



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

HR Guidance Note for Schools

Dealing with complaints relating to employees

Produced by	People and Organisational Development Services, Corporate Support Services Directorate
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Table of Contents

Page Number	
2	Purpose
2	Receipt of a Complaint
2	Communication with the complainant by the Headteacher
3	Safeguarding Complaints
4	Appendix 1 Model Letter Acknowledging receipt of a complaint
5	Appendix 2 Model Letter Outcome letter following investigation

Guidance Notes for Schools – Complaints relating to employees

Purpose

This guidance has been produced to assist Headteachers' to deal with a concern, raised by a third party (but not from another employee), which involves the potential actions or conduct of a school employee. Where the complaint is in relation to a Headteacher the Chair of the Governing Board should take responsibility for the actions which are usually undertaken by the Headteacher.

Where a complaint relates to a school employee it is important that the school strikes the right balance between communicating with the person who has raised the complaint and managing the associated HR process in a way which is as supportive as possible to the employee and as far as possible is neutral and objective.

Receipt of a Complaint

When a complaint is received in relation to the conduct or performance of an employee a decision needs to be made about whether it is serious enough to be investigated under the School's disciplinary procedure or to invoke the capability process. Where this threshold is not met please follow the School's Complaint Procedure and the associated Stockport Council guidance for school complaints. In order to make this decision you may need to have discussions with Human Resources and/or with the Council Complaints team (both subject to your SLA purchasing of services) and involve the LADO if the issue is a safeguarding concern.

The following information is for when the disciplinary / capability procedure threshold may be met:

Communication with the Complainant by the Headteacher

Complaints which are submitted in writing (including by email) should be acknowledged in writing or by e mail as soon as possible. The acknowledgment should outline who will investigate the concerns and the estimated timescale for completion, but without indicating that a formal HR policy is being followed. Sometimes the acknowledgement will be sent after an initial meeting has already taken place with the complainant. Please see the model acknowledgement letter at Appendix 1.

If it is not possible to conclude the investigation within a short period of time (up to 10 days) the Complainant should receive regular and appropriate communication throughout the investigation period; schools are advised to maintain detailed records of this ongoing communication.

It is important that complainants receive an outcome to their complaint, which should focus on the needs of the child, and what steps will be taken by the school to support a child or make other improvements moving forward. Please see the model outcome letter at Appendix 2. Again, complainants should not be made aware that the school has invoked an HR-related Policy and should not receive the specific outcome from a disciplinary or capability process (unless the complaint is in relation to safeguarding and they are the parent, see below). Occasionally it may be obvious to a complainant that an HR process has been followed, for instance where the complainant is a witness in a disciplinary procedure, but even in this case, they are not entitled to be told the outcome as it is a confidential process and providing too much information could be a serious data breach.

Complainants do not have the right to appeal the decision to apply a specific policy or the outcome of any HR-related investigation (or the outcome they have assumed) but can raise any concerns via normal school processes.

Safeguarding Complaints

Complaints which are in relation to a potential safeguarding matter should follow the normal safeguarding and employee relations policy processes. In terms of informing complainants and/or parents of the outcome of any investigation, the 'Keeping Children Safe in Education' document states:-

'Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it. However, where a strategy discussion is required, or police or children's social care services need to be involved, the case manager should not do so until those agencies have been consulted and have agreed what information can be disclosed to the parents or carers. Parents or carers should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. The deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed but the parents or carers of the child should be told the outcome in confidence.'

It goes on to say that 'In deciding what information to disclose, careful consideration should be given to the provisions of the Data Protection Act 2018, the law of confidence and, where relevant, the Human Rights Act 1998'. Further advice should always be taken before sharing the outcome of a disciplinary hearing.

APPENDIX 1

Model Letter: Acknowledging receipt of a complaint

This is a model response which must be tailored to meet the needs of the school and take account of the circumstances and events to date. Correspondence with a complainant during an HR investigation must not make reference to HR policies or procedures. Headteachers are advised to focus on the plan to support the child or children.

DRAFT

Dear xxxx

Thank you for your letter dated xxx and for drawing this matter to my attention. As discussed at our meeting on xxx I can confirm that I have now asked xxx to investigate your concerns in more detail OR I can confirm that I have now asked xxx to investigate your concerns in more detail.

I anticipate that this process is likely to take up to xx weeks. You will be contacted again with a further update OR to provide an outcome to our investigation no later than the xxx.

AND/OR I would like to discuss this matter with you in more detail and would therefore like you to attend a meeting with me / the investigator on xxxx at xxxx.

IF APPROPRIATE In the meantime as discussed we have agreed to initiate the following activity to address some of your immediate concerns:

(insert summary of action plan)

As you know we are committed to working in partnership with you in order to provide the best possible outcomes for our children, PLUS IF APPROPRIATE and am therefore grateful for your co-operation in taking this matter forward. As a school we are also obliged to investigate concerns in a way which is as fair and objective as possible and I would therefore ask you to refrain from discussing this issue beyond your immediate and trusted support network. In particular can I ask you not to discuss this matter on social media as this may jeopardise our ability to investigate the matter in a way that is considered fair to all parties.

Please do not hesitate to get in touch if I can be of any further assistance.

Yours sincerely

Headteacher

APPENDIX 2

Model Letter: Outcome letter following investigation

This is a model response which must be tailored to meet the needs of the school and to take account of the particular circumstances. Correspondence with a complainant during an HR investigation must not make reference to HR policies or procedures. Headteachers are advised to focus on the plan to support the child or children or to make improvements in the school. Examples should be general but might include: reviewing a policy, initiating some staff training, communicating with pupils or the workforce, reviewing signage in the school, applying learning to a part of the curriculum etc.

Dear xxxx

Thank you for your letter dated XXXX, which I acknowledged in my letter dated XXXX.

I can confirm that your complaint has now been investigated by XXXX using a process that followed the relevant Policies and Procedures, including taking advice from the Local Authority.

As a result of this investigation I will be [insert details of action plan (see above for possible examples) excluding reference to individual sanctions].

I hope you will be satisfied with the investigation and actions outlined, and I am sure you will appreciate that it is not possible to share everything in relation to a school employee/s with you due to confidentiality and GDPR regulations. However, if you feel that the proposed actions outlined above can be improved or if you have any concerns that you feel we cannot resolve through further discussion, please submit these in writing to xxx no later than xxx.

I would like to take this opportunity to thank you for your patience whilst the issues raised were being addressed. As always if you have any queries that I am able to assist with please do not hesitate to contact me.

Yours sincerely

Headteacher