

# COMPLAINTS PROCEDURE

## 1.0 Introduction

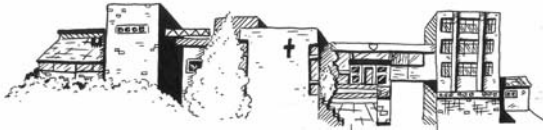
- 1.1 The school values the good relations it enjoys with the parents and community. These good relations are based on a respect for what the school is achieving, on good communications and the provision of relevant and clear information.
- 1.2 Good relations are also supported by straightforward and well understood procedures for responding to expressions of concerns and dealing with the minority of such expressions which become formal complaints.
- 1.3 Treating expressions of concern seriously and responding to them quickly and effectively prevents the majority becoming more serious complaints.
- 1.4 As a school we aim to listen and respond to expressions of concern, so we can learn how to improve our communications and procedures.

## 2.0 Purpose

- 2.1 The purpose of this complaints procedure is to provide a framework within which:
  - 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;
  - the school's staff and governors are clear about their roles and responsibilities in responding to concerns.

## 3.0 Principles

- 3.1 A good complaints procedure creates a process for all involved to express and resolve concerns.
- 3.2 Most questions that arise are likely to be about the running of the school, and will be answered in the information that the schools routinely provides. The school also provides a variety of occasions when parents can gather information about the school and learn about the progress of their children.
- 3.3 Questions and concerns which go beyond these matters are most likely to be raised by parents, but anyone who raises such concerns has the right to know how they will be dealt with.
- 3.4 Any complainant has the right to know what to do if they are not satisfied with the way in which their concerns have been received, how they can take the matter further and how such matters will then be dealt with.



- 3.5 Most of the time, concerns from can best be settled by talking to the Headteacher or a member of staff. Resolving misunderstandings speedily and efficiently will significantly reduce the likelihood of these matters becoming formal complaints.
- 3.6 Complaints procedures should be easily accessible and well publicised. The school aims to make the existence and operation of the school's complaints procedure available to all who request it. A summary of how the school deals with complaints is included in the information which is given to new parents when their children join the school, and in the information given to the children themselves.
- 3.7 Staff will be made fully aware of school procedures and their role in them.
- 3.8 Because parents, in particular, should be re-assured that concerns and complaints will be treated seriously and fairly, it is a part of the policy that anonymous complaints (except for those concerned with Child Protection issues) will be disregarded.
- 3.9 Procedures should be as speedy as possible, consistent with fairness to all.
- 3.10 If a complaint is withdrawn, it will be recorded and acknowledged by letter.
- 3.11 The principles below apply particularly when a concern has not been resolved informally and it takes on the character of a formal complaint:
- when a concern is not easily and informally resolved and becomes a formal complaint, all those involved in handling the complaint will respect the rights of the complainant and any other person involved.
  - the complaint will be kept confidential and only those people who need to know about the complaint whether for the purposes of investigating it or deciding on the merits of the complaint will be made aware of the complaint except where the matter is already in the public domain.
  - any person about whom the complaint is made, or who is affected by the complaint, will have the right to have relevant information, which is sufficient to enable them to respond fully to any matter which concerns them. Information may only be withheld where there is an identified need to protect the source of the information, or there is a legal reason why the information should not be released (e.g. Data Protection).
  - all staff and governors in schools should have the opportunity to take part in training to raise their awareness of the procedures, and to develop their skills in dealing with people who wish to complain.
  - if the outcome of a complaint shows a weakness in a process or procedure, then the school will consider making changes to improve it.
  - all complaints will be recorded and monitored to allow any lessons to be learned.
  - The governing body will monitor the operation of the complaints procedure and evaluate its implementation annually.



## 4.0 Procedures

### Scope:

- 4.1 This procedure is intended to apply to general complaints received by the school.
- 4.2 It does not apply to the following matters, for which there are separate and specific procedures:
- complaints about failure to follow the National Curriculum or the provision of R.E. and collective worship.
  - complaints about members of staff which should be handled by disciplinary, capability or grievance procedures.
  - exclusions, admissions and SEN issues where there is a right of appeal to the governing body or to an independent tribunal.
  - matters which are or have been the subject of legal proceedings or are under investigation by the police or some other competent body, for example, child protection issues.

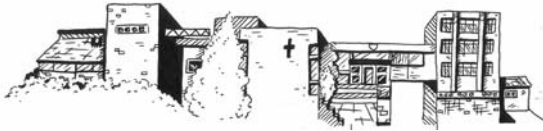
## 5.0 A staged approach

- 5.1 The procedures described in greater detail in the following pages set out a staged approach. The principle is to deal with as many of the complaints as possible at the earliest stages
- 5.2 There are three stages at the school level.

