



Ysgol Derwen / Derwen Foundation School

"Happy together, learning forever,  
succeeding wherever we may be"

GENERAL COMPLAINTS PROCEDURE

This complaint procedure deals with general complaints and not those specific to areas which are subject to statutory guidance e.g. ALN, R.E., Admissions, Exclusions, Staff Grievance, Staff Capability and Staff Discipline.

*The complaints procedure is a 3(three) stage process.*

Stage 1

Any complaint received will be dealt with at an appropriate level within the school by the class teacher or deputy head teacher. This will apply whether the complaint is made to a teacher or school governor.

Stage 2

If the complaint is referred to the head teacher it will be given due consideration by the head teacher (or by the chair of governors if the head teacher has been involved at stage 1 or is the subject of a complaint).

Stage 3

Complaint received and considered by the Complaints Panel of the governing body.

Complaints will not arrive at stage 3 until they have been considered at stages 1 and 2. In exceptional circumstances, and where it is clear that great stress is being placed on the head teacher or staff, the head teacher will be able to request that a complaint be passed directly to the complaints panel, in the interests of securing a swift solution.

## Procedures For Dealing With Complaints

### Complaints & Procedure of the Complaints Panel of The Governing Body

The panel will consist of 3 governors appointed by the governing body.

There will be no appeals committee as the Complaints Panel constitutes the appeal element of the procedure and, as such, is the final stage of the process.

The complainant will make his/her case and withdraw.

The head teacher will attend separately and discuss the case with the panel.

### Interviewing Children

It is wholly impractical for parents to be present with a child every time an everyday complaint is investigated, and parents will therefore not be involved at this point. Where a matter is being dealt with by statutory agencies e.g. police or social services, any questions will be asked by those agencies in accordance with relevant procedures which apply to them.

### Formal Complaints

Formal complaints will only be accepted in writing and, unless exceptional circumstances prevail e.g. formal child protection procedures having been initiated, a copy will be given to the staff member accused so that he/she can take advice and prepare a proper response.

Anonymous complaints will not be given any credence except in the most extreme cases where, for example, a criminal act is alleged. An anonymous letter may then be passed to the relevant statutory agency.

Accurate, detailed record keeping will be maintained.

Any advice received will be recorded and confirmed in writing by all parties.

Confidentiality is essential. To avoid the leaking of information beforehand the Complaints Panel will only have sight of papers immediately prior to a hearing with those involved. All papers circulated at the meeting will be collected immediately after the meeting.

## Suspension & Allegations of Assault

Suspension will not be automatic following an allegation of assault, especially where the staff member involved has not been formally charged with assault. Alternatives to suspension will first be explored with the staff member and his/her representative.

Suspension will not be enforced without the member of staff having the right to representation and an opportunity to state why suspension would not be appropriate.

A member of the governing body (or an officer at a suitable senior level, as requested by the governing body) will be appointed to keep in touch with the person suspended, in a regular and meaningful way.

Members of staff under suspension will be informed immediately of the *reason* or reasons for suspension and the exact nature of the allegation made against him/her, both verbally and in writing, and to have access to relevant documentation as quickly as possible and without unnecessary delay.

The governing body will place due weight on the duty of care to the member of staff.

The governing body will request a suitably qualified senior officer from the LEA to attend strategy meetings so that the interests of the accused will be safeguarded, so that hasty suspension does not take place, and certainly not before the situation has been considered properly and fairly.



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**INVESTIGATION PROCESS**

**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 Head Teacher 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 produce 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.

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 minimize 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 his /her own way. Their responses should be listened to attentively. Any temptation to cut 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 judgment 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 do so. 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 LEA 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]"

**Reviewed - Annually**