



Trinity High School

& SIXTH FORM CENTRE

An Independent State Funded Academy

COMPLAINTS PROCEDURE (INCLUDING ALLEGATIONS AGAINST STAFF)

To be read in conjunction with:

Reviewed:

Mar 2017

Adopted by Governing Body

Personnel Committee:

7 Mar 2017

Review date:

Mar 2019

Policy Responsibility:

Mr Ward

School Policy: available on website

Staff Policy: available on r-drive



COMPLAINTS PROCEDURE (including Allegations Against Staff)

The school's nominated Complaints Co-ordinator is Mr A Ward, Headteacher.

STAGE 1 – GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

Complainants may register their concerns either verbally or in writing by letter or by use of a complaint form, see Annex B. If the member of staff first contacted cannot immediately deal with the matter, he or she must make a clear note of the date, name, contact address and phone number and brief details of the concern. This information must be relayed to the Complaints Co-ordinator at the earliest opportunity, and a check made later to make sure action is being taken and that the complaint has been recorded in the school's complaints log, which is held by the Headteacher's PA.

The complainant will be provided with an opportunity to discuss their concern with an appropriate member of staff, who clarifies the nature of the concern, the outcome the complainant is seeking, and gives reassurance that the school will treat it seriously.

If there are specific allegations against staff then please see Annex C.

The Complaints Co-ordinator will identify the appropriate complaint procedure and either investigate himself, or nominate an appropriate colleague to do so. The Co-ordinator will make sure the complainant is clear what action (if any) or monitoring of the situation has been decided on, only putting this in writing if this seems the best way to make things clear.

Where no satisfactory solution has been found within **10 working days** at the latest, the Complaint Co-ordinator will ask the complainant if they wish their concern to be registered formally.

STAGE 2 – FORMAL REFERRAL TO THE HEADTEACHER

If the concerns relate to the Headteacher, or the Headteacher has been so involved as not to be impartial, the complainant must be advised to contact the Chair of the Governing Body.

The Chair will decide if they wish to have support. Where the Headteacher has acted as Complaint Co-ordinator at Stage One, another senior member of staff may be designated to collect some of the information from the parties involved, or another senior member of staff may be nominated to be the Investigator.

The complaint should be submitted in writing, either by letter or by completion of the school's complaint form, Annex B. The complainant will be made aware of the assistance available.

The investigator will acknowledge the complaint in writing within **three working days**, providing a brief explanation of the school's complaint procedure, their own name and telephone number, and a target date for providing a response – this should normally be within **10 working days**. If there is any delay, a written explanation and revised target date will be sent.

The investigator will provide an opportunity for the complainant to meet him or her, to supplement or explain any information provided previously. Every effort will be made to arrange a time and date convenient to the complainant, with a minimum three days' notice. The invitation will make it clear that they are welcome to be accompanied by a friend, relative, representative or advocate, to speak on their behalf and that interpreting facilities are available if needed. The venue will be suitable to those with special needs, ie. wheelchair access, hearing loop.

The investigator will interview witnesses and take statements from those involved. If the complaint centres around a student, the student should also be interviewed. Students will normally be interviewed with parents/carers present. In some situations, circumstances may prevent this, ie. where this would seriously delay the investigation of a serious/urgent complaint, or where particular circumstances mean that a student has specifically said he or she would prefer that they are not present. In such circumstances another member of staff with whom the student feels comfortable must be asked to attend.

Written records of the complaint, the process of investigation, meetings, telephone conversations and other documents will be kept for two years. These are confidential to the school, but will be the basis of a report of the investigation if the complainant requests one.

Once all the relevant facts have been established, the Headteacher or designate will produce a report and a written response to the complainant. It may be best to meet the complainant to discuss the outcome and resolve any outstanding concerns. In any event, the complainant should be offered the opportunity to meet with the investigator to discuss the outcome.

The written response will include:

- A full explanation of the decision reached and the reasons for it, including clarification of any misunderstandings by any of the parties involved.
- Where applicable, what action the school will take to address the complaint and prevent recurrence, which might include an undertaking to review school policies.
- An apology if appropriate (an admission that the situation could have been handled differently or better is not the same as an admission of any negligence). If there is a possibility of a claim for compensation or of legal action being brought, advice will be sought on the wording of the letter.
- Information on how and the timescale for requesting a review by the governing body if they are not satisfied with the outcome.

STAGE 3 – GOVERNING BODY REVIEW OF THE HEADTEACHER'S OR CHAIR'S INVESTIGATION

A request to review a complaint investigation should be made in writing to the Chair of the Governing Body, within **28 days** of receipt of the outcome letter.

