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# Ysgol Bryn Alyn Complaints Procedure

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Policy Origin i.e:	** Chair/Headteacher indicate where the policy originates from by circling or highlighting before sending to Clerk <b>LA Model Policy</b> / LA Policy / Welsh Assembly Government Model Policy / Other (If 'Other' please detail source below): <b>Recommended policy written by School</b>
Is this a new or revised policy:	<b>New</b> / Revised
Equality Impact Assessment Completed:	Date: EIA Number:
Name of SLT responsible for review and implementation of policy:	<b>A Slinn</b> / A Kipping / R Ransome / E Williams / J Ebrey
Chair of Governing Body / Chair of Committee:	Signature: Date:
Issue No:	1

## **Making complaints less of an ordeal**

When a complaint has not been dealt with to the parents' satisfaction, the governors should have a procedure for investigating it, one which is friendly and fair to the complainant and which at the same time observes natural justice as far as staff is concerned. For instance, anyone against whom allegations are made should have an opportunity to read or hear those allegations and respond, bringing a friend if they wish. Governing bodies should take pains to find out what outcome parents want. Sometimes a simple acknowledgement that the school could have been more sensitive is all that is needed, and any other assumption is an over-reaction. Finally, at all times governors must be courteous and sympathetic to parents. For many, complaining is a great ordeal, and nothing is gained by making it more so.

## **Dealing with Complaints**

### **Introduction**

During the past few years, changes in legislation have given schools a lot of independence from the LEA. This of course means that each school's governing body has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. If a school requests it, Officers from the LEA are available to offer information and advice.

*Section 29 of the Education Act 2002 requires each governing body to establish procedures for dealing with complaints. **Most schools already have their own complaints procedures but need to ensure that they can demonstrate that it is in line with the WAG guidance. Re: Circular 3/2004.***

***A policy outlining procedures that the school follows must be consulted on, agreed and be published for its' stakeholders.***

*The notes offered here are an attempt to draw attention to good practice and provides information which schools can consult in reviewing / revamping their own policies and procedures. **It will also hopefully lead to a fair and consistent approach by all.***

### ***The Establishment of a Governing Body Complaints Appeal Committee?***

***"The question of whether to have a complaint appeal committee is a matter for the governing body. It would be reasonable for a governing body to***

***decide not to have an appeals committee on the grounds that such an arrangement would prolong resolution of complaints without any real benefit to the parties.” Paragraph 21 page 7 – Circular 3/2004***

***If an appeals committee stage is included within the protocols adopted by a governing body; it is recommended by The Welsh Assembly Government that it does not include any person who sat at the first hearing or indeed anyone previously connected with the complaint.***

***“The school may wish to consider including a summary in its annual report to demonstrate that complaints are taken seriously and lessons drawn from them” –Paragraph 53 pages 12 Circular 3/2004”***

## **School Complaints Policy**

The purpose of our complaints procedure is to provide a framework in which:

- Parents are clear about how they can express concerns and how they will be responded to
- School staff and governors are clear about their roles and responsibilities in responding to concerns
- This policy is intended to apply to general complaints. It cannot cover every eventuality. Complaints about admissions and exclusions; SEN together with matters surrounding staff grievance, disciplinary procedures and curriculum complaints procedures are catered for by separate and specific protocols.

### **Stage 1 Complaint –The Informal Stage**

- School feels that the vast majority of concerns and complaints can be resolved informally and speedily by the member of staff (or the head teacher) with whom the parent makes first contact.
- We will endeavour to ensure that parents are aware of the appropriate person to contact in the first instance.
- We aim to ensure that parents know how they can raise concerns (arrangements for contacting and arranging to meet individuals in person, by telephone or in writing) **(as the synopsis in our school prospectus / brochure / home school agreement outlines)**
- We aim to ensure that the arrangements do not involve undue formality.

- If a governor, including the Chair of Governors, is approached by a parent directly with a complaint at this stage, the governor will refer the matter to the head teacher.
- Concerns and complaints may be resolved following the initial contact.
- In all cases, members of staff dealing with the complaint will make a note of the date and details of the complaint and the outcomes of the contact and inform the head teacher.
- If the concern or complaint is not immediately resolved, the staff member dealing with the matter will clarify what will happen next. This should be put in writing if it seems the best way of making the outcome clear and of giving evidence of an attempt at resolution.
- If it appears that the discussions are not going to lead to resolution and/or the complainant indicates that they are dissatisfied with the response, the staff member will inform the complainant of the next stage of the procedure.

**If the complaint is about the action of the head teacher, the matter must be referred to the chair of governors.**

### **Stage Two - Head Teacher's Investigation**

- Parents who wish to pursue a complaint to Stage Two will be asked to put the complaint in writing to the school. The head teacher (or designated member of staff) will acknowledge the complaint in writing within **three working days** of receipt, giving a brief explanation of the complaints procedures and a target date for providing a response. This should be within **ten working days**. If it is not possible to deal with the matter in this time, the complainant will be informed of when it is likely to be concluded.
- The head teacher (or designated member of staff) will provide an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
- If necessary, the head teacher (or designated member of staff) will interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil may also be interviewed, normally with his/her parent/guardian present. In some circumstances this may not be possible and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, they need to be made aware of the complaint, have an opportunity to respond and be accompanied by a representative if required.