Stage One	Informal stage	The intention is that the vast majority of concerns/complaints will be resolved informally
Stage Two	Headteacher's Investigation	A formal investigation by the Headteacher upon receipt of a written notification that a complaint has not been satisfactorily resolved informally
Stage Three	Governing Body Review	A formal procedure, invoked following receipt of a written notification that stages one and two have not satisfied the parent, when the governing body seeks to establish the facts of the situation, to resolve the complaint if possible and to recommend action to prevent re-occurrence of the complaint where appropriate

- 5.3 In addition, there are two further stages available when a complainant is dissatisfied with the outcomes of the governing body review. The purpose of these stages is to review the way in which the complaint has been handled; they are not opportunities to rehearse the arguments of the substantive complaint, nor change the outcome.

Stage Four	Diocesan Review	Review of procedures
Stage Five	LEA Review	Review of procedures



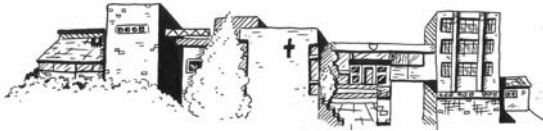
## **6.0 The role of the County Council (Schools and Lifelong Learning Service)**

- 6.1 When the Schools and Lifelong Learning Service receives a general complaint concerning the conduct of a school, the complainant will be referred to the school and advised to pursue the complaint through the school's complaints procedure.  
(The exceptions to this are where the complaint concerns one of the areas covered by statutory requirements or is obviously concerned with child abuse or staff disciplinary matters.)
- 6.2 The complainant will be advised to contact the Headteacher to take the matter further. If the complaint has already involved the Headteacher, but has not been resolved to the satisfaction of the complainant, the complainant will be referred to the next stage of the school's complaints procedure and advised to contact the Chair of Governors.
- 6.3 The Schools and Lifelong Learning Service will provide advice to complainants on schools' complaints procedures and how they can access them.
- 6.4 The Schools and Lifelong Learning Service will give advice to the Headteacher and the school on the use of complaints procedures at Stages One, Two and Three.
- 6.5 If a school requests it, Officers from the Schools and Lifelong Learning Service can be available during each stage of the process to offer information and advice, to carry out investigations on behalf of the school where an independent view will be helpful and to attempt mediation between parties.
- 6.6 The County Council will also provide a fifth review stage. Upon receipt of a letter from a complainant expressing dissatisfaction with the outcomes of a governing body review, the Chief Schools Officer will designate an appropriate officer who will review the procedures followed by the school in order to establish whether the original complaint has been fairly and fully investigated.

## **STAGES OF THE COMPLAINTS PROCESS**

### **7.0 Stage One - the informal stage**

- 7.1 The vast majority of concerns and complaints can be resolved informally and speedily by the member of staff (or the Headteacher) with whom the parent makes first contact:
- the school will ensure that parents are aware of the appropriate person to contact in the first instance;

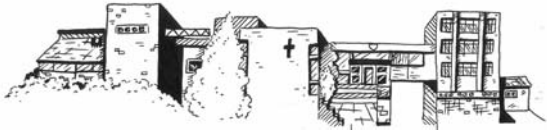


- the schools will aim to ensure that parents know how they can raise concerns (arrangements for contacting and arranging to meet individuals in person, by telephone or in writing);
- the school will aim to ensure that the arrangements do not involve undue formality;
- if a governor, including the Chair of Governors, is approached by a parent directly with a complaint at this stage, the governor should refer the matter to the Headteacher.

- 7.2 Concerns and complaints may be resolved following the initial contact.
- 7.3 In all cases, members of staff dealing with the complaint should make a note of the date and details of the complaint and the outcomes of the contact and inform the Headteacher.
- 7.4 If the concern or complaint is not immediately resolved, the staff member dealing with the matter should make clear that the complainant is clear about 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.
- 7.5 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 should inform the complainant of the next stage of the procedure.
- 7.6 **If the complaint is about the action of the Headteacher, the matter must be referred to the Chair of Governors.**

## 8.0 Stage Two - Headteacher's Investigation

- 8.1 Anyone who wishes to pursue a complaint to Stage Two will be asked to put the complaint in writing to the school. The Headteacher (or designated member of staff) will acknowledge the complaint in writing within **five working days** of receipt, giving a brief explanation of the complaints procedures and a target date for providing a response. This should be within **fifteen working days**. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
- 8.2 The Headteacher (or designated member of staff) will offer an opportunity for the complainant to meet him/her. The complainant will, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Every effort will be made to provide interpreting facilities if requested.
- 8.3 If necessary, the Headteacher (or designated member of staff) will interview any witnesses and take statements from those involved. If the complaint centres around a student, the student may also be interviewed,

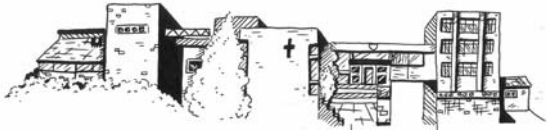


normally with his/her parent/guardian present. In some circumstances this may not be possible and a senior member of staff with whom the student feels comfortable should attend with him/her. If a member of staff is complained against, they need to be made aware of the complaint, have an opportunity to respond and be accompanied by a representative if required.

