



Barry Comprehensive School

POLICY STATEMENT – COMPLAINTS PROCEDURE

COMPLAINTS POLICY

1. Background

- 1.1 Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales to 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. The provisions of section 29 came into force on 1 September 2003.
- 1.2 For the purposes of this Policy a complaint is defined as ‘an expression of dissatisfaction in relation to the school, a governor or a member of its staff that requires a response from the school’. If a complaint raises issues about staff capability, staff grievance, staff discipline or child protection, then action must be taken under those separate procedures and they should take precedence. Separate procedures also exist to deal with complaints about school admissions, exclusions or special educational needs provision.
- 1.5 The school’s Complaints Policy and Procedure is based on the guidance and advice in Welsh Government Circular 011/2012: *Complaints procedures for school governing bodies in Wales Guidance* (the Circular). This can be accessed on the Welsh Government’s website at www.gov.wales/educationandskills.
- 1.6 The school will generally follow the guidance set out in the Circular and this should always be referred to when dealing with a complaint, in addition to this Policy and Procedure. However, some flexibility may be adopted when necessary to reflect the circumstances and content of individual complaints.

2. Complaints Handling

- 2.1 Complaints will be managed in accordance with the school’s Complaints Procedure.
- 2.2 Complaints will be handled in a way that is fair to all parties and without bias.

- 2.3 All complaints will be handled confidentially. Accused persons should know the substance of any accusation that involves them. However, in certain rare circumstances this information may be withheld by the governors.
- 2.4 Any complaint which appears to relate to alleged criminal activity will be referred immediately to the Headteacher; if the Headteacher is the subject of the allegation the complaint will be referred to the Chair of Governors.
- 2.5 Except in exceptional circumstances Governors will not become involved in complaints until Stage C.
- 2.6 Guidance in the Circular will be followed when dealing with the Special Circumstances identified in the schools Complaints Procedure.
- 2.7 Anonymous complaints will be recorded but not investigated unless there is a suggestion of criminal conduct or concerns about child safeguarding, in which case the school will follow the approved procedures.
- 2.8 The person dealing with the complaints will endeavour to:
 - Follow the guidance contained in the Circular in line with point 1.6. above
 - 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

3. Record Keeping

- 3.1 A record will be kept of all complaints and their outcomes, including those that are anonymous or are withdrawn.
- 3.2 Information recorded should include the name 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. Any staff disciplinary, or capability, related action triggered by a complaint should be kept confidential.
- 3.3 Periodically the headteacher should report to the School Governors the number of complaints, whether made by adults or pupil and their outcomes. The report should identify any trends and issues arising from the information.
- 3.4 The record of any complaint together with associated documents will be kept for at least seven years following the finalisation of the complaint.

4. Complaints Committee

- 4.1 The Governing Body has established a procedure to empanel a Complaints Committee when the need arises. This will be chaired by the Chair of Governors, or if appropriate the Vice Chair, or the Chair of the Finance Committee. The Headteacher will not be a member nor will other school staff or teacher governors.
- 4.2 As well as the Chair there will be at least two, and no more than four, other members. Three members, including the Chair will constitute a quorum. The committee may include person(s) who are not members of the governing body as long as the majority of committee members are 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 or a suitable alternative. The Chair may request that representatives of the LEA or other relevant body observe the meeting and provide advice to the Committee at the consideration stage.
- 4.3 All parties should be enabled to provide written evidence if they so wish, and such evidence must be made available freely to all parties.
- 4.4 Once a Committee meeting has been arranged in accordance with the Procedure, the Committee will proceed with the hearing in the absence of the complainant or his/her representative unless good reason is shown why there should be adjournment.
- 4.5 The Chair of the Committee shall be guided by para 3.18 to 3.25 of the Circular in conducting the meeting for hearing the complaint and subsequent notification of the outcome.
- 4.6 This policy does not provide for a further appeal after Stage C, as the Governors have considered that such a provision unduly prolongs the resolution of complaints without real benefit to the parties.

5. Publication

- 5.1 The Complaints Procedure will be referenced in the school's Prospectus and placed in full on the school's web site. All staff will be given a copy and made aware of their roles in respect of the procedure. The full document will be provided to all parents, pupils, relevant bodies and to others who request a copy. All new staff and governors will receive a copy.

COMPLAINTS PROCEDURE

1. Introduction

- 1.1 Barry Comprehensive 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. We aim to learn from mistakes and use that experience to improve what we do.
- 1.2 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.'
- 1.3 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.

