

**YSGOL UWCHRADD CAEREINION HIGH SCHOOL**



***COMPLAINTS POLICY***

**Date first endorsed by Governing Body: 12<sup>th</sup> April 2005**

**Dates reviewed: April 2007 / Dec 2010 / March 2013**

# Ysgol Uwchradd **Caereinion** High School

## **COMPLAINTS POLICY**

### **Introduction**

The Governing Body recognises that it is important that concerns and complaints are dealt with appropriately and aims to ensure that if you have a concern or complaint it is taken seriously and is dealt with quickly, fairly and thoroughly. In order to do this the Governing Body has adopted the policy and procedures set out below.

In setting out this policy and procedure the Governing Body has had regard to the Welsh assembly Government Circular 03/2004, 'School Governing Bodies Complaints Procedures' and on the 'Complaints Procedure for School Governing Bodies Wales. (Welsh Government Circular No: 011/2012)

However, because unjustified complaints can be distressing to all parties the Governing Body would encourage you initially to see whether your concern can be addressed without recourse to the complaints procedures.

### **Dealing with a concern**

If you have a concern about something which you think is happening, or not happening, in school, you are encouraged to take this up informally with the headteacher who will usually be able to resolve your concern immediately, rather than use this procedure. However this policy and procedure is in place for you to use if your concern is not resolved informally, or the matter is more serious.

### **What is a complaint?**

A complaint is a formal expression of dissatisfaction, however made, about the standard of services, facilities or activities, or actions or lack of action, by the School or its staff, affecting an individual or group.

The following are not complaints:

- A request for a service
- A request for information or explanation of a policy or practice
- Matters for which there is a right of appeal or a legal remedy
- Matters appropriate to be dealt with under other procedures.

### **What complaints can be dealt with under these procedures?**

General complaints about issues within school, or activities, facilities or services offered by the school to the wider community can be dealt with under these procedures. The school and the LEA must follow other procedures for complaints about:-

- the curriculum
- the level of special educational needs provision
- exclusions
- collective worship
- child protection
- staff disciplinary action
- criminal matters
- admissions
- school transport provision
- harassment and bullying
- whistle blowing

We will advise you if your complaint should be dealt with under one of these separate arrangements.

Staff will need to follow the Grievance Procedure for any complaints about their personal treatment.

If your complaint is about a Child Protection issue then it will be dealt with under the All Wales Child Protection Procedures.

In some cases a complaint may lead to disciplinary action against a member of staff and there is a separate procedure that needs to be followed by the school in dealing with disciplinary matters. If disciplinary action is taken you will not be told the details of this because of the employment rules on confidentiality, however, you will be informed when the matter has been resolved.

### **Who can complain?**

Pupil, parents, staff, members of the local community, governors and others.

### **Who should you complain to?**

The Governing Body have appointed a Complaints Officer who will deal with all complaints in the first instance and all complaints should be addressed to the Complaints Officer in the first instance. If the complaint is about the Complaints Officer then the complaint should be addressed to the Headteacher in the first instance.

Whether your complaint is made verbally or in writing we will acknowledge all complaints in writing in order to ensure that we are clear about the nature of your complaint, what has happened so far, who has been involved, what remains unresolved.

### **Publication and Review**

The Governing Body will review this policy at least annually and will update it in accordance with changes in legislation and other policies.

The Governing Body will make copies of this policy available to all parents, pupils, staff, governors, the LEA, the Diocesan Authority (where appropriate) and all those who request a copy, in accordance with the school's Freedom of Information Publication Scheme, and will publish a summary in the school prospectus.

### **Confidentiality**

Complaints will be dealt with confidentially, with information being provided only to those who need to know the details in order to resolve the complaint.

### **Timetable**

All complaints will be dealt with as soon as possible. We will acknowledge all complaints in writing within 2 school days of receipt. We aim usually to have dealt with all complaints within a period of no longer than 20 school days.

Where there are particularly complex issues that may take longer to investigate we will keep you informed of progress and deal with them as quickly as we can.

Where a Governing Body Complaints Committee is called we will aim to convene this as soon as possible and within no longer than 15 school days of the notification of the requirement.

