS POLICY

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COMPLAINTS POLICY

Complaints Policy

Handling Complaints about employees in schools with delegated budgets

Index

Introduction and Scope	2
Informal procedure - Stage 1	3
Serious allegations or complaints	4
Formal procedure - Stage 2 referral to the Headteacher	5
Formal procedure - Stage 3 referral to the school's Chair of Governors.	7
Formal procedure - Stage 4 referral to the school's Governors' Complaints Committee	7
Further recourse for Complainants:	9
To the Education Partnership Trust	9
To the Secretary of State of Education	10
To the Local Government Ombudsman	10
Review of the procedure	10
Appendix One – Investigative Procedures	12
Appendix Two – Complaints Form	14



HANDLING COMPLAINTS ABOUT EMPLOYEES IN SCHOOLS WITH DELEGATED BUDGETS

A. Introduction and Scope

1. The Policy of the school is to work in partnership with parents and is based on the belief that co-operation and a sense of joint purpose between staff, parents and the school will assist in ensuring open and positive relationships. From time to time, however, parents or members of the public may express concern or make a complaint, either orally or in writing, about the conduct of the Headteacher or an individual member of staff. The school will ensure that these are dealt with effectively and with fairness to all parties.

Where possible, expressions of concern/complaints will be resolved informally (see Section B). However, where it has not been possible to resolve these informally, then the formal procedures set out from Section C.

2. Complaints

- (a) For the purposes of this procedure, an expression of concern or a complaint is described as an expression of dissatisfaction about the conduct of, actions or lack of action by a member of staff, unacceptable delay in dealing with a matter or unreasonable treatment of a pupil or other person.
 - (b) This procedure does not cover complaints under legislation for which separate arrangements are in place for example those relating to the National Curriculum, collective worship, school admissions, pupil exclusions and other functions of the Governing Body.
 - (c) 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 (See Section C).
3. **All** complaints or expressions of concern, as described in 2 (a) above, about members of staff (other than the Headteacher) made by parents or other members of the public should be referred to the Headteacher even where the initial point of contact has been the Chair of the Governing Body or an individual Governor, the Education Office, a Diocesan Officer or an elected member. Governors who wish to raise concerns must refer them to the Headteacher and **must not** raise them at a Governors' meeting in order to avoid any discussions by potential members of the Disciplinary and Dismissal Committee, the Disciplinary and Dismissal Appeals Committee or the Complaints Committee.
 4. At the Governors' Annual Meeting for parents the Chair should ensure that the purpose and scope of the meeting are made clear. Any concerns about an individual member of staff must not be discussed at the meeting, and must be referred to the Headteacher for consideration.
 5. **All** complaints or expressions of concern, as described in 2(a) above, made about the Headteacher must be referred to the Chair of Governors. This includes concerns by Governors and any expressed at the Governors' Annual Meeting for Parents.
 6. It is good practice to ensure that complaints are dealt with as speedily as possible and that the member of staff who is the subject of the complaint is involved at the earliest



opportunity. In this procedure it is recommended that each stage of the procedure is completed, as far as is possible, within 15 school working days.

7. 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.
8. A record of complaints, how they were dealt with and the outcome should be maintained as a separate complaints file, in the interests of the members of staff concerned and the Headteacher.

B. Informal Procedure – Stage 1

Generally, most complaints or expressions of concern will be dealt with within school and to timescales agreed with the member of staff expressing the concern or complaint without the need to refer to these procedures.

For example, an informal discussion with the class teacher or other relevant member of staff (possibly the headteacher) usually results in the resolution of the issues.

The framework below (i.e. B1-B9) provides best practice guidance and is intended as a support for managing the informal resolution of complaints or expressing the concern at the earliest opportunity.

1. The member of staff against whom the complaint is made will be informed of the details in all circumstances, with a copy of any written complaint or expression of concern being provided, and invited to respond. The Headteacher must remind the member of staff that he /she may seek advice before responding, and give a copy of this procedure to the members of staff.
2. In the light of the investigation, the Headteacher will decide how to respond to the complaint and should make the member of staff aware of the response to be made to the complainant.
3. The Headteacher 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 he/she accepts the explanation and the member of staff so advised. It may be necessary for the Headteacher to offer counselling or guidance to the member of staff concerned.
5. (a) Where the explanation is accepted by the complainant the matter will be regarded as resolved.

(b) Where the explanation is not accepted a copy of this procedure will be given to the complainant and then he / she is informed that they have a right to refer the matter to the school's formal stage of the procedure if he/she so wishes.

(c) In the case of either (a) or (b) the member of staff will be informed of the outcome.
6. The Headteacher will inform the member of staff on any subsequent actions he/she intends to take, 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 (see 4(a)). 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 teacher and to avoid prejudicing the final resolution of the complaint.



7. Any complaint or expression of concern judged by the Headteacher to be serious will be dealt with under Sections C.
8. Anonymous complaints will not normally be dealt with unless they are sufficiently serious to refer under Section C.
9. In the case of a complaint or expression of concern about the Headteacher, this informal stage, as outlined in B1 to 6 above, will be undertaken by the Chair of Governors who should seek the support of HR, as appropriate.

C. Serious allegations or complaints

1. If the allegations refer to criminal activity, which may require the involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of HR.
2. If the allegations involve financial or accounting irregularities or circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher should inform the Chair of Governors and seek the advice of HR so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.
3. If the allegations relate to the abuse of children, the Headteacher should seek the advice of HR. **Serious allegations of this nature must be referred under Child Protection Procedures to the Social Services Department.** (It will usually be necessary for a strategy meeting to be convened in order to consider a way forward).
4. In all the above, consideration may be given to the possible suspension* from duty, on full pay, of the member of staff concerned in accordance with the relevant Discipline and Dismissal Procedure adopted by the school's Governing Body. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (eg Disciplinary) may be involved.

* Note Suspension is a neutral act and is not a disciplinary sanction.

D. Formal Procedure – Stage 2 Referral to the Headteacher

The headteacher acknowledges receipt of the complaint or expression of concern within 5 school working days and provides a full written response within 15 school working days of receipt of the complaint or expression of concern, as far as is possible.

Where a complaint or expression of concern has not been resolved in Stage 1, the Headteacher should establish, as soon as possible, whether the complainant wishes to make a formal complaint against the member of staff concerned.

1. The Headteacher must ensure that the complainant is aware of the arrangements for making a complaint by giving them a copy of these procedures and providing details of any assistance or advice that is available. At this stage, the complaint or expression of concern must be recorded in writing either by, or on behalf of, the complainant and should be submitted to the Headteacher



as soon as possible. It is not appropriate for the Headteacher to assist personally in the writing of the letter of complaint. The complaint should be formally acknowledged by the Headteacher who should tell the complainant that the member of staff concerned would be given a copy of the complaint.

2. The Headteacher must:

- inform the member of staff of the complaint at the earliest opportunity
- advise the member of staff to consult with a friend or representative of their professional association / trade union
- ensure that a copy of the complaint is given to the member of staff as soon as it is received
- ensure that a copy of this procedure is given to the member of staff.

3. The Headteacher will arrange for a full investigation of the complaint, seeking the advice of HR as required. The investigative process could involve.

- a definition of the areas/topics to be investigated
- the collection of evidence
- interviews with staff and pupils, with written statements being taken or made
- an interview with the member of staff against whom the complaint is made, accompanied by a friend or representative of their professional association / trade union if he/she so wishes.

(See Appendix One)

4. The interview with the member of staff will set out the background and grounds of the complaint or expressions of concerns and provide the opportunity for the member of staff to respond if he/she wishes. Full notes should be taken and a copy provided to the member of staff after the interview.
5. At all stages, both the complainant and the member of staff should have adequate opportunity to take advice and be represented by a friend or representative of their professional association / trade union.
6. Upon completion of the investigation, the Headteacher will compile a report and will consider whether further action should be taken, in accordance with the relevant Professional Competence Procedure or Discipline and Dismissal Procedure adopted by the school's Governing Body.
7. The Headteacher will make the member of staff aware of the response to be made before advising the complainant in writing of the action taken or to be taken to resolve the complaint or expression of concern (with a copy to the member of staff). Where the Headteacher considers that no further action is required or that the complaint is unsubstantiated, the complainant and the member of staff should be advised in writing. The complainant will be informed of the right appeal against this decision and how a referral can be made to the school's Chair of Governors. (See Section E). The member of staff should also be informed of the right of the complainant and any response which may be received.



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8. The Headteacher will inform the member of staff, in writing, of any subsequent action he/she intends to take. The advice of HR should be sought if action is to be taken in accordance with the relevant Professional Competence Procedure or Discipline and Dismissal Procedure adopted by the school's Governing Body. In the case of teachers, the Disciplinary Procedures would normally be entered (the point of decision, by the Headteacher, on what further action is appropriate). Such action will only be undertaken when the complainant has accepted the explanation and the complaint has been resolved (see 7). Where the complaint has not been resolved, any action will be deferred until the final stage of this procedure has been exhausted, in order to protect the interests of the teacher and to avoid prejudicing the final resolution of the complaint.
 9. The Chair of Governors should be informed of the complaint and the action taken/to be taken, but care should be taken not to discuss the matter in detail to avoid prejudicing the position of the Chair in any possible subsequent referral to the Governing Body.
 10. Where a complaint concerning the Headteacher is made under this formal stage it must be referred to the Chair of Governors. In dealing with this matter the Chair should first seek the advice of HR, who may act on the Chair's behalf in carrying out the investigation in accordance with the procedures set out in D1 to 10



E. Formal Procedure Stage 3 – Referral to the school’s Chair of Governors

Where a complaint or expression of concern has not been resolved in Stage 2, or where it directly concerns the Headteacher a written submission should be made by the complainant to the school’s Chair of Governors.

The Chair of Governors acknowledges receipt within 5 school working days and a full written response should be provided within 15 school working days or as far a possible of the receipt of the complaint or expression of concern.

1. In dealing with this matter the Chair should first seek the advice of HR, who may act on the Chair’s behalf in carrying out the investigation in accordance with procedures set out in D1 to 10.
2. Upon completion of the investigation, the Chair of Governors will advise the complainant, in writing, of the action taken or to be taken to resolve the complaint or expression of concern. Where the Chair of Governors considers that no further action is required or that the complaint is unsubstantiated, the complainant will be informed of the right of appeal to the Complaints Committee of the Governing Body (Please refer to Section F)

F. Formal Procedure Stage 4 - Referral to the Governors’ Complaints Committee

Where a complainant has referred the matter onto the Clerk of the School’s Governing Body the Clerk acknowledges receipt of the complaint within 5 school working days. Arrangements should be made for the complaints to be heard by the Governors’ Complaints Committee within 15 school working days, as far as is possible.

1. The Governing Body should establish a Committee for the purpose of hearing and resolving complaints. This may be a Standing Committee or an existing Committee to which an additional term of reference is added. However, it must be a separate Committee from the School’s Discipline and Dismissal and the Discipline and Dismissal Appeals Committees. It should normally consist of at least three Governors. The Headteacher should not be a member of this Committee since he / she could be presenting a report to the Committee. It is likely that the Chair of Governors will have been involved previously in the matter. In these circumstances, and particularly in the cases of a complaint against the Headteacher, the Chair should not be a member of the Committee. The EPT will be available to assist the Committee and to offer advice as required through a representative of the HR Team.
2. The Committee will hear complaints where the Headteacher, or Chair of Governors in respect of complaints about the Headteacher, is not able to resolve the complaint to the satisfaction of the complainant and where the complainant exercises the right to refer the matter to the Governing Body. Such a reference must be made in writing.
3. The recommended procedure for hearing the complaint is as follows:
 - (a) The Headteacher shall prepare a report together with any supporting documents.
 - (b) The Clerk to the Governors shall circulate the complaint and the Headteacher’s report to the Committee and all parties involved at Least 5 school working days before the hearing.



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- (c) The complainant and the Headteacher may each be accompanied by a friend or representative from a professional association or trade union.
 - (d) The member of staff against whom the complaint was made, and/or his or her friend or representative, shall be entitled to attend as an observer and will not normally be called as a witness/es.
 - (e) The complainant and the Headteacher may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee. Careful consideration must be given to any suggestion that pupils be called to give evidence.
 - (f) The Headteacher shall present his/her report, together with any supporting documents, to the Committee on the investigation and any action taken to resolve the complaint.
 - (g) The complainant or his/her representative shall be entitled to question the Headteacher and any witnesses.
 - (h) The complainant or his/her representative shall be entitled to present his / her case and any supporting documents to the Committee.
 - (i) The Headteacher or his/her representative shall be entitled to question the complainant and any witnesses.
 - (j) At any stage during the hearing the members of the Committee shall be entitled to question the Headteacher, the complainant and any witnesses.
 - (k) Any reasonable request for an adjournment should be allowed at the discretion of the Committee Chairman.
 - (l) The Headteacher followed by the complainant or his/her representative, shall be allowed to make a closing statement.
- (m) On conclusion of (a) to (l) the Headteacher, the member of staff (if present), the complainant and any representatives shall withdraw from the meeting and the Committee shall reach a decision, in private.
4. At the end of the Hearing the Committee will determine whether
- to confirm the action taken by the Headteacher;
 - to refer the matter back for further consideration by the Headteacher, with the grounds given for the referral back (for example, the emergence of new or additional information).
5. The complainant and the Headteacher will be advised orally by the Committee of the outcome of the hearing and subsequently in writing within 5 school working days. The Headteacher will ensure that the member of staff involved in the original complaint is given a copy of the Committee's decision.
6. In cases where the matter has been referred back to the Headteacher, the Committee shall reconvene to consider a report from the Headteacher on his/ her further consideration and/or any action taken, in order to enable them to respond to the complainant.
7. In the case of a hearing concerning a complaint about the Headteacher, the same procedure as set out in F3 to 6 will be followed, except that the Chair of Governors or his/her nominee will



undertake the role ascribed to the Headteacher and the Headteacher the role ascribed to the member of staff.

