

# Complaints against you

**This is one of a series of advice sheets for members of NEU Leadership - senior leaders in education in membership of the National Education Union. These advice sheets aim to give you advice on your position as an employee, which reflects your particular position as a leader and manager.**

**You can read other NEU advice and find out more about NEU Leadership, about the NEU's model of ethical leadership in education and about the NEU's Guild Community, which offers you peer support from fellow NEU Leadership members, at [neu.org.uk/leadership](https://neu.org.uk/leadership)**

## Introduction

Being the subject of a complaint can be distressing and frustrating, whether the complaint is from a colleague or parent or carer of a student. It is essential that every establishment has a clear, robust complaints policy that allows complaints to be the subject of fair and thorough investigation.

## In advance of issues arising

Where possible ensure that all your governing body members and key staff are familiar with the policy and that there are governors who are confident and able to investigate a complaint or chair a panel should the need arise. Ensure that appropriate external advice will be available to the investigator and the chair of any panel; and that the policy includes a flow chart for the process that makes clear who will do what and when. This will be particularly invaluable if you are yourself the target of any complaints.

## Investigations

The investigation stage is an important part of any disciplinary or grievance procedure and should be written into the process.

Any formal investigation should follow the relevant procedure and be based on an actual complaint (not on gossip). The complainant should be given the terms of the policy and told that they are required to give grounds for their complaint.

We do recommend that you don't make any knee-jerk response to any complaint the first time you hear about it. Always wait for the investigation meeting to give your side of events.

## Preparing for the investigation meeting

It is only natural to be worried, but remember that an investigation meeting is not a hearing. It is designed to establish what happened and will only lead to a hearing if the investigating officer believes there is a case to answer. The meeting is not designed to establish if anyone's behaviour breached disciplinary rules, it is about establishing facts and potentially motives.

Also, such meetings are part of an agreed procedure. A quiet chat in a line manager's office is not an investigation meeting. You should ask for written confirmation of the date, time and place for the meeting and who will be present.

To help you prepare, we advise you do the following during the days before the investigation meeting.

- Ensure that all communications you receive are in writing.
- If they are not already clear, clarify the allegations made against you, preferably including a copy of the precise complaint submitted. It is reasonable for you to have a copy of this well in advance of the meeting. If it is not clear what the precise complaint is, ask the investigator to establish what the issues are so that you can respond accordingly.
- Ask for the procedure being used and ensure that all other parties are clear about the procedure and the stage reached. Do not be afraid to highlight if any stage has been missed.
- Write down a brief chronology of events – who did what, where, and when; and who else was present. Include the reasons for your own actions. This will be your main point of reference for the meeting. Make notes on any specific rebuttals you wish to make to the allegation(s).
- Collect any supporting documents. Ensure that copies are available for the investigator if required.
- Consider whether the investigating officer has any reason for any bias, eg any close relationship with the complainant or interest in the matter. Do not be afraid to request an alternative person.
- Find a suitable work colleague or NEU rep or branch officer who can accompany you at the meeting (if allowed under your employer's procedure); and make sure they are properly briefed.

## At the meeting

At the meeting you will be asked questions and offered the opportunity to give your own version of events. It is important to be honest and concise. The following suggested steers should help.

- Answer questions clearly using your chronology of events to help explain what happened.
- Give the names of anyone who was a witness to what happened. Refer to any documentary evidence where appropriate.
- You don't have to speak unless asked to; you only need to answer the question that has been put and once you have answered you can stop talking. If the investigator remains silent don't feel obliged to speak again as you may say something you did not mean to say.
- If you believe a question is unclear or unreasonable then say so, especially if you feel it is weighted or loaded in a certain direction. Any leading question (eg, one that assumes or implies you are guilty) may be accidental through lack of experience. Simply say that the question is unfair and ask for it to be put another way. It is highly unlikely that the investigating officer is trying to catch you out.
- Ask for a break if you feel tired or need to collect your thoughts.
- Take notes or ask anyone who accompanies you to do so.

## After the meeting

You should be given a copy of the meeting notes to check and correct. Do this promptly and ask anyone who accompanied you to check the notes too. Find out, if possible, when you will be given a copy of the investigation report.

## Formal stage meetings

Most of the above advice is also relevant for any further stages of the process including formal hearings.

The chair of the panel should introduce all present, explain the procedure and the allegations, ensure that everyone has the relevant documents, and then ensure that the meeting focuses on the allegations made, discusses only relevant questions and does not stray into new allegations not been cited in the original complaint.

You will be asked questions by one or more members of the panel and there will usually be the opportunity for the complainant to address questions to you. Do not feel intimidated by this.

Where the policy allows the complainant to ask questions of you, ensure that those questions are factual and relevant to the complaint and that you are not berated in any way. Address your answers to the chair rather than to the complainant to avoid getting into conflict.

If more than one person raised the same complaint, then ask for one to act as a spokesperson so that you do not have to face questions from all present.

If any of the above things do not happen, please do address the chair to make that request or raise an objection. You are perfectly at liberty to raise a question or seek clarification at any point.

In replying to questions, refer to the documents provided (in particular the investigation notes). You do not have to add additional information or make further comments. Do not feel tempted to answer or comment on questions that are for someone else.

The chair should check at the end of the meeting if there is anything else the parties

would like to add. If you feel that you need to restate, explain or correct anything you said earlier, do this now. If you are not asked, then make the request.

You should also be told what will happen next and a given timeframe.

## After the meeting

You should receive the outcome within the prescribed period. This will hopefully be the end of the matter. But, if not, remember that most procedures will include an appeal stage.

Should any parental complainant threaten to take matters further, by contacting the Secretary of State for Education or Ofsted, do bear in mind that Ofsted will usually direct complainants back to the local authority or academy trust, while the Department for Education's school complaints unit (to whom the Secretary of State can refer complaints) will only consider cases in which the governing body has acted unlawfully or unreasonably. It will only overturn a decision in extreme circumstances: if a school has not followed its published procedures, it may direct that the process is revisited.

Should the complainant continue to make contact on the same issue the chair of governors has the power to inform them that the process is complete, and the matter is therefore closed.

## Conclusion

If your actions have been reasonable, then the investigation will hopefully reach that conclusion, without matters progressing further. However, if you have done something wrong or inappropriate then it is better to admit that and focus on any mitigating circumstances. The NEU works to the Code of Ethical Practice in Leadership. This means that when we do sometimes make mistakes, we should own them.

## In need of help and support?

If you need any advice or help on facing a complaint, please contact your workplace NEU rep or contact your local NEU branch or call the NEU AdviceLine at 0345 811 8111 (Monday to Friday, 9am to 7pm) or [adviceline@neu.org.uk](mailto:adviceline@neu.org.uk). We can advise you on the process and, if necessary, arrange for you to be accompanied at meetings. We strongly recommend you seek advice on any situation you may be facing.

If there is a specific issue not covered in this or other advice sheets which you would like the NEU to look at, or if you simply want to let the union know about something from a leadership perspective as an NEU leadership member, please contact the NEU's National Official (Leadership) [steve.cooper@neu.org.uk](mailto:steve.cooper@neu.org.uk)