- The head teacher (or designated member of staff) will ensure that written records of meetings, telephone conversations and other documentation are kept.
- Once all the relevant facts have been established, the head teacher (or designated member of staff) will arrange a meeting with the complainant to discuss or resolve the matter. This meeting will be followed up with a letter setting out the outcome of the meeting. The complainant will be advised in this letter that if they wish to take the complaint further he/she should notify the chair of governors within **fifteen working days** of receiving the letter detailing the outcome of the complaint.
- **If the complaint is against the action of the head teacher, the chair of governors (or designated governor) should carry out all the Stage Two procedures. If the matter progresses to Stage Three, the Chair would hand over responsibility to the Vice Chair or designated governor.**

### **Stage 3 - Review by Governing Body**

Complaints only rarely reach this formal stage, but it is important that governing bodies are prepared to deal with them when necessary. ***It should be noted that Stages 1 and 2 must be completed before this stage is reached.***

Formal complaints to the governing body should be made in writing to the chair of governors. The chair of governors will ask the clerk to the governing body to acknowledge the complaint and to make arrangements for a meeting of the committee of the governing body charged with dealing with complaints. (The governing body might for example choose to use the grievance committee to hear formal complaints.) Complaints which may lead to disciplinary action should be handled in accordance with the school's appropriate procedures.

The governing body will take care that no governor can be accused of prejudice by ensuring that:

- A individual governor does not deal with the complaint;
- The complaint is quickly referred to a committee charged with dealing with complaints or to the head teacher, if complaint procedures at that level have not been exhausted;
- The complaint is not reported to the whole governing body until it is resolved, and then not in detail
- The governing body will ensure that all parties to the complaint are given a fair hearing. It is important that a person against whom a complaint is made

is given sufficient time; usually **10 school days**, to consider all the evidence and take advice before providing a response and before the hearing takes place.

- The decision of the committee will be given in writing to the complainant and any person against whom the complaint is made within **five working days** of the committee's meeting.
  
- The letter will also advise the complainant that if they are dissatisfied with the outcome of the procedure they may write to the LEA who will carry out a further review. **This further review will however only consider whether the complaint has been fully and fairly considered according to the school's complaints procedures; it will not rehear the substantive complaint.**

#### **Stage 4 - Review by LEA**

If the complainant is dissatisfied with the outcome of the school's complaints process, they may write to the Chief Education Officer. The CEO will designate an appropriate officer to carry out a **review of the procedures, which have been followed** in order to confirm that the complaint has been fully and fairly considered.

#### **Stage 5 - Review by National Assembly for Wales**

Similarly, the complainant may approach the National Assembly for Wales for a review of the process undertaken.

#### **Appendix**

The following protocols should be followed upon receipt of a written request from the complainant for the complaint to proceed to Stage Three.

1. The clerk to the governing body should write acknowledging receipt of the written request within **5 working days** and informing the complainant that it will be heard by a committee of the governing body within **fifteen working days** of receipt. The letter should also inform the complainant that they have the right to submit any further documents relevant to their complaint and that these must be received in order for the committee members to be sent copies at least **five working days** prior to the meeting.
2. The clerk to the governing body should convene a meeting of the complaints committee. In establishing the committee, the governing body should nominate a pool of five governors from which three can be drawn for

any hearing. This will ensure that there are always sufficient governors with no conflict of interest to constitute the committee when required. The committee should elect its chair.

3. The committee members should have had no prior involvement with the complaint. Generally, **it would not be appropriate for the head teacher to have a place on the committee.** Governing bodies should have regard to the advantages of having a mix of different type of governor on the committee and be sensitive to issues of equal opportunity in the composition of the committee.
4. All relevant correspondence and documentation should be given to each committee member. The chairperson of the committee should ensure that the complainant, head teacher and any other witnesses are given **five working days'** notice in writing of: -
  - (i) the time and place of the committee meeting, and
  - (ii) the grounds of the complaint together with copies of all documents relied upon by either the complainant or head teacher, and
  - (iii) The right of both parties to be accompanied or represented by a person of their choice, and
  - (iv) The committee's option to proceed in the absence of the complainant/head teacher or their representative if no good reason is given why they should not do so.
5. The chairperson of the committee should ensure that the meeting is properly minuted.
6. The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action which will satisfy the complainant that their complaint has been taken seriously.
7. **The chairperson of the committee should try and ensure that the proceedings are as informal as possible and that the complainant feels at ease.**
8. The committee will conduct the meeting having regard to the following principal steps. It shall be a rule that the committee shall not see one party in the absence of the other except in a case where the committee has resolved to proceed in the absence of the complainant/ head teacher in circumstances outlined in paragraph 4. (iv) above: -
  - (i) The complainant/representative will open by outlining the complaint and present any documentary evidence and/or call witness(es) as appropriate.

- (ii) The head teacher/representative may ask questions of the complainant/representative or of any witness called by him/her. (N.B. This opportunity is reserved for asking questions to clarify matters not for making statements.)
- (iii) Members of the committee may ask questions similarly.
- (iv) The head teacher/representative will respond to the complaint, present the documentary evidence and/or call witness(es).
- (v) The complainant/representative may ask questions of the head teacher/representative or of any witness called by him/her. (N.B. This opportunity is reserved for asking questions to clarify matters not for making statements.)
- (vi) Members of the committee may ask questions similarly.
- (vi) At the conclusion of the meeting, the chairperson of the committee should explain that the committee will consider its decision and write to both parties with the outcome within **five working days**. The head teacher and any witnesses should then withdraw and the committee should consider its decision. This should include:
  - (i) The decision on the complaint
  - (ii) Appropriate action to be taken by the school, and where appropriate,
  - (iii) Recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.

The school should ensure that a copy of all correspondence and notes is kept on file in the school. **This should be held separately from pupils' personal records.**