



## COMPLAINTS POLICY

*This policy was adopted by the  
Governing Body:*

*Autumn 2015*

*Next Review: Autumn 2018*

The Governing Body will act in accordance with the following procedure and has established a Complaints Committee.

## **Introduction**

The Governing Body appreciates that members of staff deal with minor complaints or comments from parents, governors and members of the wider community on a regular basis. There is no expectation that this policy will be applied in full, in these circumstances. The policy is designed to deal with more formal complaints and those that cannot be resolved using informal procedures.

In the case of a complaint from a pupil, guidance and support will be made available to a pupil making a complaint, e.g. associate pupil governor or members of Pupil Governing Body (School Council), suitable adults to help take the complaint forward and parental support ( only if the pupil agrees)

## **Roles and Responsibilities**

**1.1.** It is recommended that all parties behave reasonably and treat the process and the parties involved with respect. For example all parties need to be informed of any meetings which may be required to progress the complaint. The complainant or any other party may request adjournment of a meeting or hearing if the timing is inconvenient but it is not reasonable for any party to seek last minute cancellation or to thwart the process by repeatedly failing to agree dates.

**1.2.** It is recommended that complainants allow the school to try to resolve the complaint at each stage and not try to circumvent stages; and to co-operate with the school in providing information so that a complaint can be investigated and heard. Suggested roles and responsibilities are given at Annex A.

**1.3.** The Welsh Government (Welsh Assembly Government) recommends that the procedure allows for the complainant and the person(s) against whom a complaint is made, to be accompanied by a friend, advocate, union representative, colleague, parent or other person during meetings, at each stage of the process.

## The 3 stage approach

**2.1** A 3 stage approach will be used when dealing with complaints:

Stage 1	Complaint raised with (and resolved) by the first recipient within the
Stage 2	The matter is referred to the Headteacher for investigation, decision and resolution
Stage 3	The matter is referred to the Governing Body for investigation, decision and resolution.

This procedure is set out in the diagrams at the end of this policy.

**2.2** The Governing Body would encourage all parties to work towards resolution of the complaint at the earliest stage.

## Recording Complaints

**3.1** For clarity, it is recommended that complaints are made in writing to the appropriate member of staff. Members of staff who may receive and act on a complaint include:

- Curriculum Leaders
- progress Managers (Pastoral Co-ordinators)
- Assistant Heads

**3.2** Complaints may also be received by administrative staff, who should record details and forward to the most appropriate member of staff for action as soon as possible.

**3.3** In all cases a complaint pro-forma must be completed and handed to the Headteacher's PA who will be responsible for maintaining the complaints file.

**3.4** The Assistant Heads will act as Complaints Officer and will be able to give advice and support with any stage 1 complaint. All pupil complaints will be dealt with by this person.

**3.5** The school will keep an appropriate record of complaints including anonymous and withdrawn complaints, irrespective of the stage complaints reach or the outcome.

**3.6** A record of complaints is important:

- to monitor the progress of a complaint
- to provide evidence that the complaint was considered and of the outcome
- for reference, if further complaints arise relating to the original issue
- to identify trends or recurring themes in complaints cases
- to compile reports to governors (and others) on complaints.

**3.7.** For complaints where the process is reviewed by the LEA and/or the Welsh Government (Welsh Assembly Government), the record should include documentation relating to those reviews.

**3.8.** For anonymous or withdrawn complaints, or complaints regarded as vexatious, frivolous or malicious the record may show:

- a description of the complaint
- whether the complaint was investigated or just recorded
- the outcome of any investigation
- any issues for action by the school and the lead member of staff.

**The record at each stage will include the following:**

### **Stage 1**

- The name of the complainant
- Date of receipt of the complaint
- A brief description of the complaint
- Action taken to resolve the complaint and outcome
- Issues for action by the school and lead member of staff.

### **Stage2**

- The name and address of the complainant
- Date and details of the complaint
- Action taken to resolve the complaint and a written record of discussions, interviews and evidence collated
- Outcome
- Date of notification to complainant
- Issues for action by the school and lead member of staff.

### **Stage 3**

- A full account of the proceedings of the complaints committee and any Appeal committee, evidence presented and all other relevant Documentation
- Decision reached and any action to be taken by the school, headteacher, governing body or member of staff
- Date of the decision and the date the decision letter was sent to the complainant.

**3.9.** Subject to compliance with the Data Protection Act 1998, the record of complaints may be made available for inspection by the LEA, and in the course of an inspection of the school carried out under section 10 of the School Inspections Act 1996.

**3.10.** Records will be retained for three school years including the year in which the complaint was finalised.

## **Reporting and Monitoring Complaints**

**4.1.** The Headteacher will ensure key trends and issues on complaints are reported to the governing body on a regular basis. Such reports allow the governing body to consider the number and subject of complaints, identify any trends or areas for concern and make recommendations for action. The reports or a summary of them may also be presented to the school council and to parents.

**4.2.** The school may include a summary in its annual report to demonstrate that complaints are taken seriously and lessons drawn from them. The report might also highlight any resultant changes to school procedures or policies.

Complaints will be dealt with following the procedure illustrated by the flow charts attached.

