

BEDWAS HIGH SCHOOL



# Complaints Procedure and Policy

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## **SUMMARY**

Section 29 of the Education Act 2002 requires the Governing Bodies of all maintained schools in Wales to establish procedures for dealing with complaints from parents, pupils, members of staff, governors, members of the local community and others. This includes complaints about the school and any community facilities or services that the school provides.

The law also requires Governing Bodies to publish their Complaints procedures.

The provisions of section 29 came into force on 1<sup>st</sup> September 2003.

Section 29(2) of the Act requires Governing Bodies to have regard to the guidance from the National Assembly (circular 03/2004 - issued 21<sup>st</sup> May 2004 - Guidance in relation to School Governing Body Complaints procedures) in establishing and publicising their Complaints procedures.

The elements of circular 03/2004 that are of statutory concern are;

- the content of complaint procedures
- the publication of complaints procedures

The school's policy/procedures have regard to these statutory requirements and to guidance/model procedures provided by the LEA (circular 92/05) in August 2005.

## **SECTION 1**

### **The Legal Framework and Role of the Complaints Procedure**

#### **The Legal Framework**

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 from parents, pupils, members of staff, governors, members of the local community and others. This includes complaints about the school and any community facilities or services that the school provides. The law also requires governing bodies to publish their complaints procedures. The provisions of section 29 came into force on 1st September 2003.
2. Section 29(2) requires Governing Bodies to have regard to guidance from the National Assembly in establishing and publicising their complaint procedures. The elements of the guidance which are statutory are:
  - The content of complaints procedures
  - The publication of complaints procedures
3. There are other statutory processes for complaints and appeals relating to the curriculum, Special Educational Needs (SEN), religious worship, admissions, exclusions, staff grievance, teacher capability and staff disciplinary.

The school's Complaints Procedure/Policy will apply to most **general complaints** received. It is not intended to cover those matters for which there are other specific statutory requirements. See point 3 above.

In relation to a non-statutory complaint, there is no statutory right of appeal, by a complainant to the LEA. The responsibility for dealing with a general complaint lies solely with the school.

#### **Role of the Complaints Procedure**

4. The complaints procedure 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.**
5. The complaints procedure provides a framework so that:
  - Anyone with an interest in the school (parents, members of staff, governors, pupils, members of the local community and others) is clear how they can express complaints, and how they will be responded to at each stage.
  - School staff and governors are clear about their roles and responsibilities in responding to complaints.
  - The school can learn lessons and improve procedures as a result of individual cases and monitor long-term trends.
  - All parties are assured of a consistent, documented approach.

## **SECTION 2**

### **Contents and Publication of the Complaints Procedure**

#### **Contents (the following identified *in italics* is a statutory requirement)**

6. Contents of a complaints procedure should include:
- *the principles underpinning the complaints procedure*
  - *roles and responsibilities of all those involved*
  - *procedures for dealing with complaints of various types*
  - *timescales for dealing with complaints*
  - *procedures for monitoring and recording complaints*
  - *procedures for implementing any actions arising from the resolution of complaints and from monitoring trends.*

#### **Publication**

7. The Education Act 2002 requires Governing Bodies to publish their Complaints procedure (see Annex A, section 16 - extract for School Prospectus/School Website)

#### **(The following paragraph *in italics* is a statutory requirement)**

8. *A summary should be published in the school prospectus and following its adoption, the full document should be made available to all parents, pupils governors, the LEA, and to all those who request a copy. All staff should be given a copy and made aware of their role in relation to the procedure. Subsequently the full document should be provided to parents, pupils, staff and governors new to the school and on receipt of a request from any individual. It should be in a format that is accessible to the recipients.*

The procedure may also be referred to in other publications including:

- Governors' Report to Parents
- Newsletters
- Home-school agreement
- School website.

## **SECTION 3**

### **Principles of the Complaints Procedure**

#### **Principles**

9. The principles guiding the school's procedure for handling complaints are that it should:
  - Be easily accessible and well publicised.
  - Be simple to understand and use.
  - Allow speedy handling, with established time limits for action and keep people informed of progress.
  - Ensure a full and fair investigation.
  - Respect people's desire for confidentiality.
  - Address all the points at issue and provide an effective response and appropriate redress.
  - Provide information to management so that services can be improved.
  - Be fair to all parties and applied consistently.
10. Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their cases will be impartially investigated.
11. Complainants will be dealt with as quickly and effectively as possible, adhering to time limits laid down for responding to complainants at each stage of the procedure. The procedures for the hearing of complaints will be adhered to by everyone involved, as far as is practicable.
12. The Complaints procedure will have 3 stages. Complaints at stages 2 and 3 of the procedures must involve staff / governors who are impartial and not compromised by having an interest in or prior involvement with the matter he or she is making a decision on.
13. The school procedure allows for the complainant and the person(s) against whom the complaint is made, to be accompanied by a friend, advocate, union representative, colleague, parent or other person at each stage.

#### **Definition of a Complaint**

14. A school - based complaint is an expression of dissatisfaction, an utterance of grievance or formal accusation made by a person or persons against the school. A complaint can be verbal or in writing.

### **Definition of a complainant**

15. A complainant is someone:
- Who allegedly has been wronged;
  - Whose child(ren) has allegedly been wronged i.e. a parent, guardian or other person with parental responsibility;
  - Someone representing a person in one of the above groups;
  - Anyone with an interest in the school including members of the local community.

### **Investigating Complaints**

16. At each stage the person dealing with the complaint will make sure that they:
- establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them if unsure or further information is necessary;
  - clarify what the complainant feels would put things right;
  - talk to those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - approach matters with an open mind and;
  - keep records.

### **Handling Information**

17. A general principal is that an accused person is entitled to know the substance of the accusation. However, there are cases where the Governing Body may decide to withhold information e.g. where there is a need to protect the source (or there is a legal reason why the information should not be released) or to meet data protection requirements.

Complaints are kept confidential and only those involved in investigating and making decisions regarding the complaint will be made aware of the nature of the complaint. All parties involved in a complaint will, however, be made aware that some information may have to be shared in order to carry out a thorough investigation.

### **Complaints Involving Pupils**

18. Where a complainant is a pupil, under the age of 16 years, the complaint may be pursued by the child's parent or guardian. Where someone other than a pupil or parent is pursuing a complaint on their behalf, this can be done only with the

consent of the pupil or parent. Evidence provided by a pupil under the age of 16 must be done voluntarily and with parental or guardians consent.

19. The Governing Body will be sensitive to fact that appropriate techniques are needed when hearing evidence from a child witness to ensure that the child's view is properly heard.

### **Timing**

20. Every effort will be made to investigate complaints promptly. It is recognised that complaints procedure can be stressful to all parties and delay can cause further unnecessary stress. It is also recognised that during a protracted process memories may fade or positions become entrenched.

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible.

21. All parties will be kept informed throughout the process.
22. Timescales identified in days refer to school working days. Complaints received during school holiday times will be addressed at the start of the next available school working day.

### **Anonymous Complaints**

23. If an anonymous complaint includes an allegation of criminal conduct or if it concerns a child protection matter, the school will treat the complaint in the same way as any other complaint of this kind (see paragraphs 96 to 98). In other cases, any person receiving an anonymous complaint will make a judgement as to whether it should be investigated. All anonymous complaints may be recorded and reviewed periodically as set out in paragraphs 29 and 30.

