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Welsh Assembly Government

Complaints procedures for school governing bodies in Wales

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Guidance

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Date of issue: M3rch 2011

Complaints procedures for school governing bodies in Wales

Audience	<p>Governors Wales and the Children's Commissioner for Wales.</p>
Overview	<p>This guidance has been compiled using the Welsh Assembly Government's, local authorities', Governors Wales' and the Children's Commissioner for Wales' combined experience of how governing bodies handle complaints.</p> <p>It is guidance for school governing bodies about establishing and publicising a procedure for dealing with complaints about the school, or about any facilities or services the governing body provides for the benefit of pupils, their families, or people who live or work in the school locality. Complaints may come from parents, members of staff, members of the local community, governors, pupils or any other person with an interest in the school.</p> <p>This guidance does not apply to complaints for which other statutory procedures exist outside of sections 27 and 29 of the Education Act 2002.</p> <p>This guidance document includes a model procedure for handling complaints. Although this guidance does not compel a governing body to adopt the model procedure, a governing body is advised to do so.</p>
Action required	<p>Governing bodies are required by law to establish a complaints procedure. It is recommended that governing bodies review their complaints procedures in the light of this new guidance, which replaces previous guidance. Governing bodies may put in place a complaints procedure of their choice but it is recommended that they adopt the model complaints procedure in Annex 1.</p>
Further information	<p>Governing bodies should seek advice about complaints procedures and complaints handling from their local authority or Governors Wales. The Welsh Assembly Government does not provide advice about individual cases. General enquiries about this guidance may, however, be addressed to:</p> <p>School Governance and School Revenue Branch Schools Management and Effectiveness Division Department for Children, Education, Lifelong Learning and Skills Welsh Assembly Government Cathays Park Cardiff CF10 3NQ</p>
Governing bodies and headteachers of all maintained schools in Wales, local authorities, diocesan authorities,	

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**Additional
copies**

be accessed from the Welsh Assembly Government's website at www.wales.gov.uk/topics/educationandskills or from the Governors Wales website at www.governorswales.org.uk

This document replaces:

School Governing Bodies Complaints Procedures National Assembly for Wales Circular No: 03/2004 (2004); *Guidance for School Governing Bodies on Procedures for Complaints involving Pupils* National Assembly for Wales Circular No: 39/2006 (2006)

**Related
documents**

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Education Act 2002; Procedures for Whistleblowing in Schools and Model Policy Welsh Assembly Government Circular No: 036/2007 (2007); *School Governors' Guide to the Law (2009)*; *Staff Disciplinary Procedures in Schools* Welsh Assembly Government Circular No: 45/2004 (2004)

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Summary

Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales to establish procedures for dealing with complaints and to publicise such procedures.

This guidance provides governing bodies of maintained schools in Wales with guidance in relation to establishing procedures for dealing with complaints and publicising such procedures. It also offers additional guidance on complaints, and includes a model complaints procedure which it is recommended that governing bodies adopt and use. The model complaints procedure is based on the experience of the Welsh Assembly Government, local authority governor support officers, Governors Wales and the Children's Commissioner for Wales.

A complaints procedure is a way of ensuring that anyone with an interest in a school can raise a concern, with the 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. Evidence suggests that too often this is not the case. As a result complainants are dissatisfied that their concerns are not taken seriously or are not resolved. This undermines trust in governing bodies and confidence in schools being well run. 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. Well-governed schools are typically effective schools that deliver good education and attain high standards.

The Welsh Assembly Government is committed to the principles of the United Nations Convention on the Rights of the Child (UNCRC) as the basis for its dealings with children and young people. A core aim is that all children and young people should be listened to and treated with respect. This is pertinent for complaints procedures and complaint handling.

We advise governing bodies to consider their complaints procedures carefully against this guidance. If a governing body is challenged about its complaints procedure, it will need to demonstrate that it had good reasons for its actions and for not following this guidance in relation to establishing procedures to deal with complaints and publicising such procedures.

This guidance is not a substitute for legal advice. Where governors require advice about the law they should seek it from the local authority, Governors Wales (which has a helpline¹) or a solicitor.

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¹ **Governors Wales provides impartial advice to governors by e-mail**
helpline@governorswales.org.uk or telephone 0845 60 20100.

