

Ysgol yr Eglwys yng Nghymru Llangatwg
Llangattock Church in Wales
Primary School



Complaints Policy and Procedure
Reviewed and Adopted:
Sept 2020

Background & Introduction

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 refers to 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 these Circulars and fulfils its obligations under Section 29 of the Education Act 2002 as outlined above. Where doubt arises, persons or committees dealing with complaints will refer to and follow the Circulars.

Procedure

Llangatock Church in Wales Primary School Governing Body has established a 3 stage procedure. This procedure is intended to act as a model. In practice it is recognised that the procedures for stages A and B may need to be operated flexibly according to circumstances provided always that all complaints are addressed fairly and resolved in an appropriate fashion. Stage C is formal and involves a complaints committee of the governing body. There are special cases:

- If a complaint involves the Head teacher, the Chair or Vice Chair of governors, a governor or group of governors, there are alternative procedures described on pages 4 & 5.
- If a complaint relates, or appears to relate to an alleged criminal activity, the action taken should be guided by page 24 para 4.18 of circular 11/2012.

Principles

This policy is guided by the contents of circular 11/2012. 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.

Confidentiality

All complaints must be handled confidentially. Accused persons should know the substance of any accusation that involves them.

Complaints involving pupils

These should be considered in accordance with the guidelines on page 18 of circular 11/2012.

Timetables for Complaints

Every effort should be made to investigate and resolve complaints quickly and according to a timetable understood by all parties. Governors will be guided by timeliness and timescales advice on page 10 of circular 11/2012.

Anonymous complaints

It is recommended that anonymous complaints are recorded but are not investigated unless there is a suggestion of criminal conduct or concerns about child safeguarding in which case the local authority/police, as appropriate, should be informed, see page 23-24 of circular 11/2012.

Withdrawal of Complaints

Where complaints are withdrawn, this should be recorded and acknowledged by letter.

Recording of Complaints

The recording of complaints is dealt with under each stage below. The record of any complaint shall be kept for at least 3 years following the finalisation of the complaint. Governors shall from time to time request a detailed report on complaints received, and any trends and issues arising there from. This report will be the responsibility of the Head teacher, who may delegate its compilations.

Complainants may try to skip stages in the procedure, for instance by going directly to the head teacher or the governing body. It is strongly advised that this is resisted and the complaint is considered under the appropriate stage of the procedure.

a. Consideration and Resolution of the Complaints - Informal

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. 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.

For potential child protection issues, race equality and equal opportunities, headteacher, Mrs Kathryn Marshall, should be the initial point of referral

The role of the Governing Body is to approve the complaints policy, procedures and guidelines, hearing and deciding on complaints at Stage C, and receiving reports from the Head teacher.

b. Consideration and Resolution of the Complaints - Formal

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.

- 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, and a copy of the complaints procedure.
- The Head teacher will appoint an appropriate person as Investigating Officer to investigate the matter. This will usually be a member of the Governing Body, but not a member of the complaints committee. This person will be sufficiently independent of the incident, or people involved, to ensure impartiality. The complainant will be informed of the role of the investigating officer and will have the opportunity to request an alternative investigating officer.
- It may be appropriate for the complainant to have the opportunity to meet the Investigating Officer / Head teacher.
- It may be appropriate to provide facilities or assistance if the complainant has a disability.
- The complainant should be advised that they may bring a friend, relative or supporter to speak on their behalf.
- 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 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.

- When a report is compiled and shared with the complainant, any changes made by either party will be shown as ‘tracked changes’. This is to identify any unresolved areas, or disagreements.

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 governing body has established a complaints committee within its committee structure to 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.** The Chair of the complaints committee will be guided by paragraphs 3:18-3:25 of Circular 11/2012. The Chair may also request that representatives of the LEA or other relevant body observe and, if necessary, provide advice to the committee at the consideration stage.

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 will be advised that the LEA or if applicable the Welsh Assembly Governments may review the procedures used by the governing body but not their decision.

Exceptions to the Procedures

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

- Where the Head teacher is the subject of a complaint it shall be referred to the Chair of the governors. S/he will follow page 21 paragraphs 4.2-4.3.
- Where the complaint is against the Chair of governors, it shall be referred to the Vice Chair who will follow page 21 paragraphs 4.4-4.5
- Where the complaint is against both the Head teacher and the Chair it shall be referred to the Vice Chair who will follow page 21 paragraphs 4.6
- Where the complaint is against both the Chair, and Vice Chair, the procedure shall be that the clerk to the governors shall convene the complaint committee whilst ensuring the members have no prior involvement with the complaint, see page 22 paragraph 4.7.
- Further permutations of complaints against governors and routes for resolution are covered in paragraphs 4.8-4.10.
- If a complaint is made about the whole governing body it should be referred to the clerk who should inform the local authority and, if appropriate, the diocesan authority, the chair of governors and the head teacher.

Publication

In accordance with the statutory requirement, these complaints procedures will be summarised in the school's prospectus. It will be 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 will be provided to all parents, pupils, relevant bodies and to others who request a copy. In future all new pupils, staff and governors will receive a copy.

Date: October 2020

Signed: Kathryn Marshall (Head teacher)

George Smith (Chair of Governors)

Review date: October 2021