

# St Patrick's Catholic Primary School

## Procedure for handling complaints about staff in school

"We recognise that every person has a divine origin and an eternal destiny. With this in mind, we at St Patrick's School, aim to provide an education which promotes the development of the whole person. Our children will be encouraged to live the Gospel values through all aspects of the curriculum and the events of their daily lives, leading them to grow, develop and find fulfilment. We seek to foster respect for the unique value and giftedness of each member of the school community and to prepare our children for life in the wider world of diverse faiths and cultures."

### 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 complaints are dealt with effectively and with fairness to all parties. Where possible, they will be resolved informally (see Section B). Where a complaint has not been resolved informally, the formal procedures set out in Section C, D and E will be followed.

### 2. Complaints

(a) For the purposes of this procedure, a concern or complaint is defined 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. These will involve other agencies (See Section C) in addition to the Governors.

3. **All** complaints or expressions of concern, as defined 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, a Local Authority Officer, a local Education Office, a Diocesan Officer or an elected member of the Authority or Schools' Commission. 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 a Disciplinary, Appeals or Complaints Committee.

4. **All** complaints or expressions of concern, as defined 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.
5. 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 be completed, as far as is possible, within 15 working days.
6. 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 not to proceed.
7. A record of complaints, how they are dealt with and the outcome should be maintained as a separate complaints file, in the interests of the members of staff concerned and of the Headteacher.

**B. Initial Informal Stage**

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

1. On receiving a complaint or expression of concern, the headteacher will acknowledge the complaint/concern and will carry out an investigation with a view to resolving the matter on an informal basis. 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 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 member of staff.
2. In the light of the investigation, the Headteacher will decide how to respond to the complaint. He/she should make the member of staff aware of the explanation/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.
4. (a) Where the explanation is accepted by the complainant the matter will be regarded as resolved.  
  
(b) Where the explanation is not accepted the complainant has a right to refer the matter for consideration in accordance with the school's formal complaints procedure if he/she so wishes (See Section D/E).

(c) In the case of either (a) or (b) the member of staff will be informed of the outcome.

5. The Headteacher will inform the member of staff of any subsequent actions he/she intends to take, including any action under Disciplinary or Competence Procedures. Such action will only be initiated at this stage where the complainant has accepted the explanation (see 4(a)) in order to avoid prejudicing the position of the complainant.
6. Any complaint judged by the Headteacher to be serious will be dealt with under sections C or D.
7. Anonymous complaints cannot normally be dealt with unless they are sufficiently serious to refer under Section C.
8. In the case of a complaint about the Headteacher, the informal stage, as outlined in B 1 to 6 above, will be undertaken by the Chair of Governors who should seek the support of the School's General Adviser or Personnel Officer or Diocesan Officer, as appropriate.

### **C. Serious Allegations or Complaints**

1. If the allegations refer to criminal activity which may require involvement of the Police, the Headteacher should inform the Chair of Governors and seek the advice of the Authority's Personnel Officer or of the Chief Executive/Clerk so that appropriate action can be taken.
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 the L.A.'s Personnel Officer and/or Treasurer 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 the Personnel officer and/or other agencies, such as the Social Services Department. Serious allegations of this nature must be referred under Child Protection Procedures to the Social Services Department.
4. In all the above, consideration may need to be given to the possible suspension from duty, on full pay, of the member of staff concerned in accordance with the School's Discipline, Suspension and Dismissal Procedures.

N.B.

- (i) Investigations at school level and the stages set out in this document are unlikely to proceed while external agencies remain involved. Subsequently, an internal school investigation and other procedures (eg Disciplinary) may be initiated by the Headteacher or, where the complaint relates to the Headteacher, the chair of Governors.

(ii) Suspension is a neutral act and is not a judgement on a member of staff nor a disciplinary sanction.

### **Formal Stage**

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

1. Where a complaint or expression of concern has not been resolved informally, the Headteacher should establish, as soon as possible, whether the complainant wishes to make a formal complaint against the member of staff concerned. The Headteacher must ensure that the complainant is aware of the procedures governing complaints by giving him/her a copy of this document and also of any assistance or advice that is available. At this stage, the complaint 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 will 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/union

ensure that a copy of the complaint is given to the member of staff as soon as it is received

ensure that an additional copy of this procedure and of the complaint is given to the member of staff to forward to that person's friend or representative.

3. The Headteacher will arrange for a full investigation of the complaint, seeking the advice of the L.A.'s Personnel Officer or Diocesan Officer as required. The investigative process could involve:

a definition of the area/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 if he/she so wishes.

4. The interview with the member of staff will set out the background and grounds of the complaint 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.
6. Upon completion of the investigation, the Headteacher will compile a report and will consider whether further action should be taken, including possible action under the School's Disciplinary or Professional Competence Procedures.
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 (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 will be informed of the right of referral to the Governing Body. (See Section E). The member of staff should also be informed of the right of the complainant and any response which may be received.
8. The Headteacher will inform the member of staff, in writing, of any subsequent action he/she intends to take. If action is to be taken under Disciplinary or Competence Procedures the advice of the L.A.'s Personnel officer and/or that of a Diocesan officer should be sought. Such action will only be undertaken at this stage where the complainant has accepted the explanation (see 7) in order to avoid prejudicing the position of the complainant.
9. The Chair of Governors should be informed that a complaint has been received and of 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 an L.E.A. Personnel Officer and/or Diocesan Officer who may act on the Chair's behalf in carrying out the investigation in accordance with the procedures set out in D 1 to 9, above.

## **E Governors' Complaints Committee**

1. The Governing Body should establish a Committee for the purpose of hearing and resolving complaints. This may be a Standing Committee to which an additional term of reference is added. However, it must be a separate Committee from the Governors' Disciplinary or Appeals Committee. It should consist of at least three Governors. The Headteacher should not be a member of this Committee since he/she will 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 case of a complaint against the headteacher, the Chair should not be a member of the Committee. Advice will be available to assist the committee as required through an appropriate Personnel Officer and/or Diocesan Officer.
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 the complainant exercises the right to refer the matter to the Governing Body. Such a reference must be in writing. As far as is possible the complaint should be heard within 15 days of written report.

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 working days before the hearing.

(c) The complainant and the Headteacher may each be accompanied by a friend or representative.

(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.

(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.

(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 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 Chair.

(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. Advice given by the Chief Education Officer or his representative, or by a Diocesan representative, shall be available to the Committee for their consideration.

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 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 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 complaint.
7. In the case of a hearing concerning a complaint about the Headteacher, the same procedure as set out in E 3 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 Governing Body.