Section 1: Introduction

About this guidance

1.1 This guidance is for governing bodies. It is not written for complainants, but the model complaints procedure at Annex 1 is written in a style suitable to give it to complainants. It is recommended that governing bodies adopt the model complaints procedure at Annex 1. Used properly, it should help eliminate common problems that dog complaints handling. The model complaints procedure was written by a working party experienced in complaints handling, led by Governors Wales. It included local authorities, the Children's Commissioner for Wales and the Welsh Assembly Government.

1.2 This guidance is published under section 10 of the Education Act 1996 and section 29(2) of the Education Act 2002, which requires school governing bodies to establish and publicise procedures to deal with complaints relating to the school or to the provision of facilities or services under section 27 of the same Act. Governing bodies should consider it carefully and evaluate their current complaints procedures against it. If a governing body is challenged about its complaints procedure, or how it has handled a complaint, it will need to demonstrate that it has good reasons for its actions. Further information on the law can be found in Annex 3 and also in the Welsh Assembly Government's *A School Governor's Guide to the Law*.

1.3 This guidance replaces previous Welsh Assembly Government guidance about complaints, namely *School Governing Bodies Complaint Procedures* National Assembly for Wales Circular No: 03/2004 (2004) and *Guidance for School Governing Bodies on Procedures for Complaints Involving Pupils* National Assembly for Wales Circular No 39/2006 (2006)

1.4 Governors may seek advice about complaints handling from their local authority governor support officer or from Governors Wales². The Welsh Assembly Government does not advise on complaints cases.

Why complaints procedures are important

1.5 There is evidence of a high level of dissatisfaction about complaints handling among parents. The Welsh Assembly

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² Information about Governors Wales is available at www.governorswales.org.uk Governors may contact Governors Wales by e-mail: helpline@governorswales.org.uk or telephone 0845 60 20100.

Government's Living in Wales survey into citizen's views of public services in 2006 found that:

- 32 per cent of parents with children in primary school education felt fairly or very dissatisfied with how their complaint was handled
- 31 per cent of parents with children in secondary school education were also fairly or very dissatisfied with complaints handling.

1.6 Governors Wales receives more inquiries about how to handle complaints than about any other matter. This, together with correspondence received by the Welsh Assembly Government and anecdotal evidence from local authorities, suggests that governing bodies find handling complaints difficult. This is not surprising. Complaints may be about a very wide range of matters, are often sensitive, and the people making them place great importance on them. Some complainants are unreasonable or seek to personalise matters, but most complainants simply want their concern taken seriously. Usually a complaint is a simple matter easily dealt with, but unless it is handled purposefully, tactfully and clearly from the start, even a simple complaint can become very difficult. If a complaint is not handled well complainants lose trust and the matter can become personalised in an unpleasant way. It is then very difficult to retrieve the situation. At the heart of successful complaints procedures and handling are mutual respect and a willingness to listen to other points of view.

1.7 Experience has shown that not all governing bodies comply with the law by having a complaints procedure or publicising it. Others have inadequate complaints procedures or fail to follow their procedure. Some governing bodies have made the mistake of using Welsh Assembly Government or local authority guidance documents as substitutes for complaints procedures.

1.8 These weaknesses mean that complaints are not handled well or at all. This can mean that real problems are not addressed and that parents lose confidence in schools. If that happens it damages a school's image which in turn can undermine support for it in the community. None of this helps build a successful school at which pupils achieve their potential.

Section 2: Good complaints handling

Overview

2.1 Section 2 describes general principles for good complaints handling. These underpin the model complaints procedure in Annex 1. The Welsh Assembly Government recommends that governing bodies incorporate these principles into their complaints procedure, even if they decide to adopt a different complaints procedure.

2.2 Complaints procedures need to be written clearly so that everyone understands them. Treating all complaints seriously and responding to them quickly often means that they can be resolved at an early stage.

2.3 Complaints may be made about a wide variety of matters. They may be brought by parents, members of staff, pupils, members of the local community or governors. Complaints will vary in importance and sensitivity; some will clearly be trivial, but even so they are likely to be very important to the complainant. This means all complaints need to be handled properly. The complaints procedure must be applied consistently.

What is a complaint?

2.4 For the purpose of this guidance 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'.

2.5 If a complaint raises issues about staff capability, staff grievance, staff discipline or child protection, then action must be taken under procedures and they should take precedence. The complaints procedure must not take the place of those other procedures.