- 8.4 The Headteacher (or designated member of staff) will ensure that written records of meetings, telephone conversations and other documentation are kept.
- 8.5 Once all the relevant facts have been established, the Headteacher (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 should 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.
- 8.6 **If the complaint is against the action of the Headteacher, the Chair of Governors (or designated Governor) should carry out all the Stage Two procedures.**

## 9.0 Stage 3 - Review by Governing Body

- 9.1 Complaints only rarely reach this formal stage, but it is important that Governing Body is prepared to deal with them when necessary. It should be noted that Stages 1 and 2 must be completed before this stage is reached.
- 9.2 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.
- 9.3 The Governing Body should take care that no Governor can be accused of prejudice by ensuring that:
  - an individual Governor does not deal with the complaint;
  - the complaint is quickly referred to a committee charged with dealing with complaints or to the Headteacher, 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.



- 9.4 The Governing Body will ensure that all parties to the complaint are given a fair hearing - a model procedure which could be adopted appears in Appendix A.
- 9.5 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.
- 9.6 The letter should also advise the complainant that if they are dissatisfied with the outcome of the procedure they may write to the Diocesan Director of Education, 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.

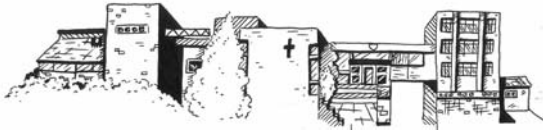
#### **10.0 Stage 4 - Review by Diocese**

- 10.1 If the complainant is dissatisfied with the outcome of the school's complaints process, they may write to the Diocesan Director of Education. The Diocesan Director of Education will carry out a review of the procedures which have been followed in order to confirm that the complaint has been fully and fairly considered.
- 10.2 The outcome of the Diocesan Director of Education's review will be given in writing to the complainant and within **fifteen working days** of the receipt of the letter.

#### **11.0 Stage 4 - Review by County Council**

- 11.1 If the complainant is still dissatisfied with the outcome of the Diocesan Review, they may write to the Chief Schools Officer. The Chief Schools Officer 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.

Similarly, the complainant may approach the Welsh Assembly Government for a further review of the process undertaken.

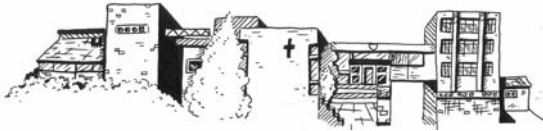


## APPENDIX A

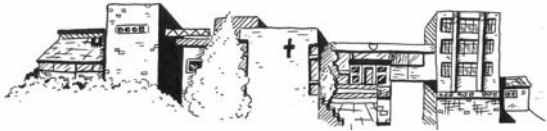
The following procedure should be followed upon receipt of a written request from the complainant for the complaint to proceed to Stage Three.

1. The Clerk to the Governing Body will write an acknowledging receipt of the written request 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 Headteacher to have a place on the committee. The Governing Body 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, Headteacher 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 Headteacher, 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/Headteacher 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.

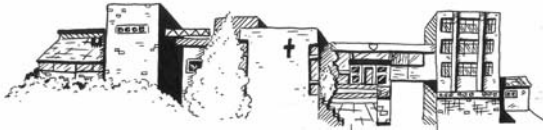




6. The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action which will satisfy the complainant that their complaint has been 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/ Headteacher 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 Headteacher/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 Headteacher/representative will respond to the complaint, present the documentary evidence and/or call witness(es).
  - (v) The complainant/representative may ask questions of the Headteacher/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.
  - (vii) Both parties or their respective representative shall be given the opportunity to sum up if they wish, the complainant/representative going last. Neither may introduce any new matter or issue which has not been raised before in the proceedings
9. 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**.



10. The Headteacher and any witnesses should then withdraw and the committee should consider its decision. This should include:
  - (i) a 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.
  
11. The school should ensure that a copy of all correspondence and notes is kept on file in the school. In matters where the complaint involves a student, or is lodged by a parent, this should be held separately from students' personal records.



### APPENDIX B Complaints Procedure Flow Chart

