

Complaints Policy

A 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.

In summary a 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.
- Schools 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.

Investigating Complaints

The Governing Body of Ysgol Gymraeg Rhosafan recommends that at each stage the person dealing with the complaint makes 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

The Governing Body of Ysgol Gymraeg Rhosafan recommends that complaints are kept confidential and only those involved in investigating and making a decision be made aware of the nature of the complaint.

A general principle 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.

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THE 3 STAGE APPROACH TO COMPLAINT RESOLUTION

Introduction

The Governing Body of Ysgol Gymraeg Rhosafan has established a three stage procedure:

- Stage 1 – complaint raised with (and resolved) by first recipient within the school.
- Stage 2 – matter referred to head teacher for investigation, decision and resolution.
- Stage 3 – matter referred to the Governing Body for investigation, decision and resolution.

Stage 1 - Complaint raised with and resolved by First Recipient within the School

At this stage a complaint may be made orally or in writing. The complaint may be made to a member of staff, Unit head, other staff member or head teacher. The school's procedure may provide for complaints to be referred at this stage to a designated complaints officer. The designated complaints officer will be a member of the school's Senior Management Team, as nominated by the Headteacher. The Governing Body strongly advises that the first recipient (or the complaints officer) and the complainant make every effort to resolve complaints at this stage. In many cases this will be possible.

The complainant should be given the opportunity to meet the member of staff with whom they have raised the matter (or the complaints officer) so that a decision is reached, usually within 10 school days, and conveyed to the complainant. The record of the complaint may include any discussions and interviews. If the complaint cannot be resolved to the satisfaction of the complainant, the member of staff should inform the complainant, orally or in writing, that they are entitled to take the complaint to the head teacher. The complainant should be provided with a copy of the school's complaints procedure if they have not already been given a copy in the course of stage 1 consideration.

If the head teacher is the first recipient of a complainant, he or she can decide whether to delegate consideration to another member of staff under stage 1 or whether to proceed to stage 2.

Record

For complaints considered at stage 1, it is recommended that the record of the following be kept:

- the name of the complainant
- date of receipt of the complaint
- a brief description of the complaint
- action taken to resolve the complaint and outcome
- issues for action by the school and lead member of staff.

Stage 2 – Consideration by the Headteacher

The complaint will not usually move to stage 2 until it has first been considered under stage 1. The matter might proceed immediately to stage 2 when the head teacher thinks it appropriate.

At this stage it is good practice that the complaint is in writing so that the substance of it is clear.

On receipt the head teacher should acknowledge the complaint in writing,

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enclosing a copy of the complaints procedure and giving a target date for providing a response to the complaint. This is usually within 10 school days. If it is not possible to deal with the matter within this time the complainant ought to be informed and given a date when consideration is expected to be concluded.

It would assist the investigation and resolution of the complaint if the complainant is given the opportunity to meet the head teacher. 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 wish to have another person present to witness the discussion. It would also be useful for a written note to be kept of interviews, telephone conversations and any other action.

The head teacher will convey his or her decision in writing to the complainant.

Record

For complaints considered at stage 2 a record should include:

- the name and address of the complainant
- date and details of the complaint
- action taken to resolve the complaint and a written record of discussions, interviews and evidence collated
- outcome
- date of notification to complainant
- issues for action by the school and lead member of staff.

Stage 3 – Consideration by the Governing Body

If a complainant is not satisfied with the outcome of the consideration by the headteacher the Governing Body may consider the matter. This should be rare but the GB ought to be prepared to deal with complaints when they arise. The GB will wish to satisfy itself that stages 1 and 2 have been exhausted before considering the matter, or that there are special reasons for not following stages 1 and 2.

The complaint will be heard by the complaints committee.

Calling a Governing Body Complaints Committee Hearing

It is advised that the membership of the committee is 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 ought to 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 there may be a conflict or potential conflict of interest, the Governing Body can decide whether that person should be a member of the complaints committee or any appeal committee. Substitute members can be appointed as necessary.

The chair of governors should acknowledge receipt of a complaint, usually within 5 school days. Arrangements should be made for the Governing Body complaints committee to meet to hear the complaint, usually within 15 school days of the date of receipt of the complaint.

The letter of acknowledgement should set out a timetable and may make clear:

- all parties involved in the complaint are entitled to provide evidence/written documentation that they wish the committee to consider
- the date by which parties must provide such written evidence
- the date by which documents will be forwarded to the person complained about

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- the date by which the person 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).

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 any hearing takes place.

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. It may be in the letter identified (2 paragraphs back), or a separate letter.

The letter should inform the parties of:

- 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 an adjournment of the hearing if there is good reason why they cannot attend.

Suggested Proceedings for a Complaints Committee Hearing

It is suggested that:

- witnesses should only be required to attend to give their evidence, but may stay throughout if the committee and the complainant agree
- the committee members may ask questions of any person
- after introductions, the complainant or their representative is invited by the chair to explain their complaint and be followed by their witnesses
- the complainant should sum up their complaint
- the head teacher or other appropriate witness should then explain the School's actions followed by any witnesses for the school
- the head teacher should sum up the school's actions and response to the complaint
- the chair informs 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 Decision

Once all the evidence has been presented the complaints committee should consider its decision in private. Before doing so it can take advice if it wishes from advisers i.e. representatives of the LEA, or other relevant body. Such advisers should leave once their advice has been given.

The committee needs to consider:

- the evidence
- whether the head teacher or others have complied with the school's complaints procedure
- whether there is substance to the complaint.

It would be usual for the decision to be based on a majority agreement with a second or casting vote from the chair as necessary. The decision needs to 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

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- any recommendations for changes to school policies or procedures to ensure similar problems do not arise in future.

The committee's decision should be sent in writing to the complainant usually within 5 school days of the hearing, setting out the reasons for the decision and any remedial action to be taken by the school.

When the decision of the complaints committee is made known, all parties should :

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

Record

For complaints dealt with at stage 3 the record should include:

- a full account of the proceedings of the complaints committee, evidence presented and all other relevant documentation
- 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.

Finalisation of a Complaint

Once the GB has exhausted its own procedures it should attempt to secure closure of the complaint. If at the end of stage 3 i.e. consideration by the Governing Body at the complaints committee hearing, the complaint is not upheld, the decision letter should 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
- if new issues arise these will be treated as a new complaint but only if they are demonstrably different from matters raised under a previous complaint.

ADAPTATIONS TO THE 3 STAGE APPROACH

There are a number of cases where the principles outlined above 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 Headteacher

If the complaint is against the head teacher, the first recipient should refer it to the chair of governors. The Governing Body's complaints procedure may set out an arrangement for the chair to delegate investigation of the complaint to the vice chair or to a designated governor. On receipt of a complaint about the head teacher the chair should:

- consider whether the matter is properly 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

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- consider whether he or 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.

Consideration of the complaint by the chair, vice chair or designated governor would constitute investigation under stage 2 of the procedure and the investigating governor should proceed in accordance with the agreed process. Whichever governor carries out the investigation should not then be a member of the complaints or complaints appeal committee. The investigating governor should declare any potential conflicts of interest.

Following this process if the complainant is not happy he/she 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 who should 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

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.

The head teacher can decide to delegate investigation to another senior member of staff under stage 1 of the procedure or to investigate it himself/herself under stage 2.

If the complainant is not happy with the outcome he/she should be advised to write formally to the chair of governors in accordance with stage 3 of the process.

Complaint against the Chair of Governors

Any complaints about the chair of governors should be sent to the vice chair who should immediately inform the head teacher. 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.

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. Alternatively the vice chair could refer the matter directly to the Governing Body complaints committee for investigation and consideration. The chair to the complaints committee should then proceed in accordance with the process for stage 3 consideration.

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 Headteacher and the Chair of Governors

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 services
- consider whether to obtain advice from the LEA.

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. Alternatively the vice chair could refer the matter directly to the

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Governing Body complaints committee for investigation and consideration. The chair to the complaints committee should then proceed in accordance with the process for stage 3 consideration.

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

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.

If the chair of the complaints committee is the chair or vice chair of governors, the complaint should be referred to an experienced governor who should become the chair of the complaints committee in respect of that particular case.

Complaint against a Governor (including the Vice Chair) or Group of Governors

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 they also are not part of the group of governors. The chair or vice chair should then deal with the complaint in the same way as a complaint against the Headteacher.

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 complaint should be referred to an experienced governor who should become the chair of the complaints committee in respect of that particular case. 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.

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 below should be used.

Complaints concerning the Whole Governing Body

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.

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.

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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. 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. 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 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 LEA or the Welsh Assembly Government to review the procedure used by the Governing Body but not the decision itself.

Signed:

(Chair of the Governing Body)

Date: