

Agenda Item 9.7

School – Based Complaints Procedure

Background

1.1 Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales to establish procedures for dealing with complaints and to publicise such procedures.

1.2 A complaints procedure is a way of ensuring that anyone with an interest in the school can raise a concern, with the confidence that it will be considered properly and heard and, if upheld, that the matter will be addressed appropriately and without delay.

1.3 The complaints procedures that schools in Wales must follow are outlined in a Welsh Government guidance circular, number 011/2012, which was issued in October 2012. This document can be accessed on the Welsh Government's website at www.wales.gov.uk/educationandskills.

1.4 The Welsh Government advises governing bodies to consider their complaints procedures carefully. If a governing body is challenged about its complaints procedure, it will need to demonstrate that it has good reasons for its actions.

1.5 The model policy has been updated to include vexatious complaints, please refer to paragraph 4.1.

2. What Governors Need to Do:

- Governing Bodies are required by law to establish and publicise a complaints procedure;
- It is recommended that governing bodies review their existing complaints procedure or adopt the attached model complaints procedure;
- Training courses regarding the complaints process for schools have been organised and any governor who is the link governor for this issue, or is a member of the Complaints Committee is strongly encouraged to attend. Details of courses are contained within our termly Training Brochure.

3. Further Information / Advice

Further information / advice is available from the Governor Support Service at Tŷ Trevithick.

Complaints Procedure



1. Introduction

- 1.1 Tylorstown Primary School is committed to dealing effectively with complaints. We aim to clarify any issues about which you are not sure. If possible we will put right any mistakes we have made and we will apologise. We aim to learn from mistakes and use that experience to improve what we do.
- 1.2 Our definition of a complaint is “an expression of dissatisfaction in relation to the school or a member of its staff that requires a response from the school.
- 1.3 This complaint procedure supports our commitment and is a way of ensuring that anyone with an interest in the school can raise a concern, with confidence that it will be heard and , if well-founded, addressed in an appropriate and timely fashion.

2. When to use this procedure

- 2.1 When you have a concern or make a complaint we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by the school, in which case we will tell you who to complain to. At other times you may be concerned about matters that are handled by other procedures, in which case we will explain to you how your concern will be dealt with.
- 2.2 If your concern or complaint is about another body as well as the school (for example the Local Authority) we will work with them to decide how to handle your concern.

3. Have you asked us yet?

- 3.1 If you are approaching us for the first time you should give us a chance to respond. If you are not happy with our response then you may make a complaint using the procedure we describe below. Most concerns can be settled quickly by speaking to the relevant person in school, without the need to use a formal procedure.

4. What we expect from you

- 4.1 We believe that all complainants have a right to be heard, understood and respected. School staff and governors have the same rights. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining. If the Headteacher and/or Governing Body receive unreasonable persistence or vexatious complaining, this may be deferred to the Director of Education for further consideration. If the Director of Education determines the complaint to be

unreasonable or vexatious, it will be disregarded. If the complaint is determined not to be unreasonable or vexatious, this will be referred back to the governing body, to be dealt with in accordance with this procedure.

An unreasonable or vexatious complaint can be characterised in a number of ways:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;
- Demands for redress which lack any serious purpose or value.

www.oiahe.org.uk

5. Our approach to answering your concern or complaint

- 5.1 We will consider all your concerns and complaints in an open and fair way.
- 5.2 At all times the school will respect the rights and feelings of those involved and make every effort to protect confidential information.
- 5.3 Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.
- 5.4 We may ask for advice from the Local Authority or Diocesan Authority where appropriate.
- 5.5 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this complaints policy), in which case we will explain why this is so, and will tell you what steps will be taken.
- 5.6 The governing body will keep records of document used to investigate your concern or complaint for seven years after it has been dealt with. Records will be kept in school and reviewed by the governing body after seven years to decide if they need to be kept longer.
- 5.7 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the school depending on the nature of the complaint.
- 5.8 Where complainants are considered to have been made only to cause harm or offence to individuals or the school, the governing body will ensure that

records are kept of the investigations that are made and what actions are taken, including the reasons for “no action”.

6. Answering your concern or complaint

- 6.1 The chart in Appendix A shows what may happen when you make a complaint or raise a concern. There are up to three stages: A, B and C. Most complaints can be resolved at stages A or B. You can bring a relative or companion to support you at any time during the process but you will be expected to speak yourself. However, we recognise that when a complainant is a pupil it is reasonable for the companion to speak on their behalf and/or to advise the pupil.
- 6.2 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else within the school needs to know about your concern or complaint, so as to address it appropriately.
- 6.3 If you are a pupil under 16 and wish to raise a concern or bring a complaint we will ask for your permission before we involve your parent(s) or carer(s). If you are a pupil under 16 and are involved in a complaint in any other way, we may ask your parent(s) or carer(s) to become involved and attend any discussion or interview with you.