### **Withdrawal of Complaints**

24. Withdrawn complaints will be recorded and acknowledged by letter.

### **Recording Complaints**

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

25. 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
  - to identify trends or recurring themes in complaints cases
  - to compile reports to governors (and others) on complaints

- for reference, if further complaints arise relating to the original issue.
26. Annex A, section 15 of this procedure identifies the records that will be kept at each stage. For anonymous or withdrawn complaints, or complaints regarded as vexatious, frivolous or malicious the record will 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.
27. Subject to compliance with the Data Protection Act 1998, the record of complaints will 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 Schools Inspections Act 1996.
28. The record of complaints will be retained for three school years including the year in which the complaint was finalised.

### **Reporting and Monitoring Complaints**

29. The Head teacher, or nominated officer, will compile a report for governors summarising key trends and issues on complaints at least twice a year. The report will be included in the Head teacher's termly reports to governors. A summary may also be included in the Governors Annual Report to Parents.
30. The purpose of this reporting mechanism will be to allow the Governing Body to consider the number and subject of complaints, identify any trends or areas for concern and make recommendations for action.

## **SECTION 4**

### **The Three Stage Approach to Complaint Resolution at Bedwas**

#### **Introduction**

31. The school complaints procedure is intended to be a good practice guide, which will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory requirement, e.g. curriculum, SEN, religious worship, admissions, exclusions.

**The Governing Body will follow a 3 - staged approach for dealing with complaints.** At all stages of the complaints process, those responsible for investigating complaints will ensure that the substance of the complaint is not one that may be dealt with under any other procedure. e.g. staff capability, staff grievance, staff discipline or child protection. If at any time the issues raised require action under those procedures, then those procedures take precedence and will be implemented.

32. Complaints procedures will be fair to all parties and applied consistently.

#### **STAGE 1 - Informal Stage**

33. The vast majority of concerns and complaints can be resolved informally, often straightaway by the **designated Complaints Officer – Mr T Stancombe – Assistant Deputy Head teacher.**
34. The school will aim to ensure that complainants feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate for someone to act on behalf of a complainant in such an approach.
35. Parents, carers, members of the community may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff may be needed to clarify the issue and help to decide whether the person wishes to take the matter further.
36. Complainants should report their complaints to the designated Complaints Officer – Mr T. Stancombe – Assistant Deputy Head teacher, who should carry out an investigation usually within 5-10 working days.

At this stage, a complaint may be made orally or in writing. The complaint may be made to a member of staff, Head of Year, etc. Complainants/complaints, at this stage, should be referred to the Complaints Officer.

The complainant should be given the opportunity to meet with the Complaints Officer so that a decision is reached (usually within 10 working days) and conveyed to the complainant. The record of the complaint may include any discussions and interviews which take place.

37. The Complaints Officer will inform the complainant of the outcome of the investigation.

**Every effort will be made to resolve complaints at this stage.** In many/most cases this should be possible.

38. **(If the complaint relates to the Head teacher, the complainant should be referred to the Chair of Governors see diagram 2).**

39. The vast majority of concerns and complaints should be resolved at this point.

40. If the complainant is not satisfied with the outcome, he/she will be informed, orally or in writing, on how to proceed to the next stage. The complainant should be given a copy of the schools complaints procedure if they have not been given a copy in the course of the stage 1 consideration.

*If the Head teacher is the first recipient of a complaint, he can decide whether to delegate consideration to another member of staff under Stage 1 or to proceed to Stage 2.*

41. The following stages will require that complaints be made in writing. This can only be made if the complainant has:

- sought to resolve the concern through an informal approach to the school
- accepted any reasonable offer by the school to discuss the result of the investigation

## **Records**

**The Complaints Officer will maintain accurate records of all complaints.**

42. For complaints considered at Stage 1, the record will include the name of the complainant, date of receipt of the complaint, actions taken to resolve the complaint and outcome and any issues for action by the school.

## **STAGE 2 - Formal Stage**

**Consideration by Head teacher.**

**(NB if the Head teacher is not involved in stage 1, he must be involved at stage 2.**

43. Where it has not been possible to achieve an informal resolution acceptable to the complainant at stage 1, the complainant must **put their complaint in writing** to the Head teacher. If it is not possible for the complainant to put the matter in writing the school will consider making arrangements for the complainant to convey their complaint by another method e.g. by arranging for it to be dictated and signed.

44. The Head teacher will investigate the complaint.
45. The Head teacher will write to the complainant acknowledging the complaint and inform the complainant how it will be handled at this stage.

## **Procedure for Stage 2**

### **(Consideration by Head teacher)**

46. Complainants who wish to pursue a complaint to Stage Two will be asked to put the complaint in writing to the Head teacher. He should log and acknowledge the complaint in writing usually **within 3 working days** of receipt. At this stage a copy of the complaints procedure will be given to the complainant (if this has not already been done). A target date for a full substantive response, following an investigation, will be made ideally **within 10 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.

47. The Head teacher will **offer the complainant an interview**, if appropriate, at which the complainant will be able to set out fully the grounds for the complaint. Where further time is needed, after the interview, to investigate the matter further, this will be stated at the interview and a time limit agreed upon.

The complainant may wish to be accompanied by a friend or relative either for support or to speak on their behalf as necessary. The Head teacher may also wish to have another person present to witness the discussions. **Written notes should be kept** of interviews, telephone conversations and any other action.

48. Following the interview, a written record of the interview will be made and a written record made of any further investigations.
49. The outcome of any consideration by the Head teacher might be:
  - No further action, with reasons given.
  - Action within the Head teacher's own powers (providing the complaint is not about the Head teacher.)
50. The complainant will be notified, in writing, of the outcome and also informed of the next formal stage if they are not satisfied.

**Complainants must write within 15 school days of receipt of the written decision notifying the school of their intention to proceed to Stage 3.**

At stage 3 the complaint will be considered by the Governing Body Complaints Committee.

## **Records**

51. For complaints, considered at stage 2, the record will include the name and address of the complainant, date and details of the complaint, actions taken to resolve the complaint and a written record of discussions, interviews and evidence collated, outcome, date of notification to the complainant and any issues for action by the school.

## **STAGE 3**

### **Consideration by the Governing Body (Complaints Committee)**

If a complainant is not satisfied with the outcome of the consideration by the Head teacher, the Governing Body may consider the matter. This should be rare but Governors ought to be prepared to deal with complaints when they arise.

Governors will wish to satisfy themselves that stages 1 and 2 have been exhausted before considering the matter or that there are special circumstances/reasons for not following stages 1 and 2.

It is important that the stage of review by the Governing Body is impartial and independent and is seen to be so.

The Governing Body has a Complaints Committee to deal with complaints.

### **The Complaint will be heard by the Complaints Committee**

52. The membership of the Committee will be checked before each hearing. If the Committee includes any governor, who has had any prior involvement with the complaint, the actual or perceived fairness of the proceedings may be called into question.

In order to avoid any accusation of bias, care will be taken to ensure that no committee member has any personal links with the complainant or the person against whom the complaint is being made. If there is any doubt about a person's ability to act impartially or fairly or if there may be a conflict or potential conflict of interest, in accordance with Part VII, Regulation 57 of the Education (School Government) (Wales) Regulations 1999, the Governing body will decide whether that person should be a member of the Complaints Committee. Substitute members will be appointed as necessary.

