

# **Ysgol Gynradd Drury**



## **Complaints Procedure**

**Operational guidance for  
staff and governing body**

## Introduction

As governors we are statutorily required to publish our Complaints procedure.

### **This is reproduced below for reference as Appendix 1.**

**This Appendix is what we provide to a person raising a concern/complaint about our schools – the procedure.**

This document is for governors and school staff as guidance to help them with the key steps in managing school complaints. **It is not guidance for the complainant, nor is it the procedure.**

The procedure for dealing with general complaints has been developed by the governing body in compliance with the requirements of Section 29 of the Education Act 2002.

In developing the procedure, the governing body must have regard to the requirements of Section 29 of the Education Act 2002, and the statutory guidance contained in Wales Government Complaints procedures for school governing bodies in Wales issued December 2022

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.*'

The complaints procedure 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.

The following issues cannot be dealt with as part of general complaint procedures:

- Refusals to admit a pupil to our schools
- Exclusions of pupils from our schools (school admissions or exclusions)
- Staff discipline; Staff grievance; Staff capability
- Child protection
- Complaints about the curriculum
- Complaints about religious education or collective worship
- Provision for pupils' Special Educational Needs
- School organisation proposals

There are separate protocols for dealing with these issues.

## Our guiding principles underpinning the complaints procedure

- **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. Any reference to “days” in the following policy means a school day i.e. Monday to Friday during term time.
- **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.

## Publication of the Complaints Procedure

- The summary flowchart 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).
- 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 this guidance and the procedure.
- All members of the school’s governing body will be provided with copies of this guidance and the procedure.
- School website
- Home-school agreement & Newsletters

## **Investigating Complaints at Stage C**

**The governing body's complaints committee (Stage C) is the final arbiter of complaints. This means that there is no appeal of the Stage C decision.**

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.

Governing bodies should be especially alert to the following common types of bullying and harassment when applying their procedures:

bullying linked to race, religion, and culture  
homophobic, biphobic and transphobic bullying  
sexist and sexual bullying  
learners with disabilities and/or ALN experiencing bullying

The committee conducting the investigation will not include the person(s) complained against

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 Remit of the Complaints Committee**

The committee will have agreed Terms of Reference and can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- recommend to the governing body appropriate action to be taken to resolve the complaint
- recommend changes to the governing body in respect of school's systems, policies, or procedures to seek to mitigate against concerns of a similar nature reoccurring
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There are several 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 look at resolutions to the complaint, and to seek to achieve reconciliation between the school and the complainant. However, it must 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 to demonstrate to the complainant that their 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.

#### **The Role of a Clerk to the Complaints' Committee**

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
- take notes of the meeting

#### **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
- 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 and 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
- the complainant is provided the opportunity to state their case
- the committee may at this stage ask questions of clarification about the case
- it may be the case that the arrangements for the meeting are such that committee seek response from the school outside of the meeting so as to avoid potential distress/unease.
- written material is seen by all parties.
- If new information arises the chair will give all parties the opportunity to consider and comment on it
- **key findings of fact are made**
- Notification of the Committee's Decision -to ensure the complainant is notified of the committee's decision, in writing, normally within 10 days of the meeting.

### **The Role of the Local Authority**

The local authority 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 Council 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 procedure, there is no right of appeal to the Local Authority. However, the Local Authority may be asked to review the complaints procedure followed where the complainant feels the process was unreasonable. It cannot comment on the decision.

### **The Role of the Welsh Government (WG)**

If the complainant remains dissatisfied with the response of the governing body, they have the right to refer the matter of the Welsh 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.

### **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.

### **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

### **Timescales**

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

#### **Stage A Concerns**

- Concern reported within ten days of incident.
- Will be investigated on an informal basis and a response provided normally within ten days from receiving details of the concern.

#### **Stage B Complaints**

- Stage B complaint should be requested within five days of Stage A response.
- Will be investigated and Stage B meeting normally held within ten days of receiving Stage B request.

- A response provided normally within ten days of completion of the Stage B meeting.

### **Stage C Complaints**

- Stage C complaint requested within five days of Stage B response.
- Will be considered by a meeting of the governing body's complaints committee normally within 15 days of receipt of Stage C request letter.
- 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 normally within 10 days of the Stage C meeting.

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.

### **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 complaint's 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 complaint's 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 complaint's 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 and local authority and, where appropriate, the diocesan authority. The authorities will seek to 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 complaint's 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.

### **Staff Awareness**

All members of staff at our school should be made aware of this guidance document to ensure that understand how they may be involved in handling complaints – especially at Stage A. The guidance should form part of their formal induction programme.

### **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 this complaint's guidance and procedure and the content of *Welsh Government Guidance Document on School Complaints procedures December 2022*

### **Recording, Monitoring and Evaluation**

All written complaints will be formally recorded. Each term the Headteacher will provide an anonymous summary report to the governing body of the number of complaints received. These summary reports will enable us as governors to monitor:

- the number of complaints received
- the subjects of the complaints
- monitor 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.

### **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.

### **Formal Agreement and Regular Review**

These procedures were formally agreed by the Governing Body and if, in the light of the operation of these procedures, it is determined that change is appropriate the necessary amendments will be made between regular review periods.

## **APPENDIX 1**

### **School Governing Body Complaints Procedure**

The Governing Body 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.

We have a zero-tolerance approach to all forms of bullying and harassment and promote respectful relationships between learners, parents, staff, and governors.

Our definition of a complaint is 'an expression of dissatisfaction in relation to the school, a member of its staff or the governing body that requires a response from the school.'