### **Anonymous complaints**

We will not investigate or record anonymous complaints except where these contain an allegation of a child protection or criminal nature. We shall pass these to the appropriate body to consider.

### **Malicious complaints**

Complainants are reminded that documentation relating to the complaint will be made available to any person against whom a complaint is made, in order that they may answer the complaint. A person who is the subject of a complaint may exercise their right to representation or legal action where appropriate.

### **Complaints which are withdrawn**

We shall acknowledge these in writing and record them

### **Recording, Reporting and Monitoring**

We shall keep a record of all complaints including withdrawn complaints.

The record will include :

- Name of the complainant
- Date complaint first received
- Date acknowledged
- A brief description of the complaint
- Date of withdrawal of the complaint (if appropriate)

- Whether the complaint was investigated
- The outcome of the investigation (at each stage of the procedure)
- Date of notification to the complainant of the outcome of the investigation
- Any issues for action by the school/staff/Governors
- Action taken/to be taken as a result of the investigation
- Full account of the proceedings, evidence and documentation, and record of the outcome of any hearing by the Complaints Committee
- Date of notification to complainant of outcome of Complaints Committee
- Action taken/to be taken as a result of Complaints Committee

The Complaints Officer will provide the headteacher with a report for the Governing Body termly summarising numbers of complaints, issues and key trends identified in complaints.

The Governing Body will ensure that issues for action identified as a result of a complaint are implemented.

### **Data Protection**

The information provided to us during the investigation of a complaint will be used solely for the purpose of dealing with the complaint or any appeal and will not be passed to anyone other than those directly concerned with the issue. If your complaint is about the delivery of the service we may need to disclose the information you provide to the person delivering the service in order to deal with it properly. If your complaint is about a person we will disclose the information to that person in order that they are able to respond to the complaint. We may be required to disclose the records to the LEA, the Diocesan Authority, or the Welsh Assembly Government, if they are required to audit the procedure. The record may also be inspected by Estyn under Section 10 of the School Inspections Act

### **Retention of Documentation**

We shall retain all documentation in relation to complaints on a confidential file until all aspects of the procedure, including any investigation by the LEA or Diocesan Authority, and the Welsh assembly Government, is completed. Unless the Governing Body has been notified of an appeal to the LEA/Diocese or to the Welsh Assembly Government it will destroy all documentation other than the record of the complaint after 6 weeks. Thereafter we shall retain only the record of the complaint which will be retained for a maximum period of 3 years.

### **How to obtain advice, support and guidance**

There are a number of avenues open to parents, pupils, staff and governors to obtain advice and support if they have concerns about issues in school. These include

- The headteacher
- The Chairman of the Governing Body
- Trade Union representatives (at either local or regional level).
- The LEA
- The Welsh Assembly Government



# Ysgol Uwchradd **Caereinion** High School

## **COMPLAINTS PROCEDURE**

**At all stages the person investigating will ensure that the complainant has a copy of the Complaints procedure and advise that they may be accompanied by a friend or representative to any meeting to discuss the complaint.**

### **STAGE 1**

**Formal complaint raised with and resolved by the first recipient within the school**

- Complaint should be raised with the Complaints Officer in the first instance. The Complaints Officer will record the complaint, acknowledge it in writing within 2 school days, and pass it to the appropriate person within the school to deal with.
- The complaint may be made orally or in writing
- The Complaints Officer will provide the complainant with a copy of this procedure if they do not already have one
- The recipient of the complaint will, where appropriate, speak to the complainant to obtain full details of the complaint; and will make every effort to resolve the complaint as soon as possible and within no longer than 10 school days, undertaking any other investigation required.
- Notes of discussions, meetings or interviews will be recorded in writing, agreed and signed by all parties involved in the discussion.
- The complainant will be advised of the outcome of their complaint and a copy will be returned to the Complaints Officer for recording.
- The headteacher will be advised of the outcome of the complaint
- All documentation will be returned to the Complaints Officer for confidential file and will be kept on record as set out in the policy
- The Complaints Officer will ensure that the complaint is recorded as set out in the policy.
- If the first recipient is unable to resolve the complaint then the complainant will be advised that they may raise the issue with the headteacher.