2.6 It is important that a complainant is told the outcome of their complaint.

Impartiality and fairness

2.7 Complaints must be handled fairly, openly and without bias. Prior knowledge of a person or situation should not affect handling or decision making. Complaints should be dealt with on the basis of relevant facts. Failure to do this will inevitably cause loss of confidence in the complaints procedure and the school, and it may mean that a genuine problem is not put right.

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2.8 Complaints are often personal and so need sensitive handling with respect for the rights and feelings of all involved. An empathetic but assertive and clear approach is best. Schools should not tolerate aggressive, abusive or unreasonable behaviour, or persistent complaints about the same thing that have no substance.

2.9 Any members of staff or governors involved in a complaint must be impartial and not compromised by having an interest in a matter or prior involvement. It is inappropriate for anyone to approach complaints with the attitude that their role is to unthinkingly defend the school or its staff.

Meetings

2.10 Any meetings should, as far as practicable, be at reasonable times and venues. Reasonable requests for adjournment should always be considered, with the exception of last-minute cancellation or wilful attempts to obstruct the procedure by repeatedly failing to agree to meet.

2.11 It is good practice to allow a complainant to be accompanied by a companion of their choice. It is reasonable to expect the complainant to speak and to answer questions and not for the companion to do that on their behalf.

Timeliness

2.12 Every effort should be made to investigate and make a decision quickly. Delay causes irritation, anxiety, and can mean that a problem goes unaddressed for longer than necessary. Also, delay means memories fade and opinions can become deep-rooted.

2.13 It is important to keep the complainant informed of progress. The model complaints procedure has a timetable set out in a flow chart (see Appendix A of Annex 1). Timescales should be flexible; those in the model complaints procedure are suggested timescales and are not mandatory.

2.14 Timescales should always take into account the complexity of a complaint and people's availability. The governing body may make reasonable changes to timescales during a complaint if it judges that necessary. If timescales are changed anyone with an interest in the complaint should be notified in writing of the change and the reasons for it.

2.15 When complaints are made before a school holiday other than a half-term it is advisable to resolve the complaint before the school closes.

Recording information

2.16 Throughout the complaints procedure it is advisable to keep an accurate record:

- to monitor progress of a complaint
- to be clear about the nature of the complaint
- to document what has been done and what needs to be done
- to provide evidence that the complaint was considered properly (which can be useful if a complainant is dissatisfied with the way the complaint had been handled)
- for reference, if further complaints arise relating to the original Issue
- to identify trends or recurring themes in complaints cases
- to compile reports to governors (and others) on complaints.

2.17 It is advisable to keep a record of all complaints and their outcomes, including those that are anonymous or are withdrawn.

It is recommended that governing bodies periodically ask the headteacher for a report about complaints made to the school so that they can monitor complaints and improve procedures or issues that generate complaints.

2.18 Experience has shown the importance of understanding a complaint clearly and fully when it is first made. The model complaints procedure (see Appendix B of Annex 1) has a form that schools can give to complainants to set out their complaint in writing, or which the school can use itself to record details of a complaint. A record should include:

- the complainant's name
- when the complaint was made
- a description of the complaint
- action taken to resolve the complaint and its outcome.

Confidentiality

2.19 Complaints should be treated confidentially with only those involved in investigating and making a decision aware of the nature of the complaint. If anyone is the subject of a complaint, that individual is entitled to know the substance of the accusation being made unless there are exceptional reasons (such as a need to protect the source), or there is evidence of criminal activity in which case the police should be informed.

Expectations of the complainant

2.20 The complainant should cooperate by describing their complaint in detail. Complainants should provide specific information which can be investigated and considered.

2.21 It is reasonable to expect a complainant to attend meetings if reasonable notice is given and the meeting time and location takes reasonable account of the complainants other commitments. If arrangements are not convenient, an alternative should be offered. It is good practice to offer a meeting time at the start or end of the working day. People who have full-time work commitments should be given at least one week's notice.

2.22 Aggressive, abusive or unreasonable behaviour by complainants should not be tolerated. Persistent complainants who have no substance for their complaints may be considered to be behaving unreasonably and told, in writing, that their complaint will not be considered.

2.23 If complainants do not meet these expectations, then schools are entitled to not consider the complaint. This should be explained to the complainant in writing and a record kept by the school.

