

Governing Body Complaints Procedure

‘Yes I Can’



‘Small Steps Everyday’

Background to the Complaints Procedure

The Education Act 2002 requires all governing bodies to establish procedures for dealing with complaints from parents, pupils, members of staff, governors, members of the local community, etc.

If a governing body already has complaints procedures in place, they must be reviewed in the light of the new WAG guidance (circular 03/2004).

The procedure that follows **does not** deal with complaints about the following issues:

- The curriculum
- SEN
- RE and collective worship
- Admissions
- Exclusions
- Staff grievance
- Teacher capability
- Staff disciplinary
- Child protection issues
- Complaints about an individual or organisation outside the School
- Potential Criminal Behaviour
- Complaints relating to Pupil Behaviour outside School

Governing Body Complaints Procedure

Separate procedures already exist to deal with these or they would be referred to an external body such as Social Services or the Police.

In developing complaints procedures, governors must consult with staff, pupils and parents, and their finalised procedures must be formally adopted and published.

All complainants need to be clear that untruthful allegations can be upsetting and disruptive for all involved.

Complaints Procedure

This school takes complaints from parents and pupils very seriously. We aim to solve concerns and complaints as soon as we can, in the interests of all concerned and to learn lessons from complaints made to us.

Principles of the procedure

The school will make every effort to respond quickly in order to solve the complaint at an early stage if possible.

The school will try to provide a fair and consistent approach when dealing with complaints.

All those involved in dealing with complaints at Stages 2 and 3 must be impartial and have no previous involvement with the complaint, personal links with the person making the complaint (the complainant) or the person against whom the complaint is being heard.

- Everyone involved with a complaint will treat the process and the parties involved with respect.
- Everyone involved with a complaint will treat pupils and adults as having equal rights. Arrangements such as a buddy scheme or an adult to represent or advise the pupil (an advocate) may be needed to help pupil making a complaint.

The details of the complaint will remain confidential to those investigating. However the person complained against is entitled to know the details of the complaint.

All people involved with the complaint will be kept informed throughout the process.

There will be a clear timetable for the investigation of the complaint

If a complaint is made just before the beginning of a school holiday, other than a half term holiday, the school will try to resolve the matter before the school closes.

All complaints will be recorded including those where people who complain haven't given their names and where the complaints have later been withdrawn.

A report summarising key trends and issues relating to complaints will be presented by the head teacher to the governing body annually.

Investigating Complaints

- What has happened will be established and who was involved, with any witnesses if relevant.
- The nature of the complaint will be clarified.
- A meeting with the complainant or appropriate contact will be arranged if further information is necessary.
- What the complainant feels would put things right will need to be clarified.
- Those involved/those complained about will be talked to, allowing them to be accompanied if they wish.
- Matters will be approached with an open mind.
- Accurate records will be kept.

Complaints will be resolved using a three stage procedure.

Stage 1

Every effort will be made to sort out the complaint at this stage and to maintain confidentiality where possible.

The complaint may be told to someone or may be in writing, and may be made to a member of staff, or head teacher.

A decision will be reached within 10 school days if possible and the person who is making the complaint will be told the result

If the complainant is not satisfied, they must be informed that they can take their complaint to the head teacher.

If the head teacher was the first person to receive the complaint, he/she can decide whether to deal with it straight away or delegate to another member of staff.

The following details will be recorded:

- the name of the complainant
- the date of receipt of the complaint

- a brief description of the complaint
- action taken to resolve the complaint and the outcome
- any issues for action by the school

Stage 2 – Consideration by the Head teacher

The complaint should be put in writing to make it clear at this stage. (N.B. arrangements need to be put in place to help those who cannot write or who have another main language). Pupils making complaints can receive help in writing their ideas down formally if they require this

The head will acknowledge in writing that the complaint has been received, and enclose a copy of the complaints procedure and provide a date for a response (usually within 10 school days)

The complainant will be given the opportunity to meet the head. The complainant can be accompanied by a friend or relative if they wish or other support. The head may wish to have a witness present.

Record keeping will include the following:

- the name of the complainant
- the date of receipt of the complaint
- a brief description of the complaint
- action taken to solve the complaint and the outcome
- any issues for action by the school
- a written record of discussions, interviews, and evidence collated
- the date the complainant was informed of the outcome

The complainant may make their complaint to the Governing Body if they are not satisfied with the outcome.

Stage 3 – Consideration by the Governing Body

Complaints considered by the governing body should be rare and governors must check that Stages One and Two have been exhausted before considering the matter. The complaint will be heard by the Complaints Committee.

Complaints Committee

Receipt of the complaint will be acknowledged usually within 5 school days.

All parties involved are able to provide evidence/written documentation.

The letter will include the following timetable:

- The date by which this written evidence should be given in.
- the date by which documents will be sent to the person complained about
- the date by which the person complained about must forward their reply
- the date that the reply will be made available to the complainant
- The date of the hearing (if available at this point).

