

# YSGOL EIRIAS



## COMPLAINTS PROCEDURE POLICY

**POLICY DOCUMENT NO: 46**

**ISSUE NO: 7**

**THIS POLICY HAS BEEN REVIEWED, APPROVED and ADOPTED BY THE GOVERNING BODY**

**Signed:**

**Date: November 2020**



# COMPLAINTS PROCEDURE POLICY

## SCHOOL GOVERNING BODY COMPLAINTS PROCEDURES

### BACKGROUND INFORMATION

Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales to establish procedures for dealing with complaints from parents, pupils, members of staff, governors, members of the local community and others. The law also requires governing bodies to publish their complaints procedures. This policy is written in line with WG Circular 011/2012 Complaints Procedures for school Governing Bodies in Wales.

These complaints procedures *do not* include those relating specifically to the curriculum, SEN, religious worship, admissions, exclusions, staff grievance, teacher capability, staff discipline, child protection, criminal matters, school transport provision, harassment and bullying and whistle blowing. There are other statutory processes for complaints and appeals relating to these matters.

A complaint is defined as an expression of dissatisfaction in relation to the school, a governor or a member of its staff that requires a response from the school.

All complaints will be dealt with confidentially, fairly and impartially.

The basic principles of the complaints procedures are:

- To be fair to all parties and applied consistently
- To enable a quick and effective resolution (especially at stage A)
- To meet timescales recommended by the guidance
- To undertake a thorough investigation
- To maintain confidentiality

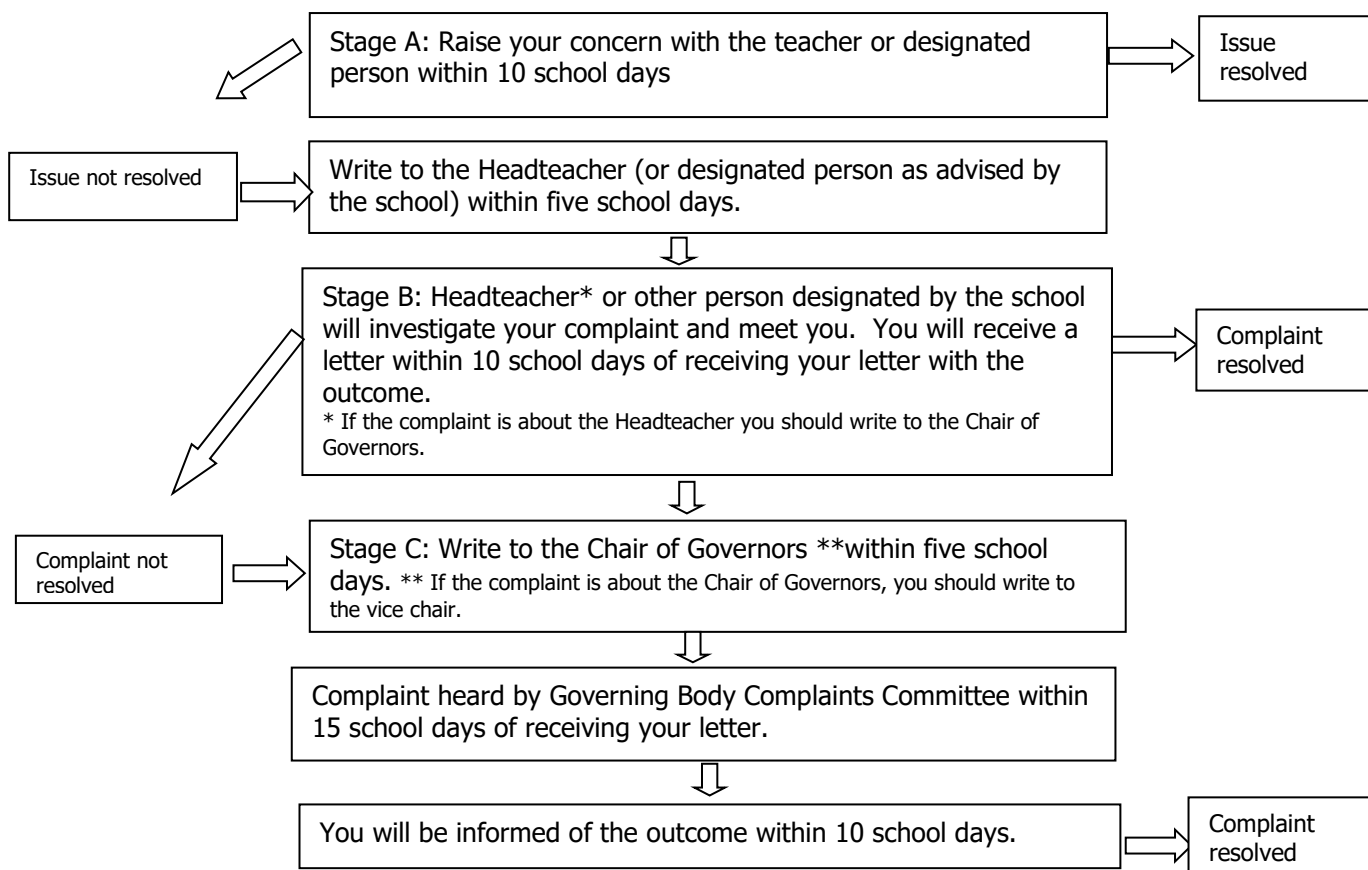
- To offer appropriate support for pupils making complaints
- To keep all parties informed throughout process
- To treat anonymous complaints in same way as any other if it involves an allegation of criminal matter or child protection (all others at discretion of Headteacher or Chair of Complaints Committee)
- The withdrawal of a complaint will be recorded and acknowledged by letter
- Clear roles and responsibilities will be established for all those involved
- All complaints will be recorded, and the information retained for three years
- The governing body will receive a report in the next Governor’s meeting, where necessary, summarising key trend and issued on formal complaints received.