Section 3: Using the model complaints procedure

The three-stage procedure

3.1 The model complaints procedure (Annex 1) is written in a self-explanatory style. Section 3 expands on key points which are also relevant for governing bodies that adopt their own procedure.

3.2 The model complaints procedure has three stages. Appendix A of the model complaints procedure summarises the three stages and recommended timescales. Appendix 8 of the procedure is a form to record a complaint.

3.3 Most complaints can be settled quickly by the complainant speaking to a member of school staff (see Stage A, paragraphs 3.3-3.6 of the procedure). It is recommended that schools make every effort to do this.

3.4 If the complaint is not resolved at Stage A, the headteacher will consider it (see Stage 8, paragraphs 3.7-3.12 of the procedure).

3.5 If the complaint is not resolved at Stage 8, or it is about the headteacher, the whole governing body or a committee established by the governing body to deal with complaints should consider the complaint (see Stage C, paragraphs 3.13-3.20 of the procedure).

3.6 Complainants may try to skip stages in the procedure, for instance by going directly to the headteacher or the governing body. It is strongly advised that this is resisted and the complaint is considered under the appropriate stage of the procedure.

3.7 It is important to explain the complaints procedure to complainants and to provide them with a copy. Complainants must understand and accept that complaints must follow the adopted procedure.

3.8 Prompt handling is important. Delay usually makes matters worse. The model complaints procedure includes suggested timescales but these may be changed if there are good reasons. If they are changed the complainant should be told and given reasons why. It is important to keep the complainant informed of progress. Any complaints received in writing should be promptly acknowledged in writing.

3.9 Schools may choose to have a member of staff who handles all complaints. If so, the individual should be named in the school complaints procedure.

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3.10 Procedure is important but it must not be a barrier to complaining. Schools should be pragmatic and use judgement. A complaint may be made to any member of staff. If the headteacher is the first recipient of a complainant, they could delegate it to another member of staff under Stage A. If a governor receives a complaint they should pass it to the headteacher who should then decide whether to delegate it to another member of staff under Stage A. Governors are strongly advised not to become involved in complaints until Stage C.

3.11 Stage C should be rare, but governing bodies must be prepared to deal with complaints when they arise. Before starting Stage C, governing bodies should be sure that Stages A and B have been completed, or that there are reasons for not following them (see Sections 4 of both the model complaints procedure and this guidance).

3.12 If a complainant is invited to a meeting at Stage B or C the invitation should be written and should make clear:

- the time and place of the meeting
- that the complainant can request or suggest another meeting time and place (unless the complainant has already declined a previous arrangement)
- any written information or documents which the school would like to receive
- that the complainant may bring a companion of their choice
- the names of anyone attending the meeting and their role
- the school's right to decide the complaint if anyone invited does not attend and has not provided a good reason for their absence.

Governing body complaints committees at Stage C 3.13

Governing bodies are advised to establish a committee to deal with complaints rather than the whole governing body becoming involved. This will make complaints handling more manageable.

The model complaints procedure is written on the assumption that governing bodies will establish a complaints committee.

3.14 The committee should have at least three members, preferably an odd number to ensure that there is always a majority for any vote on a decision. The full governing body should appoint members at the annual general meeting. Before any consideration of a complaint, committee membership should be checked to rule out any conflicts of interest. It is important to avoid any perception or accusation of bias or conflict of interest, personal links with the complainant or with any person against whom a complaint is made. Substitute members can be appointed to the committee at any time by the full governing body.

3.15 The headteacher should not be a member of the complaints committee because of prior involvement in Stage B.

3.16 A governing body may appoint someone to a complaints committee who is not a member of the governing body as long as the majority of committee members are governors. This independent person can help avoid unintentional bias and also counter any perceptions about the committee's neutrality.

3.17 It is recommended that governing bodies consider forming joint committees with other schools to handle complaints. Two or more governing bodies may do this using The Collaboration Between Maintained Schools (Wales) Regulations 2008. Again, this is a way to demonstrate independence in complaints procedures.

3.18 The governing body or its complaints committee must meet at Stage C to make a final decision about whether a complaint is upheld or dismissed. It is usual practice, but not mandatory, to invite the complainant to the meeting. At any meeting, whoever is chairing should ensure that:

- everyone is introduced
- it is understood that a decision will be made on the facts - and that decision will be final
- all relevant issues are addressed
- people attending are put at ease
- the meeting is conducted with respect and courtesy
- everyone has the opportunity to speak without interruption
- the meeting does not become confrontational.