The Clerk to the Governing Body will write to the complainant within **three working days**, to acknowledge receipt of the review request, to confirm the grounds on which a review will be considered and request that written details of the grounds for the review be received within 28 days of the outcome letter. These grounds are limited to:

- A claim that material information was not taken into account in investigating the complaint.
- A claim that procedures have not been properly applied in handling the complaint.
- A claim that there has been an incorrect interpretation of school policy.

The Governing Body will then nominate three members to form a Complaint Panel to review the complaint and any further documents submitted by the complainant. These must be governors who have had no prior involvement with the complaint.

If he/she has not previously been involved, the Chair of the Governing Body should chair the panel otherwise the Vice-Chair should do it. The Headteacher, or others involved in the original investigation should not have a place on the panel. If the complaint is from a parent, Governors will bear in mind the

advantage of having a parent governor on the Panel and will also be sensitive to uses of race, gender and religious affiliation, to ensure a fair and balanced hearing of the case.

The clerk convenes the Complaints Panel within 28 days of receipt of the appeal and at the same time provides panel members with copies of all relevant correspondence and documentation. If this is extensive, the Chair of the Panel should prepare a thorough summary of the other members.

The complainant, Headteacher and other witnesses are given a minimum of **five working days'** notice of the appeals hearing. The complainant is advised of their right to bring a friend or representative, or to be represented by someone of their choice.

The Panel meeting will be kept as informal as possible, particularly when the complainant attends in person. A round table type of meeting will be adopted where possible.

The outcome of appeals may be to:

- Uphold the result of the original investigation, in which case a full explanation will be given.
- Find the complaint was justified and overturn the original decision. In this case the Review Panel will issue an apology and if the provision of a service or other remedial action is required, will ensure this is put in hand quickly and consider implications for procedures, staff training etc. If there is a possibility of a claim for compensation, or of legal action being brought, the Review Panel will seek legal advice on the on the wording of the letter.
- Find there has been no malpractice or failure of service, but that policies or resources did not permit what the complainant wanted. In this case, the Review Panel will consider whether or not it is appropriate for the policy or allocation of resources to be reviewed and give a full explanation of what action will be taken.
- The Chair of the Panel will notify the complainant in writing of the outcome and advise them of any right of further appeal, ie. to the Secretary of State.

MONITORING AND REPORTING

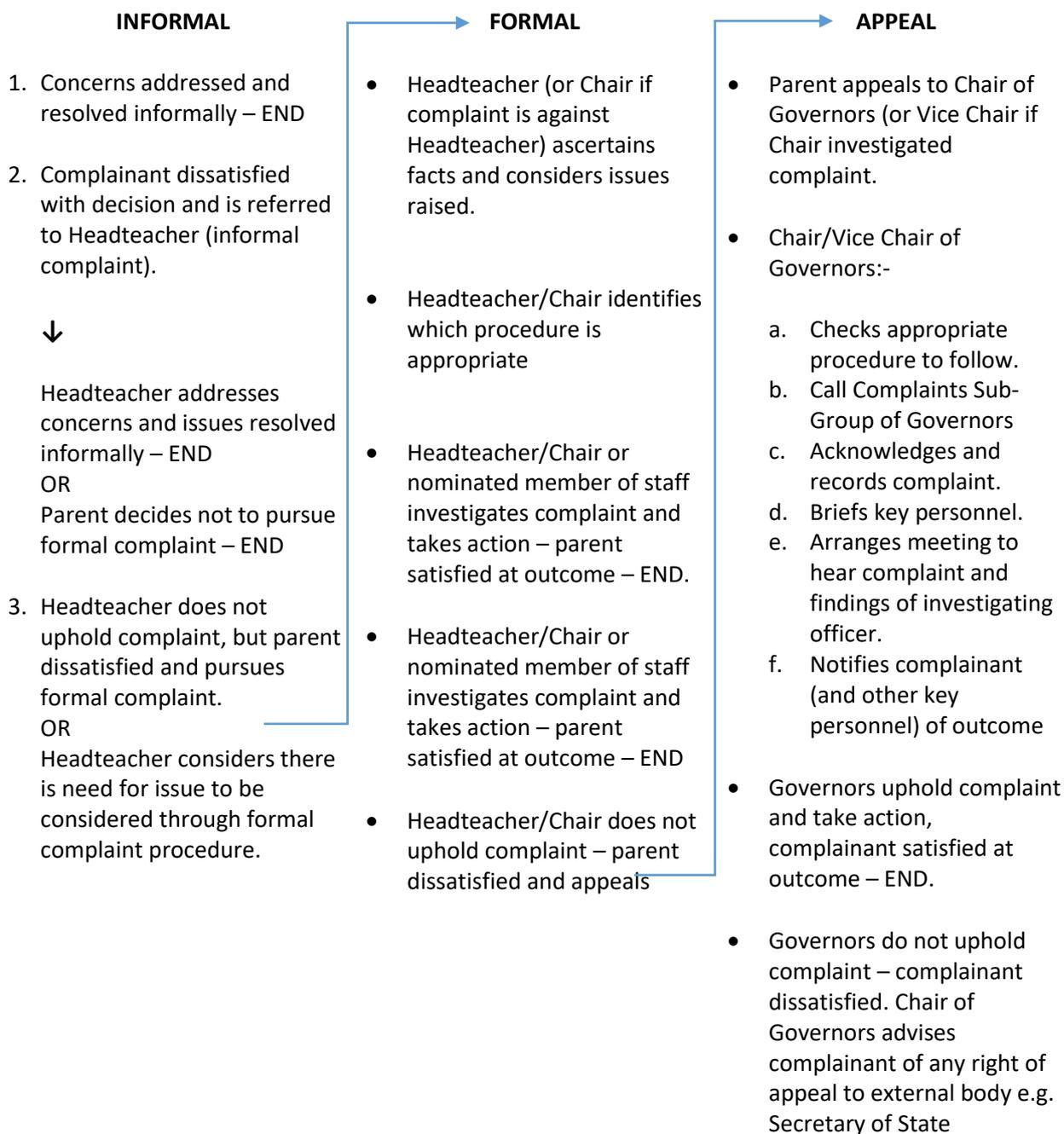
The Investigator will record the outcome and identify who is responsible for carrying out and monitoring any recommended action in the school's complaints log.