Most questions that parents and young people might have about the running of the school will be answered in the information that the school routinely provides. The school welcomes the raising of any questions or concerns, which go beyond these matters.

Of course, we hope there are no complaints, but if you do have any concern please contact the school as described below:

**Summary of dealing with concerns or complaints**

This procedure will be followed in the event of concern or complaint about the school, provided that the concern or complaint does not fall under any statutory procedures.



Please note: All timescales shown are targets and are flexible; however, it is in everyone's best interest to resolve a complaint as soon as possible. The school will work with you to ensure that the time allowed to deal with your concern or complaint is reasonable and helps to achieve an answer to the problem.

## **THE PROCEDURE FOR DEALING WITH COMPLAINTS**

A three-stage procedure for dealing with complaints has been established.

### ***Stage A***

At Stage A the complaint may be made orally or in writing specifying that this is a formal complaint under these procedures. The complaint may be made to any member of staff or head teacher. The member of staff receiving the complaint will notify the Headteacher. The Headteacher will ensure that every effort is made to resolve the complaint within 10 school days at this stage.

### ***Stage B***

At Stage B the complaint should be made in writing within 5 school days so that the substance of the matter is clear. On receipt the Headteacher will acknowledge the complaint in writing. The complaint will be investigated, and the result conveyed in writing to the complainant within 10 school days.

### ***Stage C***

If the complainant is not satisfied with the outcome of the consideration by the Headteacher the Governing Body may consider the matter. The complainant should write to the Chair of Governors within 5 days. The complaint will be heard by the Governing Body Complaints Committee (and the Appeals Committee if appropriate) according to the procedures outlined in NAW guidance. A response will be given within 15 school days of receiving the letter.

The Governing Body or complainant may contact the Local Authority after completion of Stage C for the purpose of reviewing the procedure used to reach a decision. The Local Authority cannot legally review the decision itself or to act as an appeal mechanism. A response should be received within 10 school days.

## **PROCEDURES FOR RECORDING AND MONITORING COMPLAINTS**

The Governing Body will record and monitor all complaints that are received. Records will be kept for three school years.

The Governing Body recognises that lessons can be learnt, and procedures improved because of individual complaint cases and the monitoring of long-term trends. The Governing Body will receive reports summarising key trends and issues on complaints as a regular item

on Governing Body meeting minutes. Any actions taken because of the analysis of complaints will be identified in the annual report to parents.