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3.19 During the meeting:

- the committee members may ask questions of any person
- the chair will ask the complainant to explain their complaint
- the chair will ask the headteacher or (whoever is representing the head) to explain findings of fact and any actions taken by the school
- the chair will ask any witnesses to speak.

3.20 The intention is that:

- the committee understands the complaint so it is able to make a decision based on the facts
- the complainant feels that they have said everything they want to say.

3.21 It is recommended that the committee considers the complaint and makes a decision in private. Having other persons present may influence matters. It is good practice to make a decision the same day, unless the meeting has revealed issues which require further investigation and consideration. The model complaints procedure suggests that the committee will then write to the complainant about its decision within 10 school days. The letter should explain the reasons for the decision and any action to be taken by the school.

3.22 If the complaint is not upheld the letter should make clear:

- that the complaint has been thoroughly investigated
- the school will not reconsider the complaint
- new issues will only be considered if they are clearly different from matters complained about already.

3.23 If the committee cannot make a unanimous decision it may vote. A decision may be made by majority or by a second or casting vote from the chair.

3.24 The decision needs to cover whether or not the complaint is upheld and if any action needs to be taken by the governing body, headteacher and/or members of staff.

3.25 The committee should also make any recommendations to the full governing body for changes to school policies or procedures to ensure similar problems do not happen again.

Appeals after Stage C

3.26 Governing bodies may choose to have an appeal committee that a complainant could go to if not satisfied at Stage C. This is not recommended. Experience shows that all complaints can be resolved before or at Stage C. Further stages provide opportunity for vexatious complaining. Should there be evidence that a complaint has not been considered properly at Stage C then a local authority may consider using its powers of intervention if there is evidence that standards of governance are not good enough. This power provides sufficient safeguard against bad practice in schools.

Publicising a complaints procedure

3.27 The law requires governing bodies to publicise their procedure and a governing body must have regard to the guidance in relation to publicising the procedure. The following applies to all complaints procedures and not just the model complaints procedure contained within this document.

3.28 The procedure must be given to anyone who asks for it. All staff should be given a copy. All staff need to understand the procedure and what is expected of them.

3.29 Possible opportunities to publicise the procedure and make people aware of it are:

- the school website
- the prospectus
- home school agreements
- the governors' annual report to parents
- school newsletters.

Complaints from pupils

3.30 A complaint made by a pupil should be treated as seriously as one made by an adult. The model complaints procedure is drawn up to handle complaints from pupils also.

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3.31 It is the Welsh Assembly Government's policy that all children and young people should be listened to and treated with respect. In line with the United Nations Convention on the Rights of the Child, pupils need to be aware of their right to complain if they are dissatisfied or unhappy.

3.32 Pupil complaints should follow the same procedure as other complaints. Pupils should put complaints to their form tutor, or a member of staff chosen by the school to deal specifically with pupil concerns. These persons should then handle the complaint using Stage A of the model complaints procedure. It is important that school staff are sensitive, empathetic and that they understand the complaints procedure. Staff should not be defensive or dismissive.

3.33 It is recommended that if a pupil under the age of 16 brings a complaint or is involved in any other way, the school should bring the matter to the attention of the pupil's parent(s) or carer(s) having discussed this course of action with the pupil beforehand and preferably having sought the pupil's consent. Those persons should be invited to attend any discussion or interview with the pupil.

Should a pupil be involved in a complaint at Stages B or C the pupil may be accompanied by an adult of the pupil's choice. A pupil may also benefit from having an advocate. An advocate is a person (pupil or adult) chosen to help the pupil understand the complaints process, and should aim to work towards a speedy and satisfactory resolution of the complaint. The pupil is in control of the advocacy process and determines how the process is used. An advocate's role is different from that of a friend. A friend is there to accompany or support the pupil. An advocate is not just a companion but someone who can provide impartial advice and who can represent the pupil.

3.34 Any Stage C committee should be sensitive to a pupil's maturity and should take care to ensure the pupil's view is properly heard.

