

**Rushwick CE Primary School
Parental Complaints Policy
(allegations against staff)**

Introduction

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 three months after the event being complained of will not be considered except in exceptional circumstances.

Investigation of any complaint or review request will begin within five school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

Complaining about the actions of a member of staff other than the Head Teacher

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. Simple clarification or the provision of information can resolve many concerns 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 Head Teacher. 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.

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 Head Teacher, who will be responsible for its investigation.

The complainant should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. IN addition, the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher will collect such other evidence as he / she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, a friend or a representative, may accompany that member of staff 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 to review procedures etc but details of the investigation or of any disciplinary procedures will not be released;
- the matter has been fully investigated and those 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 Head Teacher 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 Head Teacher in handling the complaint. Any such request must be made in writing within two weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in “Review Process” will be followed.

If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in

considering the complaint, then the complainant may bring a complaint against the Head Teacher (see “Complaining about the actions of the Head Teacher”). This will provide an opportunity for the evidence supporting such a complaint to be investigated.

Complaining about the actions of the Head Teacher

Informal Stage

The complainant is expected to speak directly with the Head Teacher. (In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body.) Simple clarification or the provision of information can resolve many concerns. 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. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith.

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 Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is “general”, the Chair will arrange for its investigation.

The complainant should include details that might assist the investigation, such as the 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.

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 Head Teacher 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 Head Teacher to consider this, he / she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. A friend or representative may accompany the Head Teacher at this meeting.

When the investigation has been concluded, the complainant and the Head Teacher 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 two weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Review Process

Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel of three members of the Governing Body.

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

The panel will first receive written evidence from the complainant.

The panel will then invite the Head Teacher 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 now take steps to prevent a recurrence or to rectify the situation (where this is practicable).

Note

The complainant is not entitled access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures 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 Education.

Investigation Procedure

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.

An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. This would include serious concerns such as child protection issues or bullying allegations, where the school would either involve 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 Head Teacher or Chair of Governors receives a complaint, it will be formally acknowledged and assurances made that the complaint will be investigated, and the outcome notified to the complainant.

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 can 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 a friend or trade union representative might accompany them when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils 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 interview. The investigator should allow the interviewees 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 to provide other relevant information at the end of the interview.

Interviewees should 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 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.

Monitoring Formal Complaints

1. **Keeping Records** – The person investigating will ensure that:
 - Careful records are kept
 - The complaints log is completed
 - Confidentiality is maintained

2. **Reviewing and Monitoring** – The Head Teacher or Deputy Head Teacher will:
 - Review the complaints log termly
 - Survey a sample of complainants to determine the levels of satisfaction achieved
 - Report to Chair of governing body, and the whole governing body if necessary

If the complaint is found to be mischievous, this will be recorded in the complaint log.

Reviewed: June 2020

Next Review: June 2021