### **COMPLAINTS AGAINST SPECIFIC MEMBERS OF STAFF**

1. **THE HEADTEACHER** – Any complaint should be given to the Chair of Governors via the Clerk to the Governors at the school.
2. **THE CHAIR OF GOVERNORS** – The Vice Chair will deal with any complaint or delegate it to another Governor. The process will start at stage B. Depending on the nature of the complaint the Vice Chair should inform the Local Authority. If the complaint is upheld the complaints committee should consider the removal and replacement of the Chair of Governors.
3. **THE CHAIR OF GOVERNORS AND THE HEADTEACHER** – See points 1 and 2 above
4. **THE CHAIR AND VICE CHAIR OF GOVERNORS** – The complaint should be referred to the Clerk to the Governors who will inform the Chair of the Complaints committee or another member of the Complaints Committee if the Vice Chair of Governors chairs this committee.
5. **COMPLAINT AGAINST THE WHOLE GOVERNING BODY** – This should be referred to the Clerk to the Governors who will inform the Local Authority and if appropriate the Chair of Governors and the Headteacher.
6. **COMPLAINTS ABOUT MEMBERS OF SCHOOL STAFF INCLUDING THE DESIGNATED COMPLAINTS OFFICER** – Any complaint should be passed to the Headteacher who may decide to delegate the investigation to a senior member of staff under Stage A or investigate it themselves under Stage B. If the complainant is unhappy with the outcome, they may proceed through to Stage 3. Matters of a staff disciplinary or capability nature should be followed and take precedence if necessary.

### **ANONYMOUS COMPLAINTS**

These will be recorded, but not investigated unless there is a suggestion of criminal conduct or concerns about child safeguarding in which case the police or Local Authority will investigate.

### **COMPLAINTS THAT ARE WITHDRAWN**

A complaint may be withdrawn at any time. A record will be kept and a letter sent to the complainant stating that as the complaint has been withdrawn the complaints procedure will no longer be used.

## **CRIMINAL ACTIVITY**

Any suggestion of criminal activity should be referred to the Headteacher (Chair of Governors if it is against the Headteacher). The person informed will refer to the Police and Local Authority.

## **ROLES AND RESPONSIBILITIES OF ALL THOSE INVOLVED**

School staff and members of the Governing Body will be reminded about their roles and responsibilities in responding to complaints.

The school recognises that lessons can be learnt and procedures improved as a result of individual complaint cases and the monitoring of long-term trends.

The procedures allow for a consistent and documented approach within the school.

Any third party using the school premises or offering activities and services on the school premises will be asked to have their own complaints procedures in place.

### **The staff**

On receipt of a formal complaint staff will discuss the content with the Headteacher. If appropriate the staff member will respond to the complainant within the recommended timescales.

### **The Headteacher**

The Headteacher (who acts as the School designated Complaints Officer) will ensure that all staff are aware of their role and responsibilities within the complaints procedure. The Headteacher will take appropriate steps to resolve complaints at Stages 1 and 2. The Headteacher will record all complaints and present appropriate reports and recommendations to the Governing Body once the matter has been processed.

### **The Governing Body**

The Governing Body has the statutory and ultimate responsibility for hearing complaints, adjudicating and deciding on action to be taken.

The Governing Body has established a Complaints Committee and an Appeals Committee to deal with complaints. The Complaints Committee will be made up of at least 3 Governors (excluding the Headteacher).

## **ROLES AND RESPONSIBILITIES OF OTHER BODIES**

### **The Local Authority will:**

- Ensure schools have adequate complaint procedures in place
- Provide advice and guidance documents to the Governing Body
- Offer advice about the complaints procedure or how to handle a complaint or assist in an investigation
- Investigate the procedure followed during a complaint after Stage C of the procedure
- Consider any evidence that suggests the Governing Body does not have a complaints procedure or in an inadequate procedure or has not followed procedure
- Provide a panel of independent persons if the schools complaints procedure is inoperable
- Intervene under the Schools Standards and Framework Act 1998 if the governance or management of the school is inadequate.

### **The Welsh Government**

- If the Welsh Government receives a complaint about a school, it will advise to address the complaint to the school.
- If it appears that the Governing Body is failing to deal with the complaint, the Welsh Government will inform the Local Authority

### **The Children's Commissioner for Wales**

- Children, young people and carers can go to the Children's Commissioner when they need advice and support
- The Commissioner may examine individual cases, and may therefore require information and explanations from Governors, Local Authority and the school staff
- The Commissioner can make recommendations, but they do not have the power to require their implementation
- May publicise any failure to do so

### **The Public Ombudsman for Wales**

- Has no role with respect to complaints within the scope of this document

### **The General Teaching Council for Wales**

Has no role regarding the Governing Bodies complaints procedure

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