3.35 The model complaints procedure also makes provision for pupils to raise matters with the school council. A complaint may relate to an issue that is not personal to the complainant but concerns many pupils. In this case the complainant(s) should be encouraged to seek the views of pupils through the school council. A member of staff might help the pupil(s) raise the issue at the next school council meeting by ensuring that the issue is put on the agenda, or help the pupil contact their school council representative.

3.36 Annex 2 is a model leaflet that schools might wish to use to advise pupils about how to raise concerns. The school or governing body might use various ways to raise pupil awareness such as:

- through the form tutor or pastoral sessions, PSE lessons or assemblies
- through the school council
- in homework diaries
- through an information booklet for pupils
- leaflets or small wallet-/purse-sized cards that include contact details for help
- information posters around the school
- school website
- peer mediation and mentoring schemes.

Section 4: Special circumstances

4.1 The model complaints procedure needs to be adapted if a complaint is made about the headteacher, a governor or group of governors, the chair or vice chair of governors, or the whole governing body. Section 4 provides guidance about the circumstances outlined in Section 4 of the model procedure.

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Complaints about the headteacher

4.2 Any complaint about the headteacher should be given to the chair of governors or another designated governor who will investigate it.

4.3 The chair/governor should first establish whether the complaint should be dealt with under a procedure for staff capability, staff grievance, staff disciplinary or child protection. If it does, then those procedures take precedence. If not, the chair/governor should proceed under Stage B of the model complaints procedure. If the complaint is not resolved, the complainant may take it to Stage C. Any governor involved at Stage B cannot be a committee member at Stage C.

Complaints about the chair of governors

4.4 The vice chair should deal with a complaint about the chair of governors. The vice chair should inform the local authority (and if appropriate the diocesan authority) and the headteacher that a complaint has been made and what action will be taken and by whom.

4.5 Either the vice chair or another governor may investigate the complaint, beginning at Stage B of the model complaints procedure. If not resolved the complainant may take the complaint to Stage C.

4.6 If the complaint is upheld, then consideration should be given by the vice chair, investigating governor, complaints committee (as appropriate) as to whether the chair should continue to hold that position. If not, then the full governing body will need to decide whether to remove the chair and appoint another person to that role.

Complaints about the chair of governors and the headteacher

4.7 The complaint should be dealt with in the same way as a complaint about the chair of governors.

Complaints about the chair and vice chair of governors

4.8 Any complaint about the chair and the vice chair of governors should be referred by the clerk to the governing body who will inform the chair of the complaints committee. The chair of the complaints committee should arrange for a complaints committee hearing in accordance with Stage C. If the chair of the complaints committee is the chair or vice chair of governors, then the complaint should be referred to another member of the complaints committee and another governor must take the place of the chair and/or vice chair on the complaints committee.

Complaints about a governor or group of governors

4.9 If a complaint is made against a governor or group of governors it should be referred to the chair of governors (provided that the chair is not a subject of the complaint). The chair should investigate and then deal with the complaint in the same way as a complaint about the headteacher.

4.10 If the chair and vice chair are part of the group of governors, the complaint should be referred to the clerk of the governing body who should proceed as described previously for complaints about the chair and vice chair of governors.

4.11 If so many governors are the subject of a complaint that too few remain to make up a complaints committee, or to provide a quorum for any subsequent decisions that the whole governing body might need to take, then the 'whole governing body' procedure described below should be used.

Complaints against the whole governing body

4.12 If a complaint is made about the whole governing body it should be referred to the clerk who should inform the local authority and, if appropriate, the diocesan authority, the chair of governors and the headteacher.

4.13 The local authority should investigate the complaint. Investigation should not be undertaken by the clerk.

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4.14 If the investigation suggests that there are grounds for the complaints, the local authority should try to secure the agreement of the governing body for the complaint to be heard by a committee of independent persons set up specifically for that purpose. An independent committee should act as a complaints committee would at Stage C of the model complaints procedure.

4.15 If the governing body does not cooperate with the authority or a committee established by the authority to consider the complaint, then the local authority would be justified in considering using its powers of intervention. If a complainant provides evidence that a governing body is performing poorly, is acting unreasonably, or is in breach of the law, then a local authority may use its powers of intervention.

Complaints about members of school staff, including any designated complaints officer

4.16 Any complaint about a member of staff should be passed to the headteacher. The headteacher may decide to delegate investigation to another senior member of staff under Stage A of the procedure, or to investigate it themselves under Stage B. If the complainant is not happy with the outcome they may proceed through the complaints procedure until Stage C is completed.