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.

#### **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 a formal procedure.

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

We believe that all complainants have a right to be heard, understood, and respected. 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.

Nor will we tolerate unreasonable demands, unreasonable persistence nor vexatious complaining. We have a separate policy to manage situations where we find that someone's actions are unacceptable.

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

We will consider 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 and we will notify you.

We may ask for advice from the local authority where appropriate.

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, and tell you what steps will be taken.

The following issues cannot be dealt with as part of this complaint procedure:

- Refusals to admit a pupil to our schools
- Exclusions of pupils from our schools (school admissions or exclusions)
- Staff discipline; Staff grievance; Staff capability
- Child protection
- Complaints about the curriculum
- Complaints about religious education or collective worship
- Provision for pupils' Special Educational Needs
- School organisation proposals

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.

### **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 companion to support you at any time during the process, but you will be expected to speak for yourself, unless you require

special assistance. We also 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 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, 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 [name of school's designated person]. 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 a member of staff. This will not stop you, later, 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 can be 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. The form Appendix is to assist you. If you are a pupil we will explain the form to you, help you complete it and give you a copy.

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.

The headteacher (or Chair of Governors) 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 headteacher (or Chair of Governors) will complete the investigation and will let you know the outcome in writing within 10 school days of completion.

## **Stage C**

If you still feel that your complaint has not been dealt with or resolved, 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 need assistance instead of sending a letter or e-mail, you can talk to the a person designated by the school who will write down what is discussed and what, in your own words, would resolve the problem and then be asked to sign them as a true record of what was said. We would normally expect you to do this within five school days of receiving the school's response. 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 15 school days of receiving your letter.

The letter will also tell you when all the documentation to be considered by the complaints committee should be received. Everyone involved will see the 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 information or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with you.

Normally, 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 decide on the complaint in your absence to avoid unnecessary delays.

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

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

## **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 complaint's 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 complaint's 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 complaint's 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 seek to agree arrangements with the governing body for independent investigation and consideration 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 complaint's procedure will apply.

## **Our commitment to you**

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

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 you may want to contact 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.

MEIC may be contacted by freephone: 0808 802 3456, or text: 84001. This service is operated 24 hours a day.

The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday to Friday 9a.m. to 5p.m.), text: 80 800 (start your message with COM) or e-mail: advice@childcomwales.org.uk.

### **APPENDIX – submission form**

The person who experienced the problem should normally fill in this form. If you are making a complaint on behalf of someone else please fill in Section B also. Please note that before taking forward the complaint we will need to be satisfied that you have the authority to act on behalf of the person concerned. If you are a pupil the school will help you complete, will explain it to you and will give you a copy of it when it is completed.

**A/**. Your details

Surname /Forename(s):

Title: Mr / Mrs / Ms / Other:

Address and Postcode:

Contact number:

Email Address:

How would you prefer us to contact you?

**B/**. If you are making a complaint on behalf of someone else, what are their details?

Their name in full:

Address and Postcode:

What is your relationship to them and why are you making a complaint on their behalf?

What do you think the school did wrong or did not do?

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Describe how you have been affected:

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When did you first become aware of the problem?

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If it is more than three months since you first became aware of the problem, please give the reason why you have not complained before:

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What do you think should be done to put matters right?

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Have you already put your complaint to a member of staff? If so, please give brief details about how and when you did so:

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Signature of complainant: ..... Date: .....

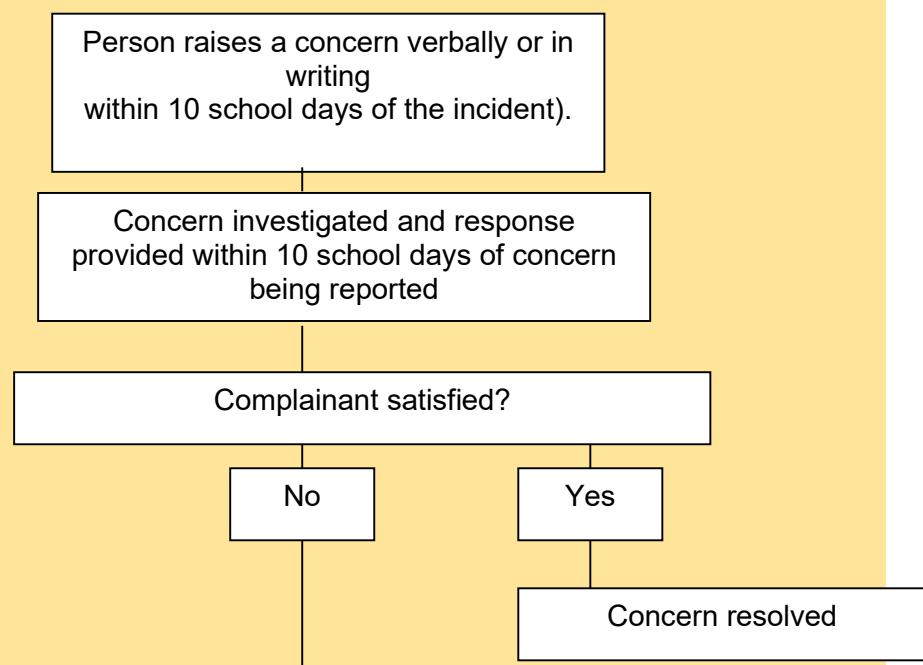
Signature if you are making a complaint on behalf of someone else

Signature: ..... Date: .....

**The governing body have reviewed and approved this policy x date**

## **SUMMARY**

### **STAGE A**



### **STAGE B**