## **STAGE 2**

### **Formal complaint referred to headteacher for investigation, decision, resolution**

This may be a complaint referred from stage 1, or a complaint against the Complaints Officer, or complaints against governors as listed below.

- The complaint must be in writing
- The headteacher will acknowledge the complaint, enclosing a copy of the complaints procedure if they do not already have one, and advising of a target date for a response (usually within 10 school days)
- The headteacher will usually meet the complainant to obtain full details of the complaint; and will make every effort to resolve the complaint within 10 school days, undertaking any other investigation required.
- In the case of a complaint against the Complaints Officer the headteacher may decide to delegate the investigation to another senior member of staff under Stage 1 of the procedure
- Any discussions or interviews will be recorded.
- The complainant will be advised of the outcome of their complaint in writing (with a copy will be returned to the Complaints Officer for recording) and of their right to write to the Chairman of the Governing Body for a hearing by Governing Body Complaints Committee if they are not satisfied with the outcome.
- All documentation will be returned to the Complaints Officer for confidential file.
- The Complaints Officer will ensure that the complaint is recorded as set out in the policy.
- In the event of the headteacher deciding that it is not appropriate for the Complaints Officer to file and record the complaint the headteacher will make alternative arrangements.

In the case of a complaint about the headteacher, the Chairman of the Governing Body will undertake this stage, or may delegate to the Vice-chairman or a designated governor.

In the case of a complaint about a governor or group of governors (including the Vice-chairman), the Chairman of the Governing Body will undertake this stage. Unless the complaint is about the Vice-chairman the Chairman may delegate the investigation to the Vice-chairman (or other appropriate governor.)

In the case of a complaint about the Chairman of the Governing Body, or about both the headteacher and the Chairman, the Vice-chairman of the Governing Body will undertake this stage. The vice-chairman may delegate the investigation to another appropriate Governor.



**In each of these case the investigating governor:**

- **Must advise the LEA of the complaint and obtain advice on dealing with the complaint . In particular, the governor must ensure that the complaint is not one which should be dealt with under other procedures as set out in the policy**
- **Must not be a member of the Complaints Committee**
- **Must declare any potential conflicts of interest.**
- **Must not deal with a case in which they are personally involved**

## STAGE 3

### a) Formal complaint referred to Governing Body Complaints Committee for decision, resolution

This may be a complaint referred from stage 2, or complaints against governors as listed below.

- The Complaints Committee will comprise **3** governors, none of whom will have had prior involvement with the complaint in order that the proceedings may be seen to be fair and unbiased.
- The purpose of the hearing is to enable members of the governing Body to clarify facts and ascertain whether there are grounds for upholding the complaint.
- The complainant and any person against whom a complaint is made should be present at the hearing to present their own evidence.
- The Clerk to the Governors will acknowledge the complaint, enclosing a copy of the complaints procedure if they do not already have one. The Clerk will agree a date for a hearing (to be convened usually within 15 school days of receipt of the complaint), advise of time and venue, advise that the complainant may be accompanied by a friend or representative, and ensure any particular needs, e.g. disabled access, Welsh medium or other specialist communication needs are met.
- Any person against whom a complaint is made must be advised as soon as possible of the complaint and no less than 10 school days before the hearing. They should be provided as soon as possible with any other evidence (arising from the investigation) which is to be considered at the hearing, and in any event by no less than 5 school days before the hearing, and advised that they may be accompanied by a friend or representative
- The complainant must be advised that they should provide any evidence/written documentation that they wish the Committee to consider by no less than 10 days before the hearing and that they will be provided with any other evidence (arising from the investigation) which is to be considered at the hearing again by no less than 5 days before the hearing.
- Any person against whom a complaint is made must be advised that they should provide any evidence/written documentation that they wish the Committee to consider by no less than 5 days before the hearing.
- Witnesses may be requested to attend and it is the responsibility of the party wishing to call the witness to ensure that they are invited.
- The Complaints Committee must receive at least 5 days notice of the hearing, advised of the substance of the complaint, and of their role
- If a good reason is provided for the absence of one of the parties the Committee may wish to agree an adjournment, however, the Complaints Committee may proceed with the hearing in the absence of either the complainant or the person against whom the complaint is made unless a good reason has been provided for their absence.
- The decision of the Committee should be conveyed to the Complainant in writing within 5 school days of the hearing. It may be provided earlier and verbally if appropriate, but must be confirmed in writing. The letter should provide information on any appeal rights, including (if no internal appeal

rights\_ the opportunity for the LEA/Diocese and Welsh Assembly Government to review the procedures used by the Governing Body

