

Ewloe Green Primary School

Complaints Procedure

PROCEDURE FOR DEALING WITH GENERAL COMPLAINTS

1. Legal Context

These procedures for dealing with general complaints have been developed by the governing body in compliance with the requirements of Section 29 of the Education Act 2002.

In developing the procedures the governing body has also had regard to the guidance contained in National Assembly for Wales Guidance Circular No. 03/2004 (“School Governing Bodies Complaints Procedures”).

2. The Purpose of our Complaints Procedures

The procedures are designed to ensure that anyone with an interest in our school can raise a concern with confidence that it will be given serious and objective consideration and, if well founded, that it will be addressed in an appropriate and timely fashion.

3. What’s Not Covered By These Procedures?

The following issues will not be dealt with as part of these general complaint procedures:

- Refusals to admit a pupil to our school
- Exclusions of pupils from our school
- Staff discipline and grievance
- Child protection
- Complaints about the curriculum
- Complaints about religious education or collective worship
- Provision for pupils’ Special Educational Needs

There are separate protocols for dealing with these issues.

4. Principles Underpinning the Procedures

The governing body founded these procedures on the following guiding principles:

- **Fairness** – to the complainant and the person(s) being complained about
- **Objectivity** – each complaint will be treated seriously, fairly and impartially

- **Timeliness** – complaints will be dealt with promptly and in accordance with established timescales
- **Improvement** – we will listen to, and act on, complaints and use information received to help us to improve
- **Informality and simplicity** – we expect all parties to help to work to achieve acceptable resolutions of concerns and complaints and to adopt a conciliatory rather than an adversarial approach. We seek to avoid formal “court room” confrontation situations
- **Proportionality** – we encourage resolution of concerns and complaints by informal means wherever possible, though we recognise that more serious complaints are likely to be escalated in accordance with our procedures
- **Clarity** – procedures, processes and all necessary supporting documents will be simple to understand and use
- **Confidentiality** – will be respected at all stages of the process
- **Effectiveness** – we hope that any person who has recourse to use these procedures will feel that they have received a fair hearing and been treated with respect and dignity, even when they may not be totally satisfied with the response that they receive.

5. Publication of these Procedures

The procedures are publicised in the following ways: -

- A summary will be included in the school prospectus (the summary will include reference to the full document and the fact that it will be made available to anyone who requests a copy).
- A copy is available on the school website
- The full procedure will be made available to any person who requests a copy.
- All members of staff employed at the school will be provided with copies of the full procedure on the Staff Common Server.
- All members of the school’s governing body will be provided with copies of the full procedure.

6. Consultation

In developing these procedures we have consulted the school’s stakeholders in the following ways:

- Parents – were consulted
- Pupils – were consulted through the school Council
- Staff – were consulted during the regular staff meeting programme
- Governors – were involved in drafting the original procedures and agreeing this final version.

7. Dealing with Complaints - The Three-Stage Approach

7.1 Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, all members of staff are made aware of the procedures and they know what to do if they receive a concern or complaint.

The procedures are designed to ensure that members of staff respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the headteacher can refer the complainant to another staff member. Where the complaint concerns the headteacher, the complainant can be referred to the chair of governors.

The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It is essential that governors do not act unilaterally on an individual complaint outside the formal procedure or become involved at the early stages in case they are required to hear a complaint at a later stage of the procedure.

7.2 Stage Two: Complaint Heard by Headteacher

The headteacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

7.3 Stage Three: Complaint Heard by Governing Bodies Complaints Committee

The complainant needs to write to the chair of governors giving details of the complaint. The chair, or a nominated governor, will convene a meeting of the governing body's complaints committee.

The governors' complaints committee hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body will appoint a committee of three members with delegated powers to hear complaints, and set out its terms of reference. These include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the committee for hearing complaints is part of the school's complaints procedure. The committee will be drawn from members of the governing body who have had no prior involvement in the matter that is the subject of the complaint and will consist of three or five governors. The committee will elect its own chairperson.

The three-stage approach to handling complaints is summarised in a flowchart included as appendix 1 to these procedures.

The procedures that will be followed when the governing body's complaints committee considers complaints are included as appendix 2 to these procedures.

The three-stage approach outlined above may be appropriate for handling the majority of complaints

8. Investigating Complaints

Some complaints will be complex or serious enough to need to be formally investigated. Consideration will be given to balancing the need to respond quickly with ensuring that any matter raised has a full investigation at this stage.

The person(s) conducting the investigation will not be the person(s) complained against nor will they be involved in dealing with the complaint at a later stage. It is essential for all parties that once an investigation has begun, which usually involves interviewing people, everything is properly recorded and dated and that all formal evidence is collated and analysed before judgements are made and reported to the complainant.

The headteacher will be expected to decide, depending on the nature of the complaint, whether to appoint an investigator (e.g. a senior member of staff or a member of the governing body) or whether to conduct the investigation him/herself.

9. The Remit of The Complaints Committee

The committee can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;

- recommend changes to the school's systems, policies or procedures to ensure that problems of a similar nature do not recur.

There are a number of important principles that any governor sitting on a complaints committee will be required to adhere to:

a. It is important that the complaint hearing is **independent** and **impartial** and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which will be held in private, will always be to **resolve** the complaint and to seek to achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.

c. The complaints committee will be **sensitive** to the likelihood that the complainant(s) may feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care will be taken to ensure the setting is informal and not adversarial.

d. Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will seek to ensure that the child does not feel intimidated. The committee will be aware of the views of the child and give them **equal consideration** to that which would be afforded to adults. Where the child's parent is the complainant, he/she will be given the opportunity to say which parts of the hearing, if any, they believe the child needs to attend.