8. There shall be no further right of appeal to the school's Governing Body.

G. Further recourse for Complainants

If the complainant is dissatisfied with the governing body's handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedure had been completed.

To the Education Partnership Trust

1. If, having been given the governing body's decision, a complainant believes that a complaint was not handled fairly according to the school's complaints procedure, they should write to the Education Partnership Trust (EPT). This written submission should be forwarded within ten school working days of receipt of the confirmation of the Complaints Committee's decision.
2. The complainant should explain their complaint, and give evidence that shows that the school did not follow its complaints procedure. The Education Partnership Trust Officer will acknowledge the complainant's letter within 10 school working days and inform the Chair of Governors that a complaint has been received. If the evidence supports it, the EPT will investigate whether the school had dealt with the complaint properly according to its procedure.
3. The Education Partnership Trust is not able to re-investigate the original complaint for that of the governing body if the governors have followed a proper procedure and considered the complaint reasonably. If the results of an investigation show that there had been a breach of procedure the matter will be referred back to the governing body, with a copy to the headteacher and the complainant will be informed of the outcome of the investigation. The governing body should then reinvestigate the original complaint.

To the Secretary of State for Education

1. Complainants have a right of appeal to the Secretary of State for Education and Skills if they believe that the Education Partnership Trust has acted unreasonably. If the Secretary of State agrees that a complaint is justified, the DfES has the power to require the Local Education Authority to take certain actions including the issuing of instructions to school governing bodies in appropriate circumstances, although in practice this would be very rarely exercised.
2. The Secretary of State would not take action until the school and Education Partnership Trust procedures have been completed.

To the Local Government Ombudsman



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1. If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
 2. The Ombudsman would not take action until the school and Education Partnership Trust procedures have been exhausted

H. Review of the procedure

This procedure will be the subject of review after the first year of its operation and, thereafter, as required.



Appendix One

INVESTIGATIVE PROCEDURES

GUIDANCE ON FORMAL STAGES OF COMPLAINTS PROCEDURE

Note : The general principles within this procedure can be used for any investigation.

The investigation should be completed within 15 school working days as far as is possible.

1. An investigation is a fact-finding exercise with **the aim** of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove a complaint.
2. Whilst the investigation itself is confidential, the information collected will not be. Undertakings of confidentiality should not be given to either a person making a complaint or those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.
3. At this stage, in addition to the written complaint, the complainant will need to be interviewed as part of the investigation. If it becomes clear to the investigator that the issues are serious, within the context of Section D of the procedure then he / she should make a referral to the appropriate officer/agency and **the investigation should not proceed.**

4. PRELIMINARY STAGES

- 4.1 The person undertaking the investigation should seek specialist advice as necessary from HR and should familiarise him / herself with any relevant procedures and guidelines.
- 4.2 The person investigating should
 - define areas to be investigated
 - draw up a provisional list of those to be interviewed and a list of topics to be discussed etc
 - check corroborative evidence



5. THE INVESTIGATION PROCESS

- 5.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a friend or representative of a professional association / trade union, should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.
- 5.2 If, at any stage during the investigation, new evidence emerges which make a referral necessary, under Section D of the Procedure **the investigation should be held in abeyance immediately following such a referral**. Consideration should also be given as to whether suspension is appropriate in such circumstances.

6 INTERVIEWING THE MEMBER OF STAFF WHO IS THE SUBJECT OF AN EXPRESSION OF CONCERN OR COMPLAINT

- 6.1 The point at which this occurs will depend upon the nature of the complaint and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.
- 6.2 The member of staff should be informed of his/her right to take advice and be represented by a friend or representative of a professional association or trade union.
- 6.3 The member of staff should be invited to respond to the complaint and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst seeking advice or to request an adjournment to consider a response.
- 6.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.
- 6.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

7. COMPILING A REPORT

- 7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.
- 7.2 Consideration should again be given as to whether there are serious matters which should be referred under Section D of the Procedure. If there is such a referral, **further proceedings at school level should be held in abeyance immediately.**

8. SUBSEQUENT ACTION

A decision will need to be taken at this stage on a response to the complaint and on whether further action should be taken, including the possible referral of the report under other procedures.

The report will be required if the complainant exercises the right to refer the matter to the Governors' Complaints Committee.