2. When to use this procedure

- 2.1 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.
- 2.2 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.

3. Have you asked us yet?

- 3.1 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.

4. What we expect from you

- 4.1 We believe that all complainants have a right to be heard, understood and respected. But school staff and governors have the same right. 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 unreasonable persistence or vexatious complaining.

5. Our approach to answering your concern or complaint

- 5.1 We will consider all your concerns and complaints in an open and fair way.
- 5.2 At all times the school will respect the rights and feelings of those involved and make every effort to protect confidential information.
- 5.3 Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.
- 5.4 We may ask for advice from the local authority or diocesan authority where appropriate.
- 5.5 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.
- 5.6 The governing body will keep the records of documents used to investigate your concern or 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.
- 5.7 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the school depending on the nature of the complaint.
- 5.8 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 reasons for 'no action'.

6. Answering your concern or complaint

- 6.1 The chart in Appendix A shows what may happen when you make a complaint or raise a concern. There are up to three Stages: A, B and C. Most complaints can be resolved at Stages A or B. You can bring a relative or companion to support you at any time during the process but you will be expected to speak for yourself. 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.
- 6.2 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else within the school needs to know about your concern or complaint, so as to address it appropriately.
- 6.3 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

- 6.4 If you have a concern, you can often resolve it quickly by talking to a teacher, Head of Year or an Assistant Headteacher responsible for that key stage. If you approach the headteacher first, s/he may decide to delegate its handling to another member of staff. 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.
- 6.5 If you are a pupil, you can raise your concerns with your school council representative, form tutor, Head of Year or Assistant Headteacher responsible for that key stage. This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly.
- 6.6 We will try to let you know what we have done or are doing about your concern normally within 10 school days, but if this is not possible, we will talk to you and agree a revised timescale with you.
- 6.7 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.

Stage B

- 6.8 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 of Year or Assistant Headteacher.
- 6.9 We would expect you to aim to do this within five school days of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible. There is also a form attached (Appendix B) that you may find useful. If you are a pupil we will explain the form to you, help you complete it and give you a copy.
- 6.10 If your complaint is about the headteacher, you should put your complaint in writing to the chair of governors, addressed to the school, to ask for your complaint to be investigated.
- 6.11 In all cases, the Deputy Headteacher or another member of staff designated by the headteacher or chair of governors can help you to put your complaint in writing if necessary.
- 6.12 If you are involved in any way with a complaint, the Deputy Headteacher or another person designated by the headteacher/chair of governors, will explain what will happen and the sort of help that is available to you.

6.13 The school's member of staff designated to deal with your complaint will invite you to discuss your concerns at a meeting if you wish. Timescales for dealing with your complaint will be discussed with you. We will aim to have the initial meeting with you and to explain what will happen, normally within 10 school days of receiving your letter. The school's designated person will complete the investigation and will let you know the outcome in writing within 10 school days of completion.

Stage C

6.14 It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write, through the school's address, to the chair of governors setting out your reasons for asking the governing body's complaints committee to consider your complaint. You do not have to write down details of your whole complaint again.

6.15 If you prefer, instead of sending a letter or e-mail, you can talk to the chair of governors or the Headteacher, who will write down what is discussed and what, in your own words, would resolve the problem. We would normally expect you to do this within five school days of receiving the school's response. You will be asked to read the notes or will have the notes read back to you and then be asked to sign them as a true record of what was said. We 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 10 school days of receiving your letter.

6.16 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 of information are protected. The letter will also record what we have agreed with you about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with you.

6.17 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 think it reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.

6.18 We will write to you within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.

6.19 We will keep records of all conversations and discussions for the purpose of future reference and review by the full governing body. These records will be kept for a minimum of seven years.

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

7. Special circumstances

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

- i. **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.
- ii. **The chair of governors or headteacher and chair of governors.** The vice chair of governors will be informed and will investigate it or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.
- iii. **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.
- iv. **The whole governing body.** The complaint will be referred to the clerk to the governing body who will inform the headteacher, chair of governors, local authority and, where appropriate, the diocesan authority. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.
- v. **The headteacher.** The concern or complaint will be referred to the chair of governors who will undertake the investigation or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.

7.2 In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open and fair way.

8. Our commitment to you

8.1 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.

8.2 If you need help to make your concerns known we will try and 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.