10. Notification of the Committee's Decision

The chair of the committee needs to ensure that the complainant is notified of the committee's decision, in writing. This is usually within a set deadline, which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed

11. Roles and Responsibilities

11.1 The Role of the Clerk

The clerk will be the contact point for the complainant and will be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to the parties in advance of the hearing
- notifying the complainant of the decision of the complaints committee.

11.2 The Role of the Chair of the Governing Body or the Nominated Governor

The nominated governor will be expected to:

- ensure that the correct procedures have been followed;
- if a hearing is appropriate, notify the clerk to arrange the committee meeting;

11.3 The Role of the Chair of the Complaints Committee

The Chair of the Committee has a key role in ensuring that:

- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is objective and acts fairly and independently;
- no member of the panel has a vested interest in the outcome of the proceedings or had any prior involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises the chair will give all parties the opportunity to consider and comment on it.

11.4 The Role of the (LEA)

The LEA has no statutory role in investigating or resolving complaints about schools. Such matters are the exclusive responsibility of the school's governing body. If any person approaches the LEA with a complaint about a school, they will be advised to contact the school and to follow the school's own complaints procedures.

If the complainant is not satisfied with the outcome of the school's procedures, there is no right of appeal to the LEA.

11.5 The Role of the Welsh Assembly Government (WAG)

If the complainant remains dissatisfied with the response of the governing body, he or she has the right to refer the matter of the Welsh Assembly Government on the grounds that the governing body had acted, or was proposing to act, unreasonably. This could lead to the issuing of a direction against the governing body.

A direction does not normally overturn a governing body decision but can require a governing body to reconsider a matter or consider it for the first time if it has failed to do so, or to amend its process to ensure it does not happen again.

The Courts have defined 'unreasonable' as action which no sensible authority acting with due appreciation of its responsibilities would have decided to adopt.

11.6 The Role of the Commissioner for Local Administration in Wales (The Ombudsman)

The responsibilities of schools governing bodies fall outside the remit of the Local Government Ombudsman. Consequently, if a complainant is dissatisfied with the response of the governing body, it is not appropriate to refer the complaint to the Ombudsman.

11.7 The Role of the Children's Commissioner for Wales

The Commissioner may review arrangements made for dealing with complaints to make sure that they are working effectively in the best interests of children.

The Commissioner has a right to require information, explanations and assistance in relation to action taken in response to an individual complaint.

The Commissioner does not, however, take the place of existing complaints procedures nor act as an avenue of appeal

12. Timescales

In general, our expectation is that complaints will be dealt with in accordance with the following timescales:

Stage One Complaints

- Will be investigated and a response provided within five school days

Stage Two Complaints

- Will be investigated and a response provided within five school days

Stage Three Complaints

- Will be formally acknowledged within five school days
- Will be considered by a meeting of the governing body's complaints committee within 15 school days of receipt
- Decisions of complaint committee hearings, including reasons and any actions to be taken in response to the complaint, will be sent, in writing, to the complainant within 5 school days.

In some cases, for example where a complaint is particularly complex, needs detailed investigation, or where essential witnesses who need to be interviewed are unavailable, it is recognised that it may not be possible for these timescales to be complied with.

In such circumstances complainants will be notified, in writing, of the reasons for the delay and given an anticipated response date.

13. Staff Awareness

All members of staff at our school have been made aware of this procedure to ensure that understand how they may be involved in handling complaints – especially at stage one.

All new members of staff will receive the procedures as part of their formal induction programme.

14. Governor Awareness and Training

Members of the governing body, particularly those who may be expected to serve as members of a complaints committee will need to be fully conversant with these complaints procedures and the content of National Assembly for Wales circular no. 03/2004.

15. Recording, Monitoring and Evaluation

All complaints will be formally recorded. Each term the headteacher will provide a summary report to the governing body of complaints received. These summary reports will enable governors to monitor:

- the number of complaints received;
- the subjects of the complaints;
- any trends or areas for concern.

As part of the process of monitoring, the governing body will evaluate whether the procedures are effective in meeting their purpose and fulfilling the principles upon which they are founded.

16. Data Protection and Freedom of Information

All complaints containing information relating to individual pupils, parents, member of staff, governors or any other named person (or who could be identified from the information included in the complaint) will be subject to compliance with the Data Protection Act 1998.

Consequently, all such information will be treated as exempt from disclosure under the terms of the Freedom of Information Act.

Policy Agreed: March 2009

Policy Review: 2010/11

Signed Headteacher: -----

Signed Chair of Governors:-----

General Complaint Procedure – Summary

STAGE 1

Person raises a concern or makes a complaint verbally or in writing

Complaint investigated and response provided within 5 school days

Complainant satisfied?

No

Yes

Complaint resolved

STAGE 2

Complaint referred to Headteacher

Complaint investigated and response provided within 5 school days

Complainant satisfied?

No

Yes

Complaint resolved

STAGE 3

Complaint heard by governing body's complaints committee within 15 school days

Decision, with reasons and any actions to be taken, sent to complainant within 5 school days
THIS DECISION IS FINAL