

COMPLAINT POLICY

Signed by chair of governors: Mr J.D Rugg
Date ratified: (by full governing body)
Date of review: February 2019

February 2018

'Learning and Growing Together'

'Dysgu a Thyfu Gyda'n Gilydd'.

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Ysgol Llanmiloe Llanmiloe School

COMPLAINTS POLICY

Statutory Documentation :

Section 29 of the Education Act 2002

School Governing Bodies Complaints Procedures – Circular No : 03/2004

Guidance for School Governing Bodies on Procedures for Complaints involving Pupils – Circular No : 39/2006

Complaints Procedures for school governing bodies in Wales – Circular No : 011/2012

Introduction

We believe that our school provides a good education for all our children, and that the Headteacher and other staff work very hard to build positive relationships with all parents. However, the school is obliged to have procedures in place in case there are complaints by parents. The following policy sets out the procedure that the school follows in such cases.

During the past few years, changes in legislation have given schools a lot of independence from the LEA. This of course means that each school's governing body has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. If a school requests it, Officers from the Schools Service are available to offer information and advice.

If any parent is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child's class teacher immediately.

Aims and Objectives

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

The purpose of our complaints procedure is to provide a framework in which:

- Parents are clear about how they can express concerns and how they will be responded to.
- School staff and governors are clear about their roles and responsibilities in responding to concerns
- This policy is intended to apply to general complaints. It cannot cover every eventuality. Complaints about admissions and exclusions; SEN together with matters surrounding, - staff grievance, disciplinary procedures and curriculum complaints procedures are catered for by separate and specific protocols.

Stages 1 and 2 are considered informal stages

Stage 1 Complaint –The Informal Stage

- Llanmiloe School feels that 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.
- We will endeavour to ensure that parents are aware of the appropriate person to contact in the first instance.
- We 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) **(as the synopsis in our school prospectus / brochure / home school agreement outlines)**
- We 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 will refer the matter to the headteacher. **If the complaint is about the action of the headteacher, the matter must be referred to the chair of governors.**
- Concerns and complaints may be resolved following the initial contact.
- In all cases, members of staff dealing with the complaint will make a note of the date and details of the complaint and the outcomes of the contact and inform the headteacher.
- If the concern or complaint is not immediately resolved, the staff member dealing with the matter will clarify 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.
- 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 will inform the complainant of the next stage of the procedure.

Stage Two - Headteacher's Investigation

- Parents who wish to pursue a complaint to Stage Two will be asked to put the complaint in writing to the school. Arrangements will be made available for those who may have difficulty in writing. Where appropriate every effort will be made to provide translation for meetings with the head teacher and members of staff. The headteacher (or designated member of staff) will acknowledge the complaint in writing within usually **three working days** of receipt, giving a brief explanation of the complaints procedures and a target date for providing a response. This should be within usually **ten working days**. If it is not possible to deal with the matter in this time, the complainant will be informed of when it is likely to be concluded.
- The headteacher (or designated member of staff) will provide an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.

- If necessary, the headteacher (or designated member of staff) will interview any witnesses and take statements from those involved. If the complaint centers around a pupil, the pupil 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 pupil 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.
- The headteacher (or designated member of staff) will ensure that written records of meetings, telephone conversations and other documentation are kept.
- 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 will 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.
- **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. If the matter progresses to Stage Three the Chair would hand over responsibility to the Vice Chair or designated governor.**

Stage 3 - Review by Governing Body

Complaints only rarely reach this formal stage, but it is important that governing bodies are prepared to deal with them when necessary. ***It should be noted that Stages 1 and 2 must be completed before this stage is reached.***

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. Complaints which may lead to disciplinary action should be handled in accordance with the school's appropriate procedures.

The governing body will 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;
- the governing body will ensure that all parties to the complaint are given a fair hearing. It is important that a person against whom a complaint is made is 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;
- the decision of the committee will be given in writing to the complainant and any person against whom the complaint is made usually within **five working days** of the committee's meeting;
- the letter will also advise the complainant that if they are dissatisfied with the outcome of the procedure they may write to the LEA 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.***

Stage 4 - Review by County Council

There is no role for the LEA in dealing with complaints. The LEA would only become involved in complex complaints and their role is confined to a review of the procedures which have been followed in order to confirm that the complaint has been fully and fairly considered.

Stage 5 - Review by the Welsh Government

Similarly, the complainant may approach the National Assembly for Wales for a review of the process undertaken.

SIGNED :

CHAIR OF GOVERNORS

HEADTEACHER

Dated :

APPENDIX A

The following protocols 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 should write acknowledging receipt of the written request usually within **5 working days** and informing the complainant that it will be heard by a committee of the governing body usually 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.** Governing bodies 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 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.
- (vi) At the conclusion of the meeting, the chairperson of the committee should explain that the committee would consider its decision and write to both parties with the outcome usually within **five working days**. 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.

The school should ensure that a copy of all correspondence and notes is kept on file in the school. **This should be held separately from pupils' personal records.**

Appendix B - Model complaint form



The person who experienced the problem should normally fill in this form. If you are making a complaint on behalf of someone else please fill in Section B also. Please note that before taking forward the complaint we will need to be satisfied that you have the authority to act on behalf of the person concerned. If you are a pupil the school will help you complete this form, will explain it to you and will give you a copy of it when it is completed.

Surname: _____

Forename(s): _____

Title: Mr/Mrs/Ms/other: _____

Address and postcode: _____

Daytime phone number: _____

Mobile phone number: _____

E-mail address: _____

How would you prefer us to contact you? _____

If you are making a complaint on behalf of someone else, what are their details?

Their name in full: _____

Address and postcode: _____

What is your relationship to them? _____

Why are you making a complaint on their behalf? _____

About your complaint (continue your answers on separate sheets of paper if necessary)

C.1 Name of the school you are complaining about.

C.2 What do you think they did wrong or did not do?

C.3 Describe how you have been affected.

C.4 When did you first become aware of the problem?

C.5 If it is more than three months since you first became aware of the problem, please give the reason why you have not complained before

C.6 What do you think should be done to put matters right?

C.7 Have you already put your complaint to a member of staff?
If so, please give brief details about how and when you did so.

Signature of complainant:

Date:

Signature if you are making a complaint on behalf of someone else
Signature:

Date:

Please send this form and any documents to support your complaint to:
Mrs Jayne Phillips
Head Teacher
Llanmiloe CP School
Llanmiloe
Carmarthenshire
SA33 4TU

Official Use
Date acknowledgement sent:
By whom:
Complaint referred to:
Date: