




Love to Learn, Learn to Live • Dwlu ar Ddysgu, Dysgu i fyw

**Ysgol Gymunedol Llangynidr
Llangynidr Community Primary School**

Complaints Policy

Revised: February 2016
Agreed by Staff: March 2016
Adopted by Governors: March 2016
Reviewed: February 2018
Review Date: February 2020

13/3/18



13/3/18

Background

Section 29 of the Education Act 2002 requires that governing bodies of all schools in Wales set up procedures to deal 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.

Welsh Assembly Government (WAG) Guidance

The governing body has adopted this single complaints procedure that is suitable for use by both adults and pupils and is guided by the following WAG Circular:

11/2012: Complaints Procedures for school governing bodies in Wales guidance (hereinafter referred to as Circular 11/2012)

The school's policy is intended to be consistent with the guidance and advice in this circular and fulfils its obligations under Section 29 of the Education Act 2002 as outlined above.

Introduction

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

When to use this procedure

When you have a concern or make a complaint we will usually respond in the way we explain below.

Sometimes you might be concerned about matters that are not decided by the school, in which case we will tell you who to complain to.

At other times you may be concerned about matters that are handled by other procedures, in which case we will explain to you how your concern will be dealt with. If a complaint raises issues about staff capability, staff grievance, staff discipline or child protection, then action will be taken under those procedures and they should take precedence. **The complaints procedure must not take the place of those other procedures.**

Separate procedures also exist to deal with complaints about school admissions or exclusion, special educational needs provision, school organisation proposals, religious worship and the delivery of the curriculum.

If your concern or complaint is about another body as well as the school (for example the local authority) we will work with them to decide how to handle your concern.

Have you asked us yet?

If you are approaching us for the first time you should give us a chance to respond. If you are not happy with our response then you may make your complaint using the

procedure we describe below. Most concerns can be settled quickly just by speaking to the relevant person in school, without the need to use a formal procedure.

What we expect from you

We believe that all complainants have a right to be heard, understood and respected. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or persistent complaints about the same thing that have no substance. Persistent complainants who have no substance for their complaints may be considered to be behaving unreasonably and told, in writing, that their complaint will not be considered.

We request that you as a complainant cooperate by describing your complaint in detail and provide specific information which can be investigated and considered. In the event of the complaint being of a nature that cannot be investigated the head teacher or chair of Governors will inform the complainant.

It is reasonable to expect a complainant to attend meetings if reasonable notice is given and the meeting time and location takes reasonable account of the complainant's other commitments. That should mean being prepared to meet at the start or end of the 9a.m.–5p.m. working day if that suits the complainant best. If arrangements are not convenient, an alternative will be offered. Complainants will be given at least one week's notice of meetings.

Complainants must understand and accept that complaints must follow the adopted procedure.

Confidentiality

Complaints should be treated confidentially with only those involved in investigating and making a decision aware of the nature of the complaint. If a complaint raises issues about staff discipline, conduct or capability then those procedures should apply and the individual should be told the substance of the accusation being made unless there are exceptional reasons such as evidence of criminal activity in which case the police should be informed.

Records of complaints

The governing body will keep the records of documents used to investigate your complaint for seven years after it has been dealt with. Records will be kept in school and reviewed by the governing body after seven years to decide if they need to be kept for longer. Where complaints are considered to have been made only to cause harm or offence to individuals or the school, the governing body will ensure that records are kept of the investigations that are made and what actions are taken, including the reason 'no action'.

Exceptions to the procedures

In each case it may be appropriate for the person handling the complaint to seek informal resolutions wherever feasible

- Anonymous complaints will be recorded but are not investigated unless there is a suggestion of criminal conduct or concerns about child safeguarding in which the local authority/police should be informed.
- Suggestion of criminal activity should be referred to the head teacher or, if it involves the head teacher, to the chair of governors. The head or chair (as appropriate) should bring the complaint to the attention of the police and the local authority. If the head and the chair are both subjects of the complaint, then the vice chair should inform the police and the local authority.

Principles

Complaints will be handled in a way that is fair to all parties. The procedures will be applied consistently within sensible bounds of flexibility reflecting the circumstances and content of individual complaints.

To enable fast and effective resolution at stage A, a person or persons handling a complaint informally at stage A of the procedure may make a decision even though they have an interest or prior involvement in the matter. At stages B and C persons handling complaints should be impartial and not compromised by an interest in or prior involvement with the matter.

Our approach to answering your concern or complaint

We will consider all your concerns and complaints in an open and fair way. At all times the school will respect the rights and feelings of those involved and make every effort to protect confidential information. Timescales for dealing with your concerns or complaints may need to be extended following discussion with you. We may ask for advice from the local authority where appropriate. Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this complaints policy); in which case we will explain why this is so, and will tell you what steps will be taken.

Timetables for Complaints

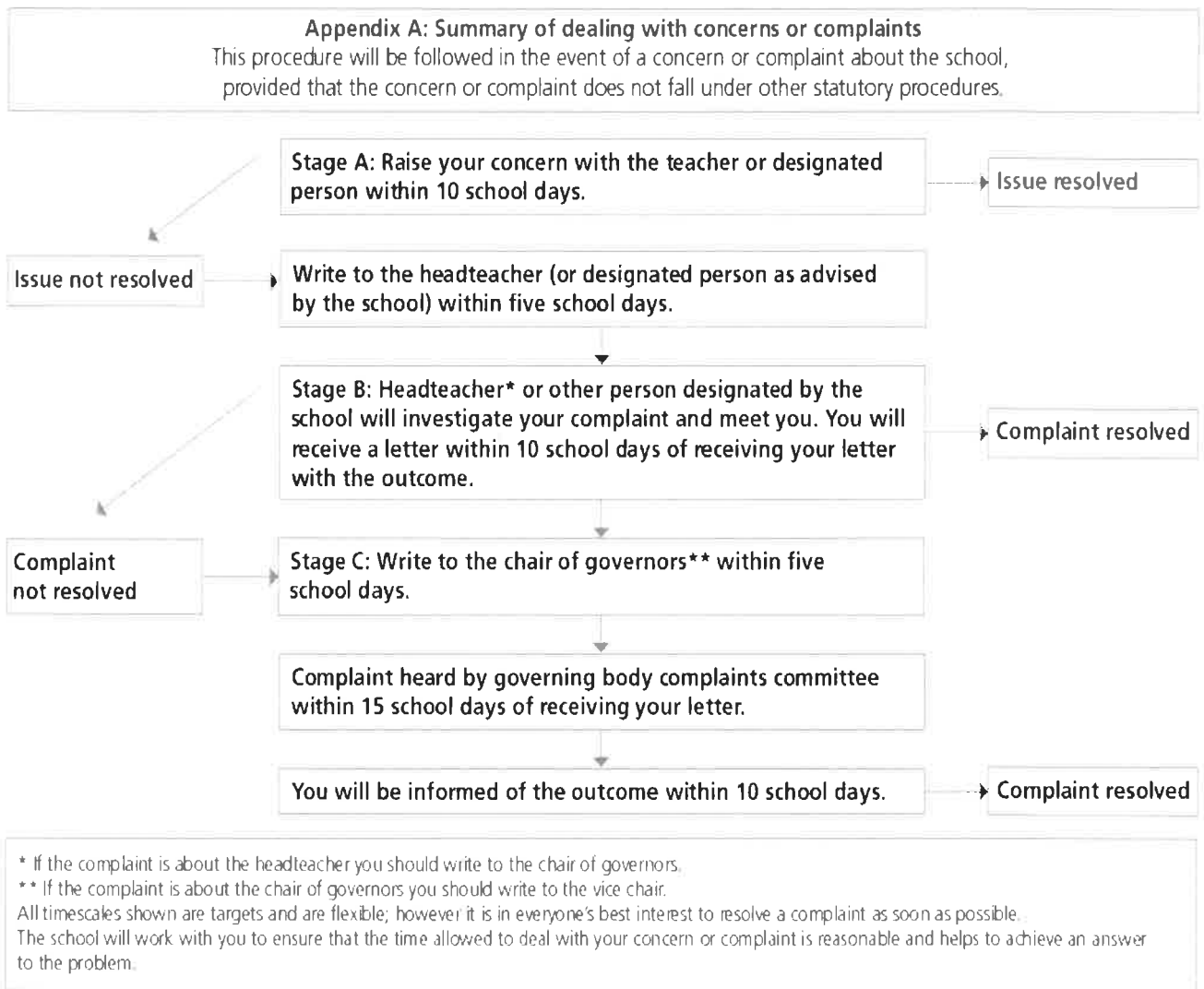
Every effort should be made to investigate and resolve complaints quickly and according to a timetable understood by all parties. Delay can mean that memories fade and opinions can become deep-rooted.