53. As the Governing Body has established a Complaints Committee to deal with complaints, it is important that individual governors do not get involved before this stage to avoid prejudicing their potential involvement.

**If individual governors are approached by parents or others with complaints, they should not enter into any discussion of the issues and refer the complainant to the schools complaints procedure.**

54. Complaints that reach stage 3 will do so because the complainant is not satisfied with responses in stage(s) 1 and 2. In this situation, it is helpful for the Complaints Committee to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

There will be instances where the Committee may only be able to establish the facts, make recommendations and give direction to the Head teacher for the necessary remedial action.

### **The Complaints Committee Hearing**

55. The following procedure should only be followed upon receipt of a **written** request from the complainant for the complaint to proceed to Stage Three.
56. The Clerk to the Governing Body will write acknowledging receipt of the written complaint, usually within 5 school days. The Clerk will make arrangements for the Governing Body Complaints Committee to **hear the complaint, usually within 15 days** of the date of receipt of the complaint. The Clerk will confirm availability of the complainant and others entitled to attend the hearing to ensure that all parties are able to attend and arrange a suitable venue.
57. The letter of acknowledgement will inform **all** parties involved of the following:
- all parties involved in the complaint are entitled to provide evidence/written documentation for the committee's consideration
  - the date by which parties must provide such written evidence
  - the date by which documents will be forwarded to the person(s) complained about
  - the date by which the person(s) complained about must return their response
  - the date that response will be made available to the complainant
  - the date of the hearing (if available at this point)
  - the procedure for the conduct of the hearing.
58. The person(s) against whom the complaint is made will be 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.
59. 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 or interest to constitute the Committee when required.

The Committee should elect its chair. The Chair of the Committee should ensure that the complainant and members of the Committee are usually given at least 5

school days notice of the date of the hearing in writing. This will be arranged through the Clerk to the Governing Body and include:

- the time and place of the Committee hearing
- the grounds of the complaint, with copies of all relevant documents
- the right of all parties to be accompanied or represented by a person of their choice
- details of those attending and their role
- the Committee's right to proceed with an oral hearing in the absence of either or both parties if no good reason is given why they should not do so
- the entitlement of the parties to seek adjournment of the hearing if there is good reason why they cannot attend.

60. The Clerk will ensure that interpretation facilities for the hearing are offered and made available if required. (This is the responsibility of the school).

61. The Clerk to the Committee should ensure that the meeting is properly minuted.

### **Role of the Chair of the Complaints Committee**

62. The Chair of the Committee should try and ensure that the proceedings are as informal as possible and that the complainant feels at ease. The purpose of the hearing is to enable members of the Governing Body Committee to clarify facts and ascertain whether there are grounds for upholding the complaint.

63. The Chair of the Committee plays a central part. He/she he will introduce all the Committee members and explain that the Committee is impartial. The Chair will also ensure that the following procedure and protocols are observed:

- the issues are addressed
- key findings of fact made
- those attending the hearing who may not be used to speaking in such circumstances are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- each party has the opportunity to put his/her case without interruption
- there is no cross examination of individuals and the hearing does not become confrontational.

64. The Chair of the Committee reserves the right to adjourn or conclude the hearing in cases where the parties involved do not observe the protocols of the hearing. Proceedings for the Complaints Committee hearing are detailed at Annex A, section 14.

65. At the conclusion of the hearing, the Chair will clarify that all parties: have understood the proceedings; have been given proper opportunity to speak, put evidence forward and take questions; feel that they have said everything they wished; feel the Complaints Committee has listened to and understood all the points

that have been made; are clear as to when they will be informed of the Committee's decision.

### **The Decision of the Committee**

66. Once all the evidence has been presented the Complaints Committee should consider its decision in private. The Clerk to the Governing Body may remain to provide assistance to the Committee with the approval of the Chair. The Committee may also consider taking advice from advisers, such as, representatives of the LEA or other relevant parties. Such advisers will leave once their advice has been given. In cases where the LEA is involved both in giving evidence and providing advice, each of these functions is performed by different individuals.

67. The Committee will consider:

- the evidence
- whether all parties involved have complied with the complaints procedure
- whether there is substance to the complaint

68. The decision will be based on a majority agreement with a second or casting vote from the Chair as necessary. The decision will cover:

- whether or not the complaint is upheld
- any action to be taken by the Governing body, Head teacher and /or members of staff in light of the decision
- any recommendations for changes to school policies or procedures to ensure similar problems do not arise in future.

69. The decision of the Committee will be sent, in writing, to the complainant usually within 5 school working days following the hearing. The correspondence will set out the reasons for the decision and any remedial action to be taken by the school. The decision letter will make clear:

- that the complaint has been thoroughly investigated
- the Governing body and the Head teacher will not re-open the matter
- any new issues will not mean re-opening an already determined complaint
- any new issues will be treated as a new complaint but only if they are demonstrably different from the complaint already considered.

70. **The decision of the Complaints Committee is final. There is no Appeal Panel.**

All parties should:

- have understood the reasons for the decision, which should be expressed clearly and concisely in writing
- be satisfied that the hearing was a fair one even if they have not been successful.

## **Records**

For complaints dealt with at stage 3, the records should include:

- a full account of the proceedings of the Complaints Committee, all the evidence presented and all other relevant documentation
- the decision reached and any action to be taken by the school, Head teacher, Governing body or member of staff
- date of the decision and the date the decision letter was sent to the complainant.

## **SECTION 5**

### **Adaptations to the 3 stage process**

#### **Introduction**

71. There are a number of cases where the principles outlined in section 4 apply, but the complaint does not lend itself to the three-stage approach and adaptations will have to be made. These are set out below in respect of complaints, which concern the whole Governing Body, an individual governor or governors (including the Chair and Vice Chair) the Head teacher or the Complaints Officer.

#### **Complaint Against the Head teacher - Diagram 2**

72. If the complaint is against the Head teacher, the first recipient should refer it to the Chair of Governors. The Chair may then decide to delegate the investigation of the complaint to the Vice Chair or to a designated governor if he chooses to do so. On receipt of a complaint about the Head teacher, the Chair should:

- consider whether the matter is suitable for consideration under the complaints procedure
- check whether the matter needs to be referred to other authorities such as the police and or social services
- consider whether he/ she needs to delegate consideration to another member of the governing body in light of any prior involvement by the Chair in the matter or the relationship the Chair has with the Head teacher.

73. Consideration of the complaint by the Chair, Vice Chair or designated governor would constitute investigation under stage 2 of the procedure and the governor appointed to investigate should proceed in accordance with the process. Whichever governor carries out the investigation should not then be a member of the Complaints Committee. The governor appointed to investigate should declare any potential conflicts of interest.

74. Following this process if the complainant is not happy (s)he should be advised to write to:

- the Vice Chair - if the Chair has investigated under stage 2, or
- the Chair - if the Vice Chair or another delegated governor has investigated under stage 2

75. The Chair of Governors or Vice Chair will then refer the matter to the Chair of the Complaints Committee for consideration in accordance with stage 3 of the process.

#### **Complaints Concerning the Complaints Officer - Diagram 3**

76. If the Head teacher has assigned a member of staff as a Complaints Officer to deal with complaints at the first stage of the procedure and the complaint concerns the Complaints Officer, the complaint should be passed to the Head teacher.

77. The Head teacher can decide to delegate investigation to another senior member of staff under stage 1 of the procedure or to investigate it herself under Stage 2.
78. If the complainant is not happy with the outcome s(he) should be advised to write formally to the Chair of Governors in accordance with Stage 2 of the process. The Chair will then refer the matter to the Chair of the Complaints Committee for consideration in accordance with stage 3 of the procedure.

#### **Complaint against the Chair of Governors - Diagram 4**

79. Any complaints about the Chair of Governors should be sent to the Vice Chair who should immediately inform the Head teacher and the LEA. The Vice Chair should:
  - check whether the matter needs to be referred to another authority such as the police or social services
  - consider whether to obtain advice from the LEA
80. The Vice Chair may consider investigating the complaint or delegating this task to another designated governor. This would constitute an investigation under stage 2 of the procedure. If the complainant is dissatisfied with the investigation by the Vice Chair or nominated Governor, they must write to the Clerk to the Governing Body within 15 days of receipt of the decision to request that the Complaints Committee of the Governing Body hears the complaint in accordance with Stage 3.
81. It is recommended that the matter is not brought to the Governing body's attention until it has been determined by the Complaints Committee.

#### **Complaint against the Head teacher and the Chair of Governors - Diagram 4**

82. Complaints against the Head teacher and Chair of Governors should be sent to the Vice Chair of Governors who should inform the LEA. The Vice Chair should:
  - check whether the matter needs to be referred to another authority such as the police or social service
  - consider whether to obtain advice from the LEA
83. The Vice Chair may consider investigating the complaint or delegating this task to another designated governor. This would constitute an investigation under stage 2 of the procedure. If the complainant is dissatisfied with the investigation by the Vice Chair or nominated governor, they must write to the Clerk to the Governing Body within 15 days of receipt of the decision to request that the Complaints Committee of the Governing Body hears the complaint in accordance with Stage 3.
84. The Vice Chair or delegated governor must declare any potential conflicts of interest before consideration of the matter under stage 2 and if necessary delegate the matter to another governor.

#### **Complaint against the Chair and Vice Chair - Diagram 5**

85. Any complaint about the actions of the Chair and Vice Chair of Governors should be referred to the Clerk of the Governing Body who should refer the matter to the Chair of the Complaints Committee. The Chair of the Complaints Committee should seek advice from the LEA and arrange for a Complaints Committee hearing to be arranged in accordance with stage 3 of the process.
86. If the Chair of the Complaints Committee is the Chair or Vice Chair of Governors, the Committee will need to appoint a new Chair to hear the complaint.

### **Complaint against a Governor (Including the Vice Chair) or Group of Governors - Diagram 6**

87. Any complaint about the actions of a governor or group of governors should be referred to the Chair of Governors provided that the Chair is not one of the group of governors being complained about. If the Chair is involved and is part of the group being complained about, the complaint should be sent to the Vice Chair, providing that the Vice Chair is not part of the group of governors being complained about. The Chair or Vice Chair should then deal with the complaint in the same way as a complaint against the Head teacher.
88. If the Chair and Vice Chair are part of the group of governors, the complaint should be referred to the Clerk to the Governing Body who should refer the matter to the Chair of the Complaints Committee for action under Stage 3 of the process. If the Chair of the Complaints Committee is the Chair or Vice Chair of Governors, the Committee will need to elect another Chair.
89. If the matter proceeds to consideration by the Governing Body at Stage 3 particular care will need to be taken to ensure that the members of the Complaints Committee can be regarded as impartial.
90. If a number of governors are the subject of a complaint, and as a result too few governors remain to fulfil the requirements of the complaints procedures in terms of constituting a Complaints Committee, then the 'whole governing body' procedures in detailed in paragraph 91 should be followed.

### **Complaints Concerning the Whole Governing Body**

91. Any complaint about the actions of the whole Governing Body should be sent to the Clerk of the Governing Body who should immediately inform the Head teacher, Chair of Governors and the LEA.
92. On receipt of a complaint about the actions of a Governing Body, the LEA should consider whether the matter is one to be considered in accordance with Section 15 of the School Standards and Framework Act 1998 as amended by section 55 of the Education Act 2002. This provides that where a school is causing concern the LEA can issue a warning notice to the Governing Body in accordance with its powers of intervention.

93. If no action is appropriate under these provisions the LEA, may wish to secure the agreement of the Governing Body that the complaint be heard by a committee independent of the Governing Body and specially constituted for that purpose.
94. If the LEA decides not to pursue any action, the Clerk to the Governing Body may inform the complainant that the matter will be raised at the next Governing Body meeting. If the next planned Governing Body meeting is some time away, the Chair of Governors and the Clerk may consider arranging a separate meeting to consider the complaint. The complainant may be informed of the proposed action and timing of the Governing Body meeting. The complainant may be afforded the same opportunity to give written and oral evidence as he or she would have been given if the matter were being dealt with by the Governing Body Complaints Committee.
95. The Governing Body may look at the evidence and arrive at a decision in the same way that its Complaints Committee would. The complainant may be sent the following information by the Clerk to the Governing Body:
- the decision and an explanation of the reasons for the decision
  - an explanation that if the complainant is dissatisfied he or she can ask the Welsh Assembly Government to review the procedure used by the Governing Body but not the decision itself.

### **Complaints Involving Alleged Criminal Activity**

96. If a complaint relates, or appears to relate to alleged criminal activity, the recipient will immediately refer the matter to the Head teacher. If the Head teacher is the subject of the allegation, the complaint will be referred to the Chair Of Governors who will immediately inform the relevant authorities i.e. the police and/or District Audit and the LEA. If the complaint involves both the Head teacher and the Chair Of Governors, the complaint will be forwarded to the Vice Chair.
97. If the complaint of alleged criminal activity against the Head teacher and Chair Of Governors concerns financial issues, the complaint will be referred to the Vice Chair of Governors or Chair of the Finance Committee (provided s(he) is not the subject of the allegation), who should contact the LEA and the relevant authorities. If the above are collectively included in the allegation and there is no other suitable Governor available to accept the complaint, the complainant will be advised to send their complaint to the Clerk to the Governing Body who will refer the matter to the LEA.

### **Child Protection**

98. If the complaint involves or appears to involve a child protection issue, the recipient will refer it to the designated Child Protection Officer/teacher. If the Child Protection Officer is the subject of the allegation then the matter will be referred to the Head teacher. If the Head teacher is the designated Child Protection teacher and is the subject of the allegation the matter the complainant should be referred to the Chair Of Governors who will immediately inform the LEA. Current guidance is set out in

'Protecting Children from Abuse: The Role of Education Service' available at [www.learning.wales.gov.uk](http://www.learning.wales.gov.uk)

## **ANNEX A**

### **ROLES AND RESPONSIBILITIES**

#### **THE ROLE OF THE LEA**

1. The role of the LEA is to offer advice and guidance to the Governing Body when requested. It is not the role of the LEA to offer guidance to the complainant, nor to advise them.
2. In circumstances, where the complainant contacts the LEA for advice, the LEA will refer the complainant to the school informing the complainant to take up the matter with the school. Where any complaint is received in writing by the LEA, which is not a copy, the LEA will forward the correspondence to the school to process.
3. The LEA will provide advice and support to Complaints Committees of Governing Bodies, including attendance of a clerk at meetings to hear complaints, where appropriate. (This will be in accordance with the Service Level Agreement where clerking is provided by the LEA).