The Complaints Committee will meet to hear the complaint, usually within 15 school days of receipt of the complaint. The meeting will be arranged at a time when everyone is able to attend.

The person against whom a complaint is made will be given enough time (usually 10 school days) to consider all the evidence and take advice before providing a reply and before any hearing takes place.

Everyone concerned will be told in writing at least 5 days before the date of the hearing.

The letter must give the following information:

- the time and place of the hearing
- the reason for the complaint with copies of all relevant documentation
- the right of all parties to be accompanied
- details of those who will be present and their role in the hearing
- The Complaints Committee's right to hear the complaint in the absence of one or both parties if there is good reason.
- That those involved in the complaint can ask for the hearing to be stopped and held on another day if there is a good reason that they are unable to attend.

The Hearing

The purpose of the hearing is to look at the facts and find out if the complaint should be upheld.

Proceedings

- The procedure for this committee will be conducted in line with Welsh Assembly Government guidance and will be explained to all involved.
- The Chair will inform both parties that they will be informed of the governors' decision in writing usually within 5 days.
- Governors may take advice from LEA officers but the committee will make its decision in private.

Appeals Committee

If the complainant is not satisfied they have right of appeal to the Appeals Committee.

(Governors can choose whether they have a Complaint Appeal Committee.)

An appeal will be heard usually no later than 15 school days after the day the appeal was requested

The appeal will be heard by governors who were not involved in hearing the original complaint.

All relevant documentation will be given to all parties usually 5 school days before the hearing. This will include:

- the decision of the Complaints Committee
- notice of appeal, and the reasons why they wish to appeal
- any written representation from any party
- documentation presented to the Complaints Committee

Finalisation of a Complaint

If there is no appeal stage, the decision letter will include the information below. Following an appeal, the decision letter will make clear:

- that the complaint has been thoroughly investigated
- the decision is final
- if new issues arise they will be treated as a new complaint as long as they are clearly different from matters raised under a previous complaint

Record

At Stage 3 the record will include the following:

- a full record of the proceedings of the Complaints Committee and Appeal Committee (if appropriate)
- evidence and other relevant documentation
- the decision reached and any action to be taken by the school, head, governing body or staff
- The date of the decision with a copy of the decision letter sent to the complainant.

There will be occasions when the three stage approach will need to be adapted:

Complaint against the Head teacher

This will be referred to the Chair of Governors who will decide whether to delegate investigation to the Vice Chair or to a designated governor.

The procedure to be followed is as described at Stage two.

Following this process, if the complainant is still not happy he/she will be advised to write to the Chair of Governors who will forward the complaint for consideration by the Complaints Committee (Stage three).

Complaint against the Chair of Governors

Any complaints about the Chair of Governors should be sent to the Vice Chair who will immediately inform the head and the LEA.

The Vice Chair may consider investigating the complaint or delegating this to another designated governor. This would follow Stage 2 of the procedures. Alternatively the Vice Chair could refer the matter directly to the Complaints committee (Stage 3).

Complaint against the Headteacher and the Chair of Governors

This complaint should be sent to the Vice Chair of Governors who should inform the LEA.

The Vice Chair may investigate or delegate this task to another designated governor under Stage 2 of the procedures. Alternatively the matter could be referred directly to the Complaints Committee – under Stage 3.

Complaint against the Chair and Vice Chair

This complaint should be sent to the Clerk to Governors who will refer it to the Chair of the Complaints Committee. The Committee Chair will refer to the LEA for advice and arrange for the Complaints Committee to consider the complaint (Stage 3).

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

This complaint should be referred to the Chair of Governors (provided the Chair is not one of the group being complained about) and it should be dealt with in the same way as a complaint against the headteacher. If the Chair is part of the group being complained about, the complaint should be sent to the Vice Chair. If both the Chair and Vice Chair are part of the group of Governors being complained about, the complaint should be referred to the Clerk to the Governors who should refer the matter to the Chair of the Complaints Committee. If the Committee Chair is the Chair or Vice Chair of Governors, the Chair of the Appeals Committee (if there is an Appeals

Committee) should become Chair of the Complaints Committee and the Complaints Appeal Committee would need to have a different Chair.

Complaint concerning the whole Governing Body

Any complaints about the actions of the whole governing body should be sent to the Clerk to Governors, who should immediately inform the head and the LEA. The LEA may wish to seek the agreement of the governors that the complaint be heard by a specially constituted committee independent of the governing body.

If the LEA decides not to take any action, the Clerk to Governors may inform the complainant that the matter will be raised at the next meeting of the governing body. If the next meeting is some time away, the Chair and Clerk may consider convening a separate meeting to consider the complaint. The complainant should be informed of this proposal and the date of the governing body meeting.

The procedures should then be the same as for a complaint heard by the Complaints Committee (Stage 3).

If the complainant is dissatisfied with the decision, they can ask for the procedures to be reviewed by the LEA, but the decision is final. The LEA cannot reinvestigate complaints.