



# COMPLAINTS PROCEDURE

## INTRODUCTION

In any school, issues arise from time to time over which individual parents may feel they have cause for complaint. At Frank Wise School, we would like to think that these occurrences are extremely rare and when they do occur they arise out of misunderstanding or genuine, unintentional mistakes. Sometimes, in our daily communication with many families, extended families, carers and other professional agencies we may say, write or do something which is ill-considered but can be put down to human fallibility rather than a serious lack of professionalism. It is hoped that these situations could be dealt with by the member of staff concerned speaking to the complainant on an informal basis to resolve the issue to everyone's satisfaction.

However, when matters cannot be resolved amicably, or when more serious complaints are lodged against the school, it is necessary to have a clear set of guidelines which can be followed by parents, carers, Governors, Headteacher and all staff.

**PURPOSE :** To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

**SCOPE :** All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters (relating to the curriculum, exclusion, admissions etc.) which are subject to separate procedures.

## GENERAL PRINCIPLES :

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

## **PART A : Complaining about the actions of a member of staff other than the Headteacher.**

### **1) Informal Stage**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage (in the case of serious concerns it may be appropriate to address them directly to the Headteacher). An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith (any dispute in relation to the “reasonableness” may be determined through the review process).

### **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for its investigation (see Annex 2). Alternatively the complainant may be referred back to the informal stage of the procedure. If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated (see Annex 1: Investigation Procedures).

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents (see Annex 2). In addition the Headteacher may meet with the complainant to clarify the complaint. If they wish, the complainant would have the opportunity to be accompanied by a friend at any such meeting.

The Headteacher will collect such other evidence as they deem necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking, for example, the Headteacher, on behalf of the school, will -
  - apologise sincerely
  - take whatever action is necessary to correct the situation.
  - if required change practices and procedures to ensure that there is no cause for a similar complaint in the future.
- However, details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

## **PART B : Complaining about the actions of the Headteacher**

### **1) Informal stage**

The complainant is usually expected to arrange to speak directly with the Headteacher (in the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body). Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

### **2) Formal Stage**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing (see Annex 2) and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke (see Annex 1: Investigation Procedures). Alternatively the complainant may be referred back to the informal stage of the procedure. If the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint. If they wish, the complainant would have the opportunity to be accompanied by a friend at any such meeting.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, he will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

## **PART C : Review Process**

Any review of the process followed by the Headteacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable].

### **Notes**

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided regarding their child. Any information relating to the application of disciplinary procedures against any member of staff is strictly confidential.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Children, Schools and Families.

**Reviewed by:** Sean O'Sullivan

**Date:** February 2010

**Approved by Governors:**

**Date:** 2.3.10

## **ANNEX I: INVESTIGATION PROCEDURE**

### **CARRYING OUT AN INVESTIGATION INTO A FORMAL COMPLAINT**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Headteacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.

Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

The Governing Body should invite the LA to express a view on the retention of records of any complaints procedure. The most extreme stance would be that: "All documentation relating to the complaint and its investigation and outcomes should be stored securely for a period of six years (where the complaint is on behalf of a child, then the school may wish to retain the documentation until 6 years after the child has attained the age of 18)."