- All documentation will be returned to the Complaints Officer for confidential file
- The Complaints Officer will ensure that the complaint is recorded as set out in the policy.
- Complainants should be advised of their right to contact the LEA for a review of the process if they are dissatisfied.

A complaint about both the Chairman and Vice-chairman of the Governing Body, or about a group of governors that includes the Chairman and Vice-chairman will be dealt with by the Chairman of the Complaints Committee under this stage of the Procedures. The Chairman of the Complaints Committee may delegate the investigation to another appropriate governor.

If the complaint is against the Chairman of the Complaints Committee or a group of Governors including the Chairman of the Complaints Committee, then the Chairman of the Complaints Committee will not be part of the Committee which hears that particular complaint and a new Chairman will be elected for that particular meeting.

**In each of these case the investigating governor:**

- **Must advise the LEA /Diocese of the complaint and obtain advice on dealing with the complaint . In particular, the governor must ensure that the complaint is not one which should be dealt with under other procedures, as set out in the policy**
- **Must not be a member of the Complaints Committee**
- **Must declare any potential conflicts of interest.**
- **Must not deal with a case in which they are personally involved**

## **FINALISATION OF COMPLAINT**

The final letter following the Governing Body hearing will advise the complainant of the decision, that the matter has been fully investigated, that the matter is now closed, and will not be reopened.

Any new issues raised will be treated as a new complaint and previous cases will not be reopened.

## **INVOLVEMENT OF OTHER BODIES**

### **1. Complaints against the full Governing Body**

Complaints against the full Governing Body should be passed to the Clerk to the Governing Body who will seek advice from the LEA.

The LEA may:

- Refer the matter back to the Governing Body for it to consider at either the next full Governing Body meeting, or a special full Governing Body meeting for this purpose, where the matter will be considered, responded to and recorded as set out in stage 3 of the complaints procedures.
- Seek to secure the agreement of the Governing Body that a complaint be heard by a committee independent of the Governing Body and independently constituted for that purpose.

Or the LEA may:

- Consider that action should be taken under Section 15 of the School Standards and Framework Act 1998 as amended by section 55 of the Education Act 2002 and issue a warning notice to the Governing Body in accordance with its powers of intervention

### **2. LEA Role**

Other than as set out in paragraph 1 above, neither the LEA has a statutory role in resolving complaints about schools. This is the role of the Governing Body. However, the Governing Body may, from time to time, request the assistance of the LEA in investigating complaints. In such cases the LEA will follow the Governing Body's procedure as set out above.

In addition, the LEA may be asked to audit the process followed by the Governing Body. They may not, however, change the decision, or act as an appeal body.

If the complainant is dissatisfied with the process followed by the Governing Body in dealing with their complaint they should contact the LEA within 20 school days of receipt of the notification of the final outcome. The LEA will then audit the Governing Body's process, report back to the Governing Body, and advise the complainant of the outcome of that review. The LEA will require access to all documentation when carrying out a review and will return all documentation to the school following any review.

On receipt of the LEA report the Governing Body will decide if any further action is necessary. Examples of possible further action would be reconsideration of the matter by a different committee of Governors.

### **3. Role of the Welsh Assembly Government**

If a complainant is dissatisfied about the procedures used by the Governing Body, or the way it has followed the procedures, they may request the Assembly Government to consider the matter under Section 496 and 497 of the Education Act 1996.

If the Minister considers that the Governing Body have acted unreasonably or failed to carry out a statutory duty then the Assembly Government may direct the Governing Body to reconsider the matter, and /or amend its procedure.