STAGE A

- 6.4 If you have a concern, you can often resolve it quickly by talking to a teacher or **(name of school's designated person)**. You should raise your concern as soon as you can; normally we would expect you to raise your issues within 10 school days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.
- 6.5 If you are a pupil, you can raise your concerns with your school council representative, form tutor or a teacher chosen to deal with pupil concerns (as appropriate for the school). This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly.
- 6.6 We will try to let you know what we have done or are doing about your concern normally within 10 school days, but if this is not possible, we will talk to you and agree a revised timescale with you.
- 6.7 The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the concern for future reference.

STAGE B

- 6.8 In most cases, we would expect that your concern is resolved informally. If you feel your initial concern has not been dealt with appropriately you should put your complaint in writing to the Headteacher.
- 6.9 We would expect you to aim to do **this within the five school days of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible.**
- 6.10 If your complaint is about the Headteacher, you should put your complaint in writing to the Chairperson of the governing body, addressed to the school, to ask for your complaint to be investigated.
- 6.11 In all cases, **(name of school's designated person)** can help you put your complaint in writing if necessary.
- 6.12 If you are involved in any way with a complaint, **(name of the school's designated person)** will explain what will happen and the sort of help that is available to you.
- 6.13 **(Name of school's designated person)** will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. We will aim to have a meeting with you and to explain what will happen, normally within 10 school days of receiving your letter. The school's designated person will complete the investigation and will let you know the outcome in writing within 10 school days of completion.

STAGE C

- 6.14 It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write, through the school's address to the Chairperson of the governing body setting out your reasons for asking the governing body's complaints committee to consider your complaint. You do not have to write down details of your whole complaint again.
- 6.15 If you prefer, instead of sending a letter or e-mail, you can talk to the Chairperson of the governing body or **(person designated by the school)** who will write down what is discussed and what, in your own words, would resolve the problem. We would normally expect you to do this within five school days of receiving the school's response. You will be asked to read the notes or will have the notes read back to you and then be asked to sign them as a true record of what was said. We will let you know how the complaint will be dealt with and will send a letter to confirm this. The complaints

committee will normally have a meeting with you within 15 school days of receiving your letter.

- 6.16 The letter will also tell you when all the evidence and documentation to be considered by the complaints committee must be received. Everyone involved will see the evidence and documentation before the meeting, whilst ensuring that people's rights to privacy of information are protected. The letter will also record what we have agreed with you about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with you.
- 6.17 Normally, in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the committee may think it is reasonable to make a decision on the complaint in your absence to avoid necessary delays.
- 6.18 We will write to you within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.
- 6.19 We will keep records of all conversations and discussions for the purpose of future reference and review by the full governing body. These records will be kept for a minimum of seven years.
- 6.20 The governing body's complaints committee is the final arbiter of complaints.

7. Special circumstances

- 7.1 Where a complaint is made about any of the following the complaints procedure will be applied differently.
- 7.1.1 A governor or group of governors**
The concern or complaint will be referred to the Chairperson of the governing body for investigation. The Chairperson may alternatively delegate the matter to another governor for investigation. Stage B onwards of the complaints procedure will apply.
- 7.1.2 The Chairperson of the governing body or Headteacher and Chairperson of the governing body**
The Vice-Chairperson will be informed and will investigate it or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.
- 7.1.3 Both the Chairperson and Vice-Chairperson of the governing body**

The complaint will be referred to the clerk of the governing body who will inform the Chairperson of the complaints committee. Stage C of the complaints procedure will then apply.

7.1.4 The whole governing body

The complaint will be referred to the clerk of the governing body who will inform the Headteacher, Chairperson of the governing body, Local Authority and, where appropriate, the Diocesan Authority. The Local Authority will usually agree arrangements with the governing body for independent investigation of the complaint.

7.1.5. The Headteacher

The concern or complaint will be referred to the Chairperson of the governing body who will undertake an investigation or may delegate it to another governor. Stage B onwards of the complaint procedure will apply.

- 7.2 In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open and fair way.

8. Our commitment to you

- 8.1 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.
- 8.2 If you need help to make your concerns known we will try and assist you. If you are a young person and need extra assistance the Welsh Government has established MEIC, which is a national advocacy and advice helpline for children and young people. Advice and support can also be accessed from the Children's Commissioner for Wales.
- 8.3 The governing body has consulted with staff and pupils on this policy and will consult further if any amendments are made in the future.