#### **The Role of the Welsh Assembly Government**

4. If the Welsh Assembly Government is the first recipient of a complaint about a school and it is not a matter for the statutory authorities, the Assembly Government will advise the complainant to raise the matter with the school under the school's complaints procedure.
5. If a complainant is dissatisfied about the procedures used by a Governing Body to address a complaint he/she can ask the Assembly Government to consider its actions under sections 496 and 497 of the Education Act 1996.
6. Where a Governing Body has acted unreasonably or has failed to carry out a statutory duty under education law the Assembly can issue 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 amend its process. The courts define 'unreasonable' as action which no sensible authority acting with due appreciation of its responsibilities would have decided to adopt.

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

7. The Children's Commissioner for Wales has a statutory remit covering all children in Wales, which embraces the actions of the Welsh Assembly Government, LEAs and schools.

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, whistle blowing and advocacy, or the absence of such arrangements;

- Investigate individual cases submitted to him.

In reviewing the complaints process, 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 reports which contain recommendations. He has no statutory power to require their implementation but can publicise any failure to do so.

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.

### **Commissioner for Local Administration in Wales (also known as Local Government Ombudsman)**

8. Currently, most of the responsibilities of school Governing Bodies fall outside the remit of the Commissioner for Local Administration in Wales (CLAW). The only exception being school admissions appeals.

### **General Teaching Council for Wales (GTCW)**

9. The GTCW (the statutory, self-regulating professional body for teachers in Wales) 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.

The Governing Body and LEA, as they are required to do, will 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 (s)he not resigned.

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 undertaken. The GTCW will not normally investigate an allegation that has not been referred to a school Governing Body.

### **Complaints made to other parties outside the school**

10. Complainants may make their first approach to the police, another statutory body, the LEA, a local or national elected representative or voluntary organisation. The Governing Body will provide such organisations with copies of their complaints

procedures with the advice that the complainant should contact the school in order for the complaint to be dealt with.

If such parties receive complaints about a school they must take account of the Governing Bodies statutory responsibility for the resolution of complaints.

## **BEDWAS HIGH SCHOOL**

### **11. Acknowledgement letter in response to a complaint**

Date:

Dear (Complainants Name),

Thank you for informing me of your complaint, received on \_\_\_\_\_.

This has been logged and will now be investigated in line with our complaints procedure.

If you have any queries about this procedure, or the progress of my enquiries, you can contact me at your earliest convenience.

Please find attached a copy of the school's complaints procedure.

Yours sincerely,

## BEDWAS HIGH SCHOOL

### Model letter of notification of decision regarding a general complaint

Date:

Dear.....,

Following receipt of your complaint and consideration of all available relevant evidence, I have concluded that:

- there is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.

If you are able to provide additional evidence forthwith I/we will reconsider the decision.

OR

- the concern is not substantiated by the evidence in that.....

OR

- the concern was substantiated in part/in full as .....

The school will review its practices/procedures ..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint will not recur.

I hope that we may now put the matter behind us and work together for the benefit of your child's progress in the future.

Yours etc.

## 12. COMPLAINTS COMMITTEE HEARING GUIDELINES

- Purpose: To enable all parties to make representations to the Committee concerning the complaint made against the school.
- To agree general procedural arrangements (as below) - Committee, Head teacher, complainant(s) and clerk.
- Witnesses will normally be required to attend to give their evidence, but may stay throughout the hearing if the Committee and the complainant agree
- Committee members may ask questions of any person
- Chair to introduce all parties
- The complainant or their representative is invited, by the Chair, to explain their complaint and to present their witness/es.
- The complainant will sum up their complaint.
- The Head teacher, her representative or other appropriate witness/s should explain the school's actions. The school should then present its witness/s. At this stage, if the complaint was about the Head teacher, the Chair of Governor (or nominated governor) will explain the school's actions followed by any witnesses for the school.
- The Head teacher or Chair of Governors (or nominated governor) will sum up the school's actions and response to the complaint.
- The Chair of the Complaints Committee will inform both parties that they will hear from the Committee in writing, usually within 5 school days.
- Both parties and all witnesses leave whilst the Committee discusses and decides on the matter. The clerk to the Governing Body will remain to offer support to the Committee and minute the decisions reached.

13.

**BEDWAS HIGH SCHOOL**

**School Complaints Record**

Reference number \_\_\_\_\_

**Stage 1 - Informal Stage**

Dealt \_\_\_\_\_ with \_\_\_\_\_ by:

Date \_\_\_\_\_ complaint \_\_\_\_\_ received:

Date sent: \_\_\_\_\_ acknowledgement \_\_\_\_\_ was

Name of complainant: \_\_\_\_\_

Address: \_\_\_\_\_

Brief description of the complaint:  
\_\_\_\_\_  
—  
\_\_\_\_\_  
—  
\_\_\_\_\_  
—

Actions taken to resolve complaint: \_\_\_\_\_  
\_\_\_\_\_  
—  
\_\_\_\_\_  
—

Complainant satisfied: (Y / N) Date: \_\_\_\_\_

Issues for school action: \_\_\_\_\_

---

Referred to stage 2: (Y / N) Date: \_\_\_\_\_

**Stage 2 - Formal Stage**

Dealt with by: (name of Governor/Staff)  
\_\_\_\_\_

Date complaint received  
\_\_\_\_\_

Was the complaint made in writing? (Y / N)

Date acknowledgement was sent:  
\_\_\_\_\_

Name of complainant:  
\_\_\_\_\_

Address:  
\_\_\_\_\_

Brief description of complaint:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Actions taken to resolve  
complaint: \_\_\_\_\_  
\_\_\_\_\_

Had complaint been investigated at stage 1 ? (Y / N)

Complainant satisfied at stage 2 investigation: (Y / N)

Issues for school action:  
\_\_\_\_\_

Referred to stage 3 ? (Y / N)

### **Stage 3 - Complaints Committee**

Date complaint received in writing

---

Date of Complaints Committee hearing

---

School's report received on:

---

Complainants report received on:

---

Issues for school action:

---

Complainant satisfied: (Y / N)

14.

## **BEDWAS HIGH SCHOOL**

### **Extract for School Prospectus/School Website**

#### **School Complaints**

The Governing Body take all complaints very seriously as we are committed to providing high-quality education for our pupils.

At Bedwas, we aim to make the school's Complaints procedure easy to follow with three easy steps.

The full version of the Complaints policy is available, on request, from the school.

#### **Step 1 - Informal Stage**

You must contact the Complaints Officer of the school first as the vast majority of complaints are resolved at this stage. **The Complaints Officer is Mr T Stancombe - Assistant Deputy Head teacher.**

This contact may be made by telephone or in writing. If you wish, Mr Stancombe will arrange a meeting, with you, to discuss your complaint.

Your complaint will then be investigated and you will be informed of the outcome within 5-10 working days.

If you are not happy with the outcome of the investigation you may proceed to step 2.

### **Step 2 - Formal stage**

All complaints will need to be addressed to the Head teacher, at the school, **in writing**. The Head teacher will acknowledge receipt of your complaint within 3 working days and, if you have not already received a copy of the school's Complaints procedure, a copy will be sent to you.

The Head teacher will offer to meet with you as part of her investigation into your complaint. You will then receive a written response to your complaint within 5-10 working days. If the investigation cannot be completed within this time, you will be informed by the Head teacher of the reasons.

If you are not satisfied with the outcome of the Head teacher's investigations you may proceed to step 3 of the Complaints procedure.

### **Step 3 - Formal stage**

Within 15 days of receipt of the Head teacher's decision, you must write to the Clerk to the Governing Body to request a meeting with the Governors' Complaints Committee.

The Clerk to the Governors will acknowledge receipt of your letter within 5 working days and will arrange for you to meet with the Complaints Committee within 15 days of receipt of your complaint.

There are other statutory processes for complaints and appeals relating to the curriculum, Special Educational Needs (SEN), religious worship, admissions, exclusions, staff grievance, teacher capability and staff disciplinary.

The procedure above does not cover these matters.

15.

## **BEDWAS HIGH SCHOOL**

### **Suggested Extract for Governors' Annual Report to Parents and Head teacher reports to Governors**

#### **COMPLAINTS**

The following information relates to the number of complaints received by the school during the academic year/previous term.

Total Number of Complaints received	Resolved at Stage 1	Resolved at Stage 2	Resolved at Stage 3
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--	--	--	--

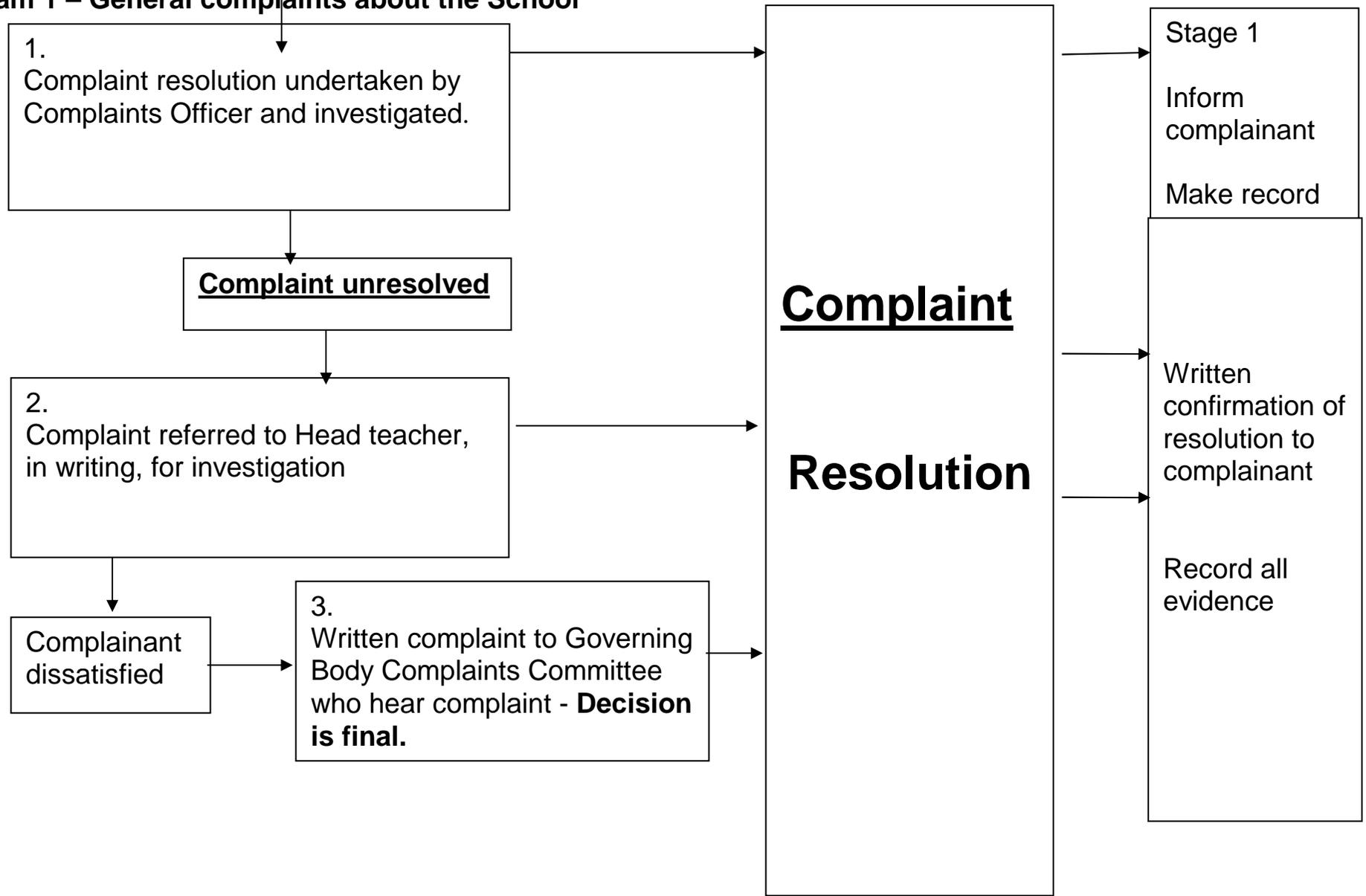
It is recommended that the school summarises key trends and issues for the Governing Body at least twice a year

Example of Complaints and Key Trends  
Annual Report to Governors

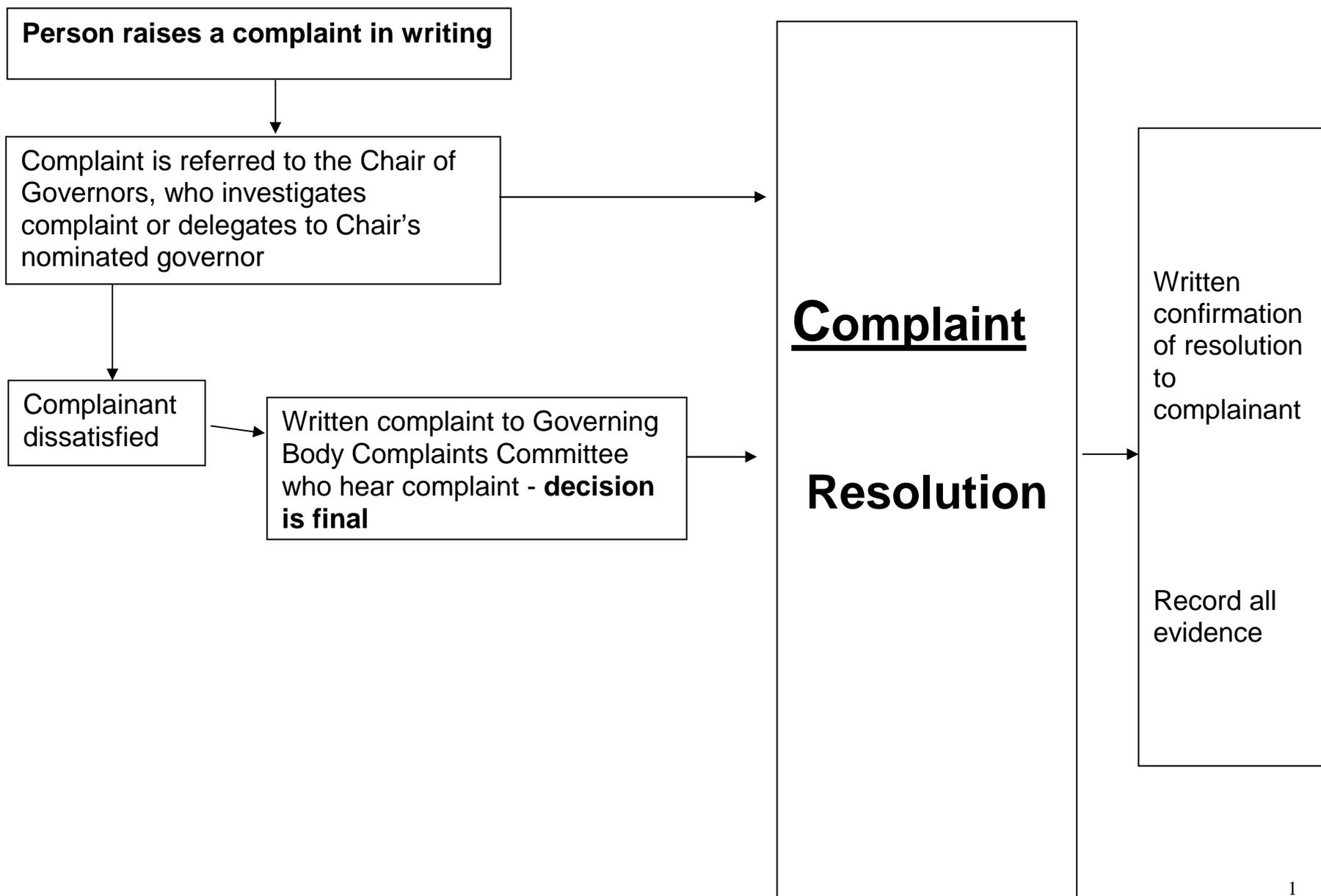
Number of Complaints Received		
Subject of Complaint <ul style="list-style-type: none"> <li>• Bullying</li> <li>• Uniform</li> <li>• Concerning member of staff</li> <li>• Other (please specify</li> </ul>		
Recommendations for action <ul style="list-style-type: none"> <li>• consider uniform change</li> <li>• review behaviour policy</li> </ul>		

