

## Investigating a Complaint - Procedures

**Note:** The general principles within this procedure can be used for any investigation.

### 1. Context

The Headteacher or Chair of Governors, as appropriate will:

- follow the Governing Body's agreed procedures;
- if the complaint is against the Headteacher, the Chair of Governors should seek advice from either the Schools HR Team or Diocesan Officer, as appropriate;
- keep the member of staff informed;
- arrange for a full investigation of the complaint and prepare a report on the investigation;
- advise the complainant of the outcome and of the next stage if they remain dissatisfied;
- consider any further action; and
- inform the member of staff in writing of any subsequent action he/she intends to take.

### 2. Introduction

The investigation should be started as soon as possible after the receipt of the complaint and normally be completed within 20 school days.

- 2.1 An investigation is a fact-finding exercise with the aim of obtaining, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove a complaint.
- 2.2 Undertakings of confidentiality should not be given to either a person making a complaint or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.
- 2.3 At this stage, in addition to the written complaint, the complainant will need to be interviewed as part of the investigation. **If it becomes clear during the investigation that the issues are serious (as defined in Section 3(c) of the procedure), he/she should make a referral, as appropriate to Children's Social Care Group, Resources Directorate, or the Police. In such cases the investigation should not proceed.**

### **3. Preliminary stages**

- 3.1 Where appropriate, the person undertaking the investigation should seek specialist advice as necessary from the Schools HR Team, Governor Services Manager, Diocesan/Church Authority Officer and familiarise him/herself with any relevant procedures and guidelines.
- 3.2 The person investigating should:
- define areas to be investigated;
  - draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation; and
  - check corroborative evidence.

### **4. The investigation process**

- 4.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied, by a fellow worker or representative of a professional association/trade union, should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided. If children are to be interviewed, this will need to be handled with sensitivity and care.

### **5. Interviewing the subject of a complaint**

- 5.1 The point at which this occurs will depend upon the nature of the complaint and the investigation process. It may be necessary to interview the member of staff first and again, following interviews with other persons, to seek a formal response.
- 5.2 The member of staff should be informed of his/her right to take advice and be represented by a fellow worker or representative.
- 5.3 The member of staff should be invited to respond to the complaint and to make a statement. The member of staff has the right to respond, to decline to respond, to reserve a response whilst seeking advice or to request an adjournment to consider a response.
- 5.4 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. A copy of the notes will be given to the member of staff.

- 5.5 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

## **6. Interviewing witnesses/others**

- 6.1 Witnesses may be interviewed as part of the investigative process of the complaints procedure.
- 6.2 They should be made aware of the nature of the complaint and of the process to be followed. (See paragraph 1 and 2)
- 6.3 Interviews should take place at a convenient time and venue for the person being interviewed, who may bring a fellow worker or representative with them.
- 6.4 They should be asked to give their factual account of the incident(s) leading to the complaint.
- 6.5 Full notes should be taken of the interview and the witness invited to read and sign them as a true record of the interview. A copy of the notes will be provided to them.

## **7. Compiling a report**

- 7.1 When all the relevant persons have been interviewed and all the relevant issues explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.
- 7.2 Consideration should again be given as to whether there are serious matters which should be referred to Children's Integrated Services Group, Resources Directorate, or the Police. If there is such a referral, **further proceedings at school level should be held in abeyance immediately.**