It is important to keep the complainant informed of progress. The flowchart below is a suggested timescale.

Timescales should always take into account the complexity of a complaint and people's availability. If timescales are changed anyone with an interest in the complaint should be notified in writing of the change and the reasons for it.

When a complaint is made before a school holiday other than a half term it is advisable to resolve the complaint before the school closes.

Appendix A: Summary of dealing with concerns or complaints



tures ng nt no:

Answering your concern or complaint

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

Stage A - A complaint is received and resolved informally by the first recipient of the complaint

Such a complaint may be made orally or in writing. You should raise your concern as soon as you can; normally we would expect you to raise your issue within 10 school days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.

The person receiving and handling the complaint may provide, if appropriate, an opportunity for the complainant to meet with the recipient so that a decision can be reached, usually within 10 school days and conveyed to the complainant. Should the matter not be resolved within 10 days, the complainant will be informed in writing within the 10 days, stating the reasons for the delay and giving a reasonable time frame to resolve matters. The complainant should be advised that if s/he is dissatisfied with the outcome the complaint may be referred to the Head teacher. Serious complaints should be referred to the Head teacher for further guidance and advice. The Head teacher will then decide to either deal with the complaint his / herself or to delegate to the most appropriate person, depending upon the nature of the Complaint.

The initial general point of referral for all complaints by parents or pupils will be any member of staff. Staff should reassure complainants that their matter will be dealt with as soon as possible by the appropriate person and then informing the relevant person.

If you are a pupil, you can raise your concerns with your school council representative, class teacher or the head teacher.

The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the concern for future reference.

For potential child protection issues, race equality and equal opportunities the Head teacher should be the initial point of referral

Stage B - A complaint is considered by the Head teacher

The Head teacher may handle a complaint informally according to the procedures laid down at Stage A. However, if the matter has not been resolved at Stage A and the complainant refers the matter to the Head teacher or in other circumstances at the decision of the Head teacher, a more formal consideration of the matter may be appropriate.

In most cases we would expect that your concern is resolved informally. If you feel that your initial concern has not been dealt with appropriately you should put your complaint in writing to the head teacher.

The policy requires you to do this within five school days of receiving a response to your concern.

- The complaint should be put in writing, and acknowledged in writing.
- The complaint should be given a target date for a response to the complaint, usually 10 school days.
- The Head teacher may appoint an appropriate person as Investigating Officer to investigate the matter.

- It may be appropriate for the complainant to have the opportunity to meet the Investigating Officer / Head teacher.
- If a complainant is invited to a meeting at Stages B or C the invitation should be written and should make clear:
 - the time and place of the meeting,
 - that the complainant can request or suggest another meeting time and place (unless the complainant has already declined a previous arrangement)
 - any written information or documents which the school would like to receive
 - that the complainant may bring a companion of their choice
 - the names of anyone attending the meeting and their role
 - the school's right to decide not to hear the complaint if anyone invited does not attend and has not provided a good reason for their absence.
- The Head teacher may wish to ensure the presence of a witness in the part of the school.
- Written notes should be kept of interviews, telephone conversations or other action.
- After full investigation by the Investigating officer, the Head teacher will make a professional decision and response.
- The Head teacher's decision should be conveyed in writing to the complainant, who should be advised of the opportunity to have the complaint heard by the complaints committee if the complainant is dissatisfied with the decision.
- A record shall be kept that notes the name, address of the complainant, the date the complaint was received, a brief description of the complaint, the action taken to resolve the complaint, notes of interviews etc., the outcome of the complaint and any issues that may arise for action by the school.

Stage C: A complaint is considered by the Governing body

This should occur rarely and governors should be satisfied that stages A and B have been exhausted before considering any matter, or that there are special reasons why they should hear a complaint.