MEIC may be contacted by freephone: 0808 802 3456 or text: 84001. This service is operated 24 hours a day.

The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday – Friday 9.00a.m. to 5.00p.m.), text: 80 800 (start your message with COM) or e-mail: advice@childcomwales.org.uk

Signed by the Chairperson of the governing body of: _____

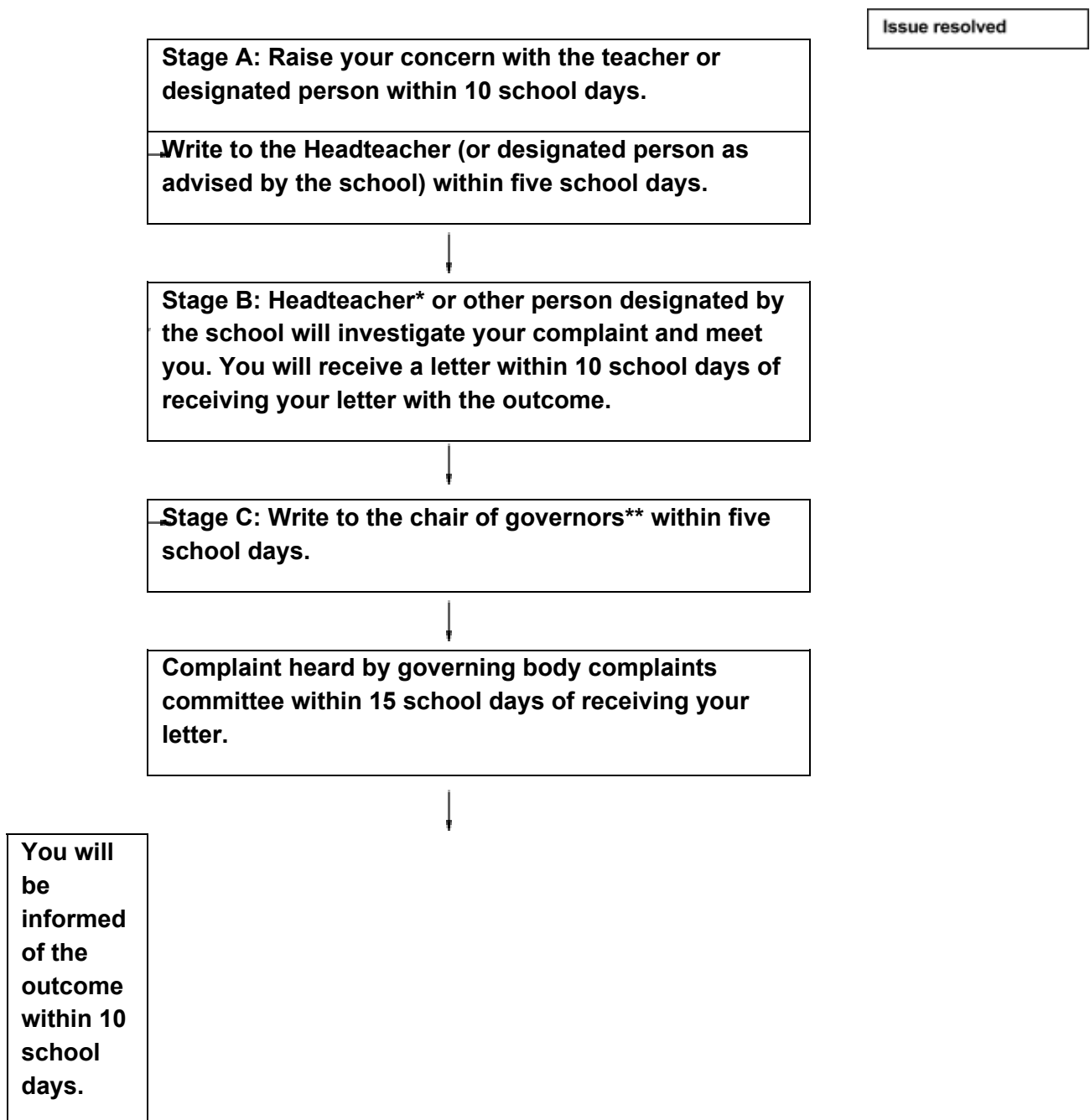
Date approved by the governing body: _____

Date of review: _____

School Complaints

In exercising its role of the strategic management of a school, a governing body may from time to time be required to consider complaints about the school, or about any facilities or services the governing body provides.

In considering such complaints, governing bodies are advised to adopt the following model procedure as detailed within Welsh Government guidance circular no 011/2012.



*If the complaint is about the Headteacher you should write to the Chair of Governors.

**If the complaint is about the chair of governors you should write to the vice chair.

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.