

# **St Aidan's Church in Wales VA School**



## **COMPLAINTS PROCEDURE**

# Complaints Procedures

## St Aidan's Church in Wales VA School Policy

### COMPLAINTS PROCEDURE

#### Introduction

The following procedure embeds the principles outlined in the guidance for school governing bodies in Wales, circular 011/2012, on establishing a formal complaints procedure. All complaints procedures are fair to all parties and are applied consistently.

The key feature of any complaints procedure is that there should be a way of ensuring that anyone with an interest in the school can raise a concern, with confidence that it will be considered properly and heard and, if upheld, that the matter will be addressed appropriately and without delay. It is important that governing bodies handle complaints well.

Having a good complaints procedure, engaging willingly with people making complaints, and considering them promptly without bias or prejudice, is what well governed schools do. An essential component of the complaints procedure is record keeping. This is important in terms of tracking how a complaint has been handled and resolved and can assist the school in defending its actions if the complainant has recourse to external bodies or is dissatisfied with the outcome. In addition the Governing Body will have to establish a complaints committee and have an appeals committee in the event that these become necessary.

St Aidan's Church in Wales VA 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 move on.

#### What is a complaint?

For the purpose of this procedure, a complaint is '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 procedures and they should take precedence. The complaints procedure must not take the place of those other procedures. It is important that a complainant is told the outcome of their complaint, although any staff disciplinary, or capability, related action triggered by a complaint should be kept confidential.

#### When to use this procedure?

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.

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.

### **Have you asked us yet?**

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 the formal procedure.

### **What we expect from you?**

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.

### **Our approach to answering your concern or complaint**

We will consider all your concerns and complaints in an open and fair way.

At all times the school will respect the rights and feelings of those involved and make every effort to protect confidential information.

Timescales for dealing with your concerns or complaints may need to be extended following discussion with you. We may ask for advice from the local authority where appropriate.

Some types of concerns or complaints 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.

The governing body will keep records of documents used to investigate your concern and 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.

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.

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'.

### **Answering your concern or complaint**

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.

As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasion 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.

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**

If you have a concern, you can often resolve it quickly by talking to a teacher or the Headteacher Mrs S James. 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.

If you are a pupil, you can raise your concerns with your school council representative, or teacher chosen to deal with pupil concerns. 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.

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.

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**

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 headteacher.

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.

If your complaint is about the headteacher, you should put your complaint in writing to the chair of governors, Mrs H Coleman, addressed to the school, to ask for your complaint to be investigated.

In all cases, the headteacher can help you to put your complaint in writing if necessary. If you are involved in any way with a complaint, the headteacher will explain what will happen and the sort of help that is available to you.

The headteacher will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. We will aim to have a 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**

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.

If you prefer, instead of sending a letter or e-mail, you can talk to the chair of governors 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 will be asked to sign them as a true record of what was said. We will let you know how the complaints will be dealt with and will send a letter to confirm this. The complaints committee will normally have a meeting with you within 15 school days of receiving your letter.

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.

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.

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

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.

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

The School does not have an appeals committee that a complainant could go to if not satisfied at Stage C. If there is evidence to suggest that a complaint has not been considered properly at Stage C and therefore that standards of governance are not good enough, then a local authority may consider using its powers of intervention.

### **Special circumstances**

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

#### **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.

#### **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.

#### **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.

#### **The whole governing body**

The complaint will be referred to the clerk to the governing body who will inform the headteacher, chair of governors, and local authority. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.

#### **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.

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

#### **Our commitment to you**

We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them. 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. Advice and support can also be accessed from the Children's Commissioner for Wales.

### **Working with the law**

The legal framework Education Act 2002 1.

Section 29(1) of the Education Act 2002 ('the Act') requires governing bodies of all maintained schools to establish procedures for dealing with complaints relating to the school or to the provision of facilities or services.

Under section 27 of the Act<sup>7</sup>, governing bodies must also publicise their complaints procedures.

There are separate statutory processes for complaints and appeals relating to the curriculum, special educational needs (SEN), religious worship, admissions, exclusions, staff grievance, teacher capability and staff discipline.

You can find guidance on these topics at [www.learning.wales.gov.uk](http://www.learning.wales.gov.uk).

Section 29(2) requires a governing body to have regard to guidance issued by the Welsh Ministers in establishing and publishing complaints procedures relating to the school or to the provision of facilities or services under section 27 of the Act. 4.

Governing bodies must have regard to the statutory guidance with respect to these matters and follow it unless there are compelling reasons for concluding that, in the particular circumstances of the school or the complaint, the guidance is not relevant or is outweighed by other considerations. Education Act 1996 5.

The model procedure and the remainder of this circular are published under section 10 of the Education Act 1996, under which the Welsh Ministers shall promote the education of the people of Wales.

## St Aidan's Church in Wales V.A. School

### Complaints Procedure

#### Stage A – Initial Approach

Date.....

Parent raising concern	
Nature of concern	
Discussed with	
Desired outcomes	
Action agreed	
Signed	Parent                      Staff member
Date to re-evaluate	
Issue resolved	Yes    No
Signed	Parent                      Staff member
Date	
Further action required	<b>Move to Stage 2 – parent to put complaint in writing to the Chair of Governors</b>
Parent informed:	
Date	

## St Aidan's Church in Wales V.A. School – Complaints Procedure

### Stage B – Formal complaint to the headteacher or chair of governors

Date written complaint submitted	
Parent submitting complaint	
Nature of complaint	
Date of acknowledgement of receipt (within 3 days)	
Target date for response (within 10 days of receipt)	
Date of first meeting (to gather information)	
People present	
Information from meeting	
Additional information (where to find)	
Date of meeting to discuss / resolve issue	
People present	
Matters raised	
Actions agreed	

Outcome agreed	Yes No
Signed	Parent Chair / Headteacher
Date letter summarising meeting sent	
Date for response if dissatisfied with the outcome (within 2 weeks of receipt of letter)	

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**Stage C– Appeal to the panel of governors**

Date request received	
Date acknowledgement sent	
Date of Complaints Committee meeting (within 15 working days of receipt of complaint)	
Invitation sent to:	Parent                      Headteacher
LEA officer invited	Yes    No
Complaint Committee Chairperson	
Parent input (summarised)	
Headteacher input (summarised)	
Judgement to be sent by (within 3 days)	
<b><i>Outcome of the meeting</i></b>	
Judgement about validity of the complaint	
Actions to be taken by school / parent	

If appropriate: recommendations on changes to school's systems / procedures	
Date when outcome reported to the Governing Body	

#### Useful telephone numbers

For complaints about adult education, community education, special needs education, youth services, admissions and statementing, sports development and catering. Your contact is:

Joanne Taylor, Customer Liaison Officer

Tel: (01437) 775041

E-mail: [joanne.taylor@pembrokeshire.gov.uk](mailto:joanne.taylor@pembrokeshire.gov.uk)

***N.B.*** Issues concerning schools must follow the Schools General Complaints Procedure.