- The complaint will be accepted by the complaints officer, who will acknowledge receipt directly to the complainant. The complaints officer is responsible for setting up a complaints committee in order to resolve the complaint.
- The complaint should include what, in your own words would resolve the problem. **The policy requires you to do this within five school days of receiving the school's response.**
- The complaints officer will let you know how the complaint will be dealt with and will send a letter to confirm this. The complaints committee will normally have a meeting with you within 15 school days of receiving your letter.
- The letter will also tell you when all the evidence and documentation to be considered by the complaints committee must be received. Everyone involved will see the evidence and documentation before the meeting, while ensuring that people's rights to privacy are respected.
- The complaints committee will be prepared and meet when the need arises. Neither the Chair, Vice Chair nor Head teacher will be part of the Complaints committee. The committee will consist of 3 governors. No member should have had prior involvement with the complaint or personal links with the complainant such that the fairness of the proceedings may be affected.

- The committee will be clerked by the Clerk to the Governors. However it is recommended that school staff and teacher governors are also not members of the complaints committee to avoid any suggestion of bias or conflict of interest. If the clerk to the Governing Body is a member of staff, the chair of the complaints committee will either clerk or appoint a suitable clerk for the duration of the complaint investigation.
- The Chair may request that representatives of the LEA or other relevant body observe and, if necessary, provide advice to the committee at the consideration stage.
- Normally in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the committee may make a decision on the complaint in your absence.
- We will write to you within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.
- If the complaint is not upheld the letter will make clear: that the complaint has been thoroughly considered, the school will not reconsider the complaint and new issues will only be considered if they are clearly different from matters complained about previously.
- If the committee cannot make a unanimous decision it may vote with a decision being made by majority. The decision needs to cover whether or not the complaint is upheld and if any action needs to be taken by the governing body, head teacher and/or members of staff.
- The committee should also make any recommendations to the full governing body for changes to school policies or procedures to ensure similar problems do not happen again.

The governing body's complaints committee is the final arbiter of complaints.

Special circumstances

Where a complaint is made about any of the following the complaints procedure will be applied differently.

Complaints about members of school staff, including any designated complaints officer .Any complaint about a member of staff should be passed to the head teacher. The head teacher may decide to delegate investigation to another senior member of staff under Stage A of the procedure, or to investigate it themselves under Stage B. If the complainant is not happy with the outcome they may proceed through the complaints procedure until Stage C is completed. Care should be taken that if there are matters of a staff disciplinary or capability nature that procedures for those are followed and take precedence.

A governor or group of governors. The concern or complaint will be referred to the chair of governors for investigation. The chair may alternatively delegate the matter to another governor for investigation. Stage B onwards of the complaints procedure will apply.

The chair of governors. The vice chair will deal with a complaint about the chair of governors or delegate it to another governor. Stage B onwards of the model

complaints procedure should apply. Depending on the nature of the complaint the vice chair should inform the local authority that a complaint has been made and what action will be taken by whom.

Both the chair of governors and vice chair of governors. The complaint will be referred to the clerk to the governing body who will inform the chair of the complaints committee. Stage C of the complaints procedure will then apply.

The whole governing body. The complaint will be referred to the clerk to the governing body who will inform the head teacher, chair of governors, local authority. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.

The head teacher. The concern or complaint will be referred to the chair of governors who will undertake the investigation or may delegate it to another governor. It is important to first establish whether the complaint should be dealt with under a procedure for staff capability, staff grievance, staff disciplinary or child protection. If it does, then those procedures take precedence and the complaints policy is **not** put into action. If not the complaint will proceed under Stage B of the complaints procedure. If the complaint is not resolved, the complainant may take it to Stage C. Any governor involved at Stage B cannot be a committee member at Stage C. In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open and fair way.

Our commitment to you

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

MEIC may be contacted by freephone: 0808 802 3456, or text: 84001. This service is operated 24 hours a day. The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday to Friday 9a.m. to 5p.m.), text: 80 8

Appeals

These complaints procedures do not provide for an appeals stage, as the Governors have considered that such a provision unduly prolongs the resolution of complaints without real benefit to the parties. Complainants are advised that the LEA or if applicable the Welsh Assembly Governments may review the procedures used by the governing body but not their decision.

Publication

In accordance with the statutory requirement, this complaints procedure is placed in full on the school's website associated with a link that enables download of Circulars 11/2012. All staff shall be given a copy and made aware of their roles and responsibilities in respect of the procedure.

The full documentation is available to all parents, pupils, relevant bodies and to others who request a copy.

Date:13/2/18.....

Signed:..... (Head teacher)

.......... (Chair of Governors)

Review date: February 2020