The Headteacher will produce a regular analysis of complaints received for the Governing Body.

FLOW CHART FOR COMPLAINTS RAISED AT TRINITY HIGH SCHOOL

Concerns/enquiries/requests for action

Raised with class teacher or Deputy Headteacher who ascertains facts and seeks to resolve.



TRINITY HIGH SCHOOL

SCHOOL COMPLAINTS PROCEDURE
COMPLAINT FORM

If there is anything which makes it difficult for you to tell us about your complaint, for example if English is not your first language, please tell us so that we can help you.

Data Protection Act 1998

The personal data that you provide will be used for the purposes of investigating your complaint and for producing statistical data, to enable the school's management to monitor access to and the effectiveness of the school's complaint procedure. The information you give will be held securely and in confidence.

Please complete and return to Mr A Ward, Headteacher who will acknowledge receipt and explain what action will be taken.

First Name:	
Surname:	(Mr/Mrs/Miss/Ms/Other)
Address:	
Post Code:	
Daytime Telephone Number:	
Evening Telephone Number:	
If your complaint relates to a student, please provide:	
Student's Name:	
Relationship to student:	
Please give details of your complaint:	
What action, if any have you already taken to try to resolve the complaint ? (Who did you speak to and what was the response?):	

What would you like us to do to make improvements to put things right?

Are you attaching any paperwork? If so, please give details:

Signature:	
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Date:	
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Please also complete and return the attached Equal Opportunities monitoring form

FOR OFFICE USE ONLY	
Date received:	
Date acknowledgement sent:	
By who:	
Date complaint logged:	
By who:	
Complaint referred to:	
Date:	

**TRINITY HIGH SCHOOL
COMPLAINT FORM**

Equal opportunities monitoring

Data Protection Act 1998

The Personal Data that you provide will be used for the purpose of monitoring that all groups of people are able to access and use the complaints procedure and that we treat people fairly. The information that you give will be held securely and in confidence.

This information will not affect the way in which your complaint is handled. When you have filled in this form, please return it either with your complaint form, or if you prefer, after your complaint has been dealt with.

GENDER: are you		Female			Male		
What aged group do you fit into? Please tick one box only							
Under 16	16-24	25-34	35-49	50-64	65-79	80+	
What is your ethnic group? Choose one section from (a) to (e) and then tick the one that best describes your cultural or ethnic background							
<p>(a) White</p> <p><input type="checkbox"/> British</p> <p><input type="checkbox"/> Irish</p> <p><input type="checkbox"/> Any other white background (please write below)</p> <p>.....</p>				<p>(b) Mixed</p> <p><input type="checkbox"/> White & Black Caribbean</p> <p><input type="checkbox"/> White & Black African</p> <p><input type="checkbox"/> White & Asian</p> <p><input type="checkbox"/> Any other mixed background (please write below)</p> <p>.....</p>			
<p>(c) Asian or Asian British</p> <p><input type="checkbox"/> Indian</p> <p><input type="checkbox"/> Pakistani</p> <p><input type="checkbox"/> Bangladeshi</p> <p><input type="checkbox"/> Any other Asian background (please write below)</p> <p>.....</p>				<p>(d) Black or Black British</p> <p><input type="checkbox"/> Caribbean</p> <p><input type="checkbox"/> African</p> <p><input type="checkbox"/> Any other Black background (please write below)</p> <p>.....</p>			
<p>(e) Chinese or other ethnic group</p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Any other (please write below)</p> <p>.....</p>							
<p>Do you consider yourself to be disabled or to have a long term health condition? Yes <input type="checkbox"/> No <input type="checkbox"/></p>							

TRINITY HIGH SCHOOL

Specific Allegations

Dealing with Allegations of Abuse against Teachers and Other Staff

It is essential that any allegation of abuse made against a teacher or other member of staff or volunteer in an educational environment is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child and at the same time supports the person who is subject to the allegation. It is important that staff, students and parents/carers are able to raise concerns and are listened to and taken seriously.

Allegations made to the Academy

Where an allegation is made to, or by, a member of staff it should be reported immediately to the Headteacher. If the allegation involves the Headteacher it should be reported directly to the Chair of Governors. In the absence of the Headteacher, the allegation should be reported to the Deputy Headteacher, unless the allegation is about the Deputy Headteacher, in which case it should be reported directly to the Chair of Governors. If the allegation meets any of the following criteria, the Headteacher/Chair of Governors should report it to the Local Authority (LA) designated officer on the same day:

- A member of staff has behaved in a way that has harmed a child, or may have harmed a child
- A member of staff has possibly committed a criminal offence against or related to a child
- A member of staff has behaved towards a child or children in a way that indicates he or she is unsuitable to work with children.

The Headteacher, via consultation with the Named Person for Child Protection and the Chair of Governors, will make a decision whether or not the member of staff should continue to work with children during the investigation. The Academy is mindful of the need to safeguard and protect children's welfare whilst also protecting the adult's right to protection against false allegation.

Suspension will be considered in any case where:

- there is cause to suspect a child is at risk of 'significant harm'
- the allegation warrants investigation by the Police, or is so serious that grounds for dismissal are being considered. Suspension will not be automatic; the Academy will consider whether the result that would be achieved by suspension could be obtained by alternative arrangements. The power to suspend is vested in the Headteacher and the Governing Body

Record Keeping

It is important that a clear and comprehensive summary of any allegations made be retained in the member of staff's confidential personnel file. This summary should include:

- details of how the allegations were followed up and resolved
- a note of any action taken
- decisions reached

A copy should be provided to the member of staff concerned. The summary should be retained at least until the member of staff has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

Allegations made to the Police or Children's Social Care

If an allegation is made to the Police it should be reported to the designated officer who in turn should inform the LA designated officer.

If the allegation is made to Children's Social Care, the person who receives it should report it to the LA designated officer.

Initial Consideration

The LA designated officer will discuss the matter with the Headteacher and obtain further details of the allegation and the circumstances in which it was made. The Headteacher should also consider whether there is evidence/information that establishes that the allegation is false or unfounded.

If the allegation is patently not false and there is cause to suspect that a child is suffering, or is likely to suffer significant harm, the LA designated officer will immediately refer to Children's Social Care and ask for a strategy discussion to be convened immediately.

If there is no cause to suspect significant harm is an issue, but a criminal offence might have been committed, the LA designated officer should immediately inform the Police and convene a similar discussion to decide whether a Police investigation is needed. That discussion should also involve the Academy and any other agencies involved with the child.

Even in the case where an allegation appears to be less serious, it is important that the LA designated officer is informed. An allegation may be considered so serious that there will be immediate referral to Children's Social Care and/or the Police.

Action following Initial Consideration

Where the initial consideration decides that the allegation does not involve a possible criminal offence, the employer must deal with the matter. If the nature of the allegation does not require formal disciplinary action, the Headteacher will institute appropriate action within three working days.

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Where further investigation is required to inform consideration of disciplinary action, the Headteacher and the Vice Headteacher will discuss with the LA designated officer who will undertake the necessary action. In some circumstances it may be appropriate for the disciplinary investigation to be conducted by a person who is independent of the Academy.

The investigating officer should aim to provide a report to the employer within 10 working days. On receipt of the report of the disciplinary investigation, the Headteacher and Chair of Governors should consult the LA designated officer within 2 working days to decide whether a disciplinary hearing is needed. If such a hearing is required, it should be held within 15 working days.