## **Annex A Roles and responsibilities**

### **Role of the Governing Body**

1. Both the headteacher and the governing body have a role in hearing complaints, adjudicating and deciding on action to be taken. However, the ultimate responsibility lies with the governing body who can overrule the action of the headteacher.
2. In cases to be dealt with in the procedures outlined in this policy no individual or organisation has the authority to overrule the decision of the governing body. However a governing body decision could be overruled where there are other statutory processes for complaints not administered by the governing body e.g. curriculum, SEN, religious worship, admissions, exclusions. The Courts may uphold a challenge to a governing body decision making process. The Welsh Government (Assembly) may also issue a direction to the governing body if it has acted unreasonably or failed to comply with its duty.

### **Role of the Local Education Authority**

3. LEAs do not have a statutory role in resolving complaints about schools– the statutory responsibility rests with the governing body.
4. The governing body may ask the LEA for assistance to investigate a complaint; advice on handling; or advice on the response.
5. The LEA may be involved at an additional stage. In any such case the LEA's role will be to review the procedure used to reach a decision, not to review the decision itself or to act as an appeal mechanism.

6. If the authority concluded that the process followed in a particular case was deficient, it could ask the governing body to reconsider the matter with a committee with different membership from the complaints and complaints appeal committee.
7. The Welsh Government (Welsh Assembly Government) expects the LEA to keep the school informed of progress of any review. It is recommended that at the end of the process the LEA and/or diocesan authority considers providing copies of documentation, including their decision and documents relating to any actions taken, to the school for the school's records.
8. The governing body may wish to build into its complaints procedure an explanation of the role of the LEA or diocesan body.

### **Role of the Welsh Government (Welsh Assembly Government)**

9. If the Welsh Government (Welsh Assembly Government) is the first recipient of a complaint about a school and it is not a matter for the statutory authorities, the Welsh Government (Assembly Government) will advise the complainant to raise the matter with the school under the school's complaints procedure. The Welsh Government (Assembly Government) will not normally investigate an issue until the complainant has first pursued it under that procedure.
10. If a complainant is dissatisfied about the procedures used by a governing body to address a complaint, he or she can ask the Welsh Government (Assembly Government) to consider its actions under sections 496 and 497 of the Education Act 1996. If the Minister concludes that a governing body has acted unreasonably or has failed to carry out a statutory duty under education law (which would include failure to deal with a complaint) the Welsh Government (Assembly Government) can issue a direction to the governing body. A direction does not normally overturn a governing body decision but can require a governing body to reconsider a matter or consider it for the first time if it has failed to do so, or to amend its process to ensure it does not happen again.
11. The Courts have defined 'unreasonable' as action which no sensible authority acting with due appreciation of its responsibilities would have decided to adopt.

### **Role of Children's Commissioner**

12. The Children's Commissioner for Wales has a wide-ranging statutory remit covering all children in Wales. It embraces the actions of the Welsh Government (Welsh Assembly Government, local authorities and schools.
13. The Commissioner may:
  - provide advice, assistance, information and support to children in making a complaint or representation
  - Review and monitor arrangements made for dealing with complaints,
  - Whistleblowing and advocacy, or the absence of such arrangements • investigate individual cases submitted to him.
14. In reviewing complaints processes the Commissioner's role is to make sure that they are working effectively and enable children and young people to exercise their rights. The Commissioner may serve notice on the body or person to be reviewed and has a statutory power to require information from teachers, school governors, local authority officers and members. The Commissioner may produce review reports, which contain recommendations. He has no statutory power to require their implementation but he can publicise any failure to do so.

15. In individual cases, the Commissioner has a statutory right to require information, explanations and assistance in relation to action taken in response to a complaint. The Commissioner does not take the place of existing complaints procedures nor act as an avenue of appeal.

### **Role of Commissioner for Local Administration in Wales**

16. Most of the responsibilities of school governing bodies fall outside the remit of the Commissioner for Local Administration in Wales (CLAW) (also known as Local Government Ombudsman). The only exceptions being schools admissions appeals. However this may change. The CLAW is one of three Ombudsman offices in Wales which are to be unified into a Public Services Ombudsman for Wales.

### **Role of the General Teaching Council for Wales**

17. The General Teaching Council for Wales (GTCW) is the statutory, self regulating professional body for teachers in Wales. It seeks to raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interests of teachers, pupils and the general public.

18. Under the terms of the Teaching and Higher Education Act 1998, as amended by the Education Act 2002, the GTCW has a responsibility for investigating and hearing cases of unacceptable professional conduct or serious professional incompetence concerning a registered teacher or cases where a registered teacher has been convicted (at any time) of a relevant offence.

19. Under Assembly Regulations, school governing bodies and LEAs are required to report cases to the Assembly or the GTCW where they "cease to use " or "might have ceased to use" a registered teacher's services had he or she not resigned. The GTCW's Disciplinary Procedures and Rules set out the procedures for dealing with any cases received.

20. The GTCW may also consider referrals about a registered teacher from a person other than a governing body or LEA, for example a pupil, parent or fellow teacher. In such circumstances, the GTCW will ask whether the complainant has reported the allegation to the school governing body or LEA and, if so, what the outcome was. If the complainant has not reported the allegations to the school governing body or the LEA, the GTCW will ask for reasons why this has not been reported. The GTCW will not normally investigate an allegation which has not been referred to a school governing body.

### **Complaints Made to Other Parties outside the School**

21. Complainants may make their first approach to the police, another statutory body, the LEA, a local or national elected representative or a voluntary organisation. The governing body may wish to consider providing such organisations with their complaints policy and encouraging them to contact the school if a complainant contacts them.

22. If such parties receive complaints about a school they will wish to take account of the statutory responsibility of the governing body for the resolution of complaints.