## PROCEDURE DIAGRAMS

**Diagram 1 – General complaints about the School**

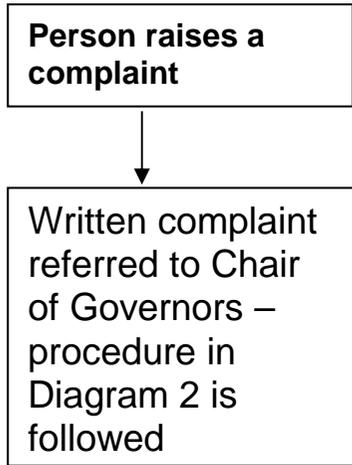


**Diagram 2 – Complaint about the Head teacher**

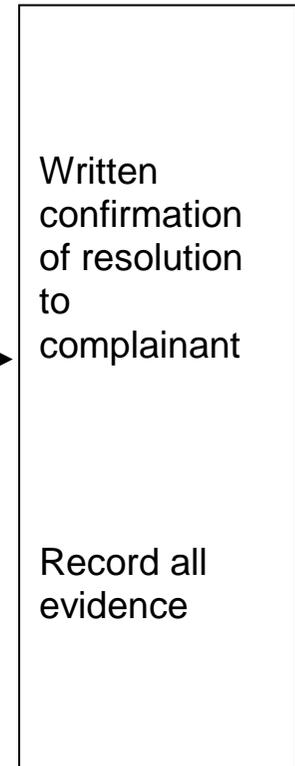
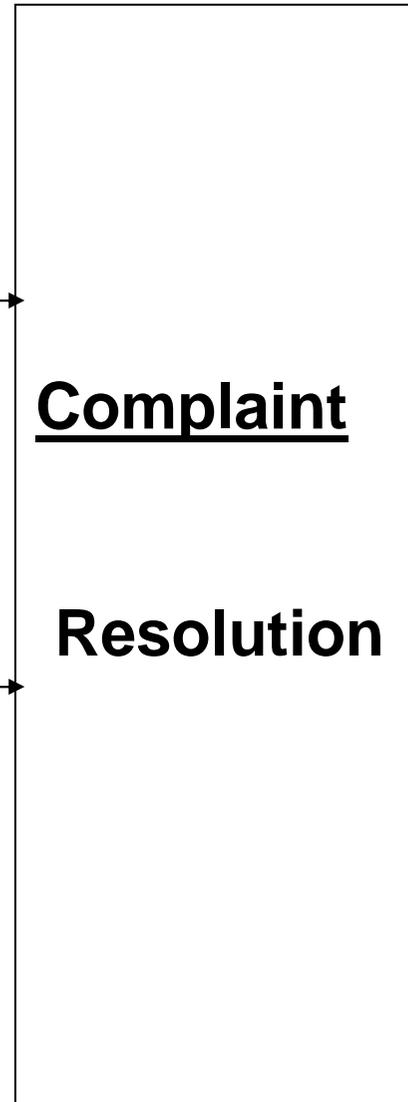
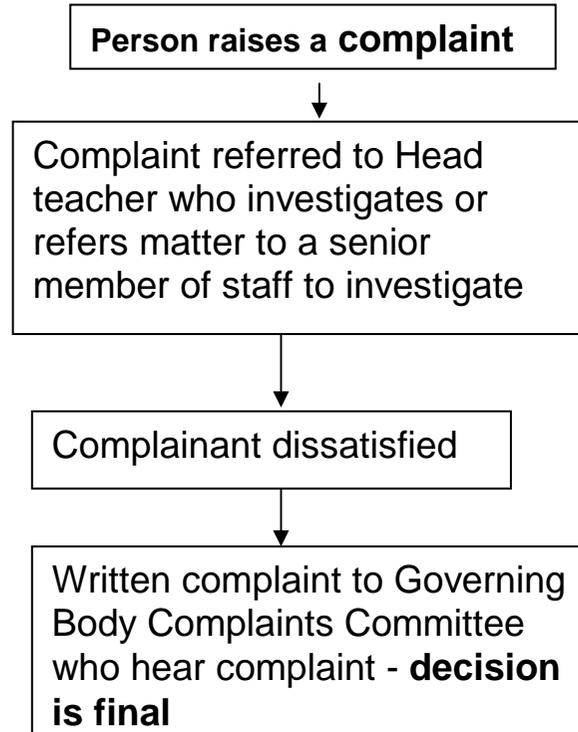


**Diagram 3 – Complaint against the Complaints Officer (Secondary Schools)**

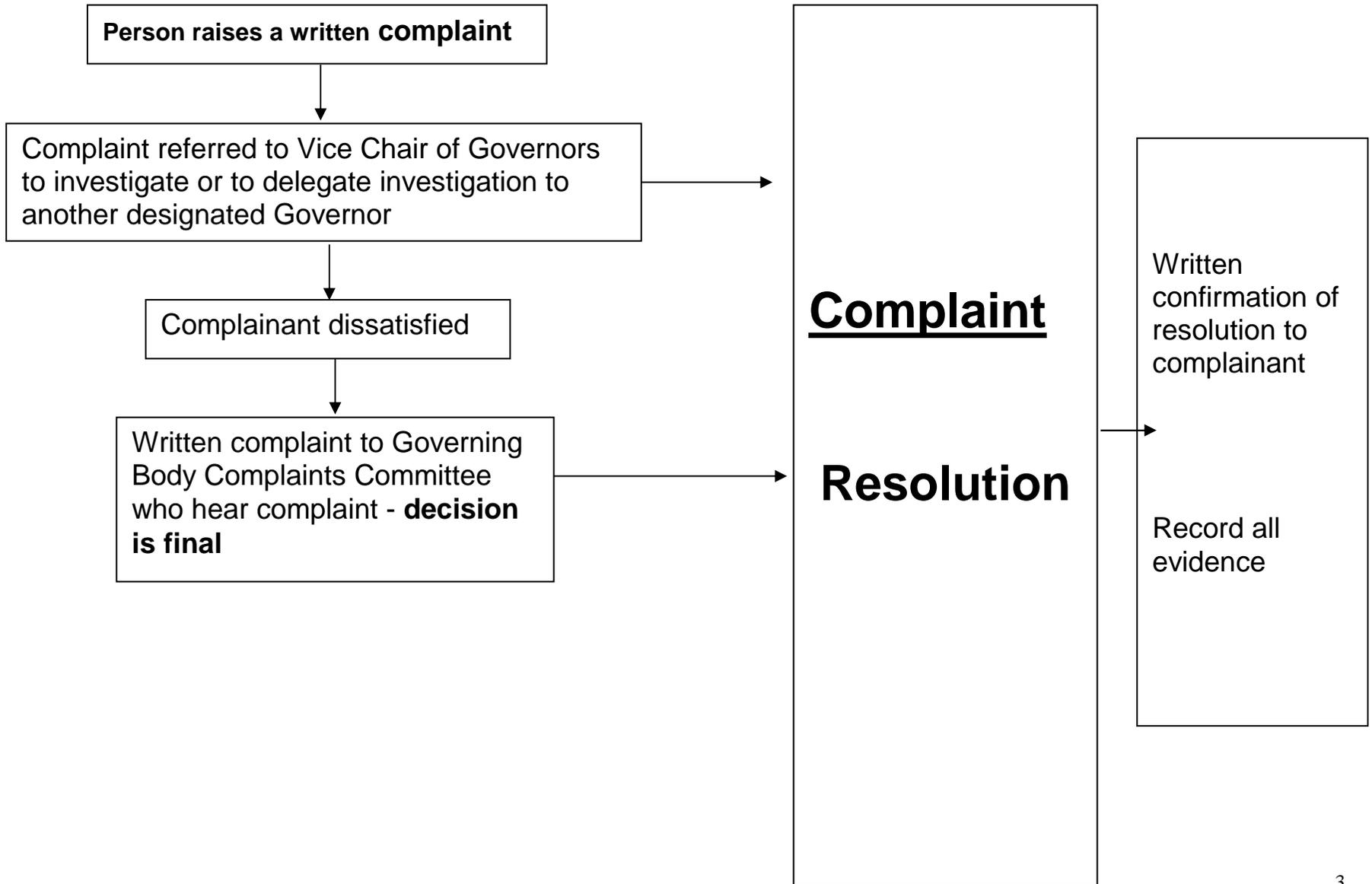
**If Head teacher is also the Complaints Officer**



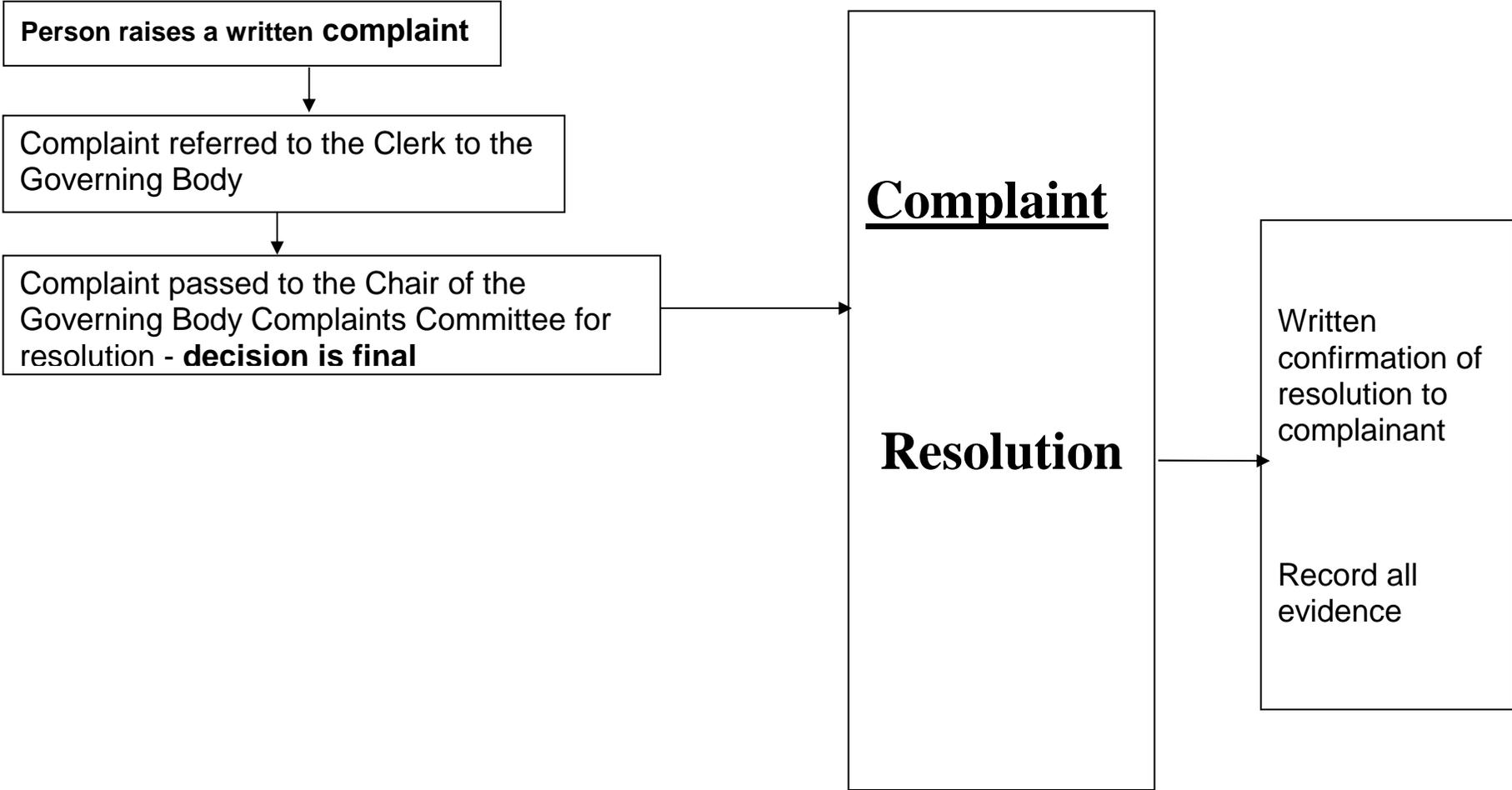
**If Head teacher is not the Complaints Officer**



**Diagram 4 – Complaint against the Chair of Governors and Complaint against the Chair of Governors and Head teacher**



**Diagram 5 – Complaint against the Chair and Vice Chair of Governors together**



**Diagram 6 – Complaint about a Governor (including the Vice Chair) or group of Governors**