Where Children's Social Care has undertaken enquiries to determine whether the child or children are in need of protection, the Headteacher and Chair of Governors should take account of any relevant information obtained in the course of those enquiries when considering disciplinary action. The LA designated officer should continue to liaise with the Academy to monitor progress of the case and provide advice/support when required/requested.

In the case of the allegation being made against a supply teacher, or a contractor, or a volunteer from a voluntary organisation, the Academy may not be involved in disciplinary procedures, but will be involved and cooperate in an investigation. This investigation will reach a decision whether to continue to use the

person's services, or to provide the person for work with children in the future, and whether to report to the Department for Children, Schools and Families (DCSF).

Supporting those involved

Parents or carers of a child or children involved should be advised of any allegation/s as soon as possible. Parents/carers should also be kept informed regarding progress on the case and should be informed of the outcome where there is a criminal prosecution or a disciplinary hearing.

The Academy should also inform the person who is the subject of the allegation and provide regular updates on the status of the case to that person. If the Police or Children's Social Care are involved, the Headteacher will not do this until advised to do so by these agencies.

Any child/children making an allegation against a member of staff, will be offered a 'support person' from within the Academy who is impartial to the formal proceedings. Where the allegations are unfounded, the Academy will not necessarily take the view that the allegations were false. Behaviour may have been misinterpreted. In this case, the LA designated officer should refer the matter to Children's Social Care to determine whether or not the child concerned is in need of support from external services, or may have been abused by others. The Academy will continue to provide support to child/children in these circumstances. Any member of staff facing an allegation will be offered a 'support person' from within the Academy who is impartial to the investigation.

Confidentiality

Every effort must be made to guard confidentiality and to protect against any undue publicity.

Resignations and 'Compromise Agreements'

Allegations must be investigated even in situations where a member of staff tenders their resignation. A 'compromise agreement' will not be used in the case of allegations.

Case subject to Police Investigation

If a criminal investigation is required, the Police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.

A target date for the case review will be set. The review will include the progress of the investigation consultation with the Crown Prosecution Service (CPS). If the Police and/or CPS decide not to charge the individual with an offence, decide to administer a caution, or the person is acquitted by a court, the Police should wherever possible, aim to pass all information they have, which may be relevant to a disciplinary case, to the employer within 3 working days of the decision. In those cases, the employer and the LA designated officer should decide how to proceed.

If the nature of the allegation does not require formal disciplinary action, the Headteacher will institute appropriate action within three working days.

If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

Any case in which Children's Social Care have undertaken enquiries which are relevant to a disciplinary case should also be passed to the Academy.

If the person is convicted of an offence the Police must inform the employer straight away so that appropriate action can be taken.

Referral to DCSF

If upon conclusion of the case, the Academy cease to use the person's services or the person ceases to provide his/her services, the Academy should consult the LA designated officer regarding whether a referral to DCSF is required. If so, it should be made within 1 month.

Dealing with False Allegations

Where there is clear evidence that an allegation was deliberately invented or malicious, the Headteacher will consider whether any disciplinary action is appropriate against the student who made it.

Advice should be sought from the Police regarding whether any action might be appropriate against the person responsible if he/she was not a student.

Complaints relating to the Code of Practice on the English Language Requirement for Public Sector Workers

What is the requirement?

The school has a duty to ensure that all employees in roles requiring contact with members of the public (students, parents, etc) as in integral part of their role, are able to converse fluently and accurately in English.

The recruitment process and performance management are designed to ensure that our employees meet the required standards.

If you feel that we have not met this duty you are able to make a complaint.

When can I make a complaint?

You can make a complaint if you feel that an employee in a customer facing role has insufficient proficiency in spoken English for the performance of their role.

What is not covered in the Code of Practice?

Complaints about regional or international accents, dialect, manner or tone of communication, origin or nationality are not considered legitimate complaints under the fluency duty.

The school will also not take forward any vexatious, oppressive, threatening or abusive complaints in relation to this fluency duty. Complaints which are without foundation and/or which are intended to result in harsh or wrongful treatment of the person who the subject of the complaint.

How do I make a complaint?

Please follow the school's complaints procedure.

All legitimate complaints will be investigated in accordance with the complaints procedure and the school will assess the merits of the complaint against the necessary standard of spoken English fluency for the role in question.

Any member of staff who is the subject of the complaint has a right to be notified of the complaint and any action being taken in relation to it.

Where a complaint is upheld the school will consider what steps can be taken to meet the fluency duty.