Anonymous complaints

4.17 It is recommended that anonymous complaints are recorded but are not investigated unless there is a suggestion of criminal conduct or concerns about child safeguarding.

Complaints that are withdrawn

4.18 A complainant may withdraw a complaint at any time. It is recommended that a record is kept and a letter sent to the complainant stating that because the complaint is withdrawn the complaints procedure will not be used.

Criminal activity

4.19 Suggestion of criminal activity should be referred to the headteacher or, if it involves the headteacher, to the chair of governors. The head or chair (as appropriate) should bring the complaint to the attention of the police and the local authority (and if applicable the diocesan authority). If the head and the chair are both subjects of the complaint, then the vice chair should inform the police and the local authority.

Section 5: Roles and responsibilities of other bodies

The local authority

5.1 A local authority should satisfy itself that all the schools it maintains have adequate complaints procedures that are publicised.

5.2 A local authority may provide whatever advice it chooses to governing bodies. It may also provide guidance documents in addition to this publication.

5.3 A governing body may seek advice from a local authority or assistance to investigate a complaint. The statutory responsibility for dealing with complaints remains with the governing body however.

5.4 A governing body complaints procedure may, with the agreement of the local authority, include a stage after Stage C for the local authority to consider the complaint.

5.5 A local authority should consider any evidence that comes to its attention that suggests that a governing body does not have a complaints procedure, has an inadequate procedure, has not followed its procedure or has a procedure that is inoperable because persons who are part of the complaint make decisions about it.

5.6 If a school complaint procedure is inoperable or there are grounds to cast doubt on its independence, a local authority may arrange, with the agreement of the governing body, for a panel of independent persons to consider a complaint.

5.7 A local authority may use its powers of intervention under the Schools Standards and Framework Act 1998 if the governance or management of a school is inadequate.

The diocesan authorities

5.8 Diocesan authorities may provide advice to schools to which they appoint governors and such schools may seek advice from the diocesan authorities.

The Welsh Assembly Government

5.9 If the Welsh Assembly Government receives a complaint about a school it will advise that the complaint should be addressed to the school for consideration under the school's complaints procedure. If it appears that the governing body is failing to deal with the complaint, the Welsh Assembly Government will bring the complaint to the attention of the local authority to provide support or take action.

The Children's Commissioner for Wales

5.10 The Children's Commissioner for Wales has wide-ranging power and may:

- provide advice, assistance, information and support to children making a complaint or representation
- review and monitor arrangements made for dealing with complaints, whistleblowing and advocacy, or the absence of such arrangements
- examine individual cases.

5.11 The Commissioner may, for the purposes of examining individual cases, require information, explanations and assistance from governors, local authority officers and members, and school staff. The Commissioner may also, for the purposes of reviewing and monitoring arrangements made for dealing with complaints, whistleblowing and advocacy, or the absence of such arrangements, require information from governors, local authority officers and members, and school staff. The Commissioner may produce reports with recommendations but does not have power to require their implementation although he can publicise any failure to do so.

5.12 The Commissioner does not, however, take the place of governing body complaints procedures nor act as an avenue of appeal.

The Public Services Ombudsman for Wales

5.13 The Public Services Ombudsman for Wales has no role with respect to complaints which come within the scope of complaints procedures described in this guidance.

The General Teaching Council for Wales

5.14 The General Teaching Council for Wales (GTCW) has no role regarding governing body complaints procedures. However, the GTCW may consider referrals about a registered teacher from any person. The GTCW is not an alternative avenue for a complaint. The GTCW will not normally investigate any matters which have not been referred to a school governing body and considered by them.

Complaints procedure

St Alban's R.C High School

1. Introduction

1.1 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'.

1.2 A complaints procedure is defined as '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'.

1.3 We are committed to meeting the needs of parents, staff, governors, pupils, and members of the community. However, there may be times when you may have a comment, concern or complaint about the school. Most concerns can be settled quickly, and without the need to use a formal procedure, just by speaking to the relevant person in school.

2. Principles

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

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

2.3 Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.

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

2.5 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.

2.6 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

2.7 Where pupils are involved in complaints a note of the outcome(s) will be kept on their pupil record.

2.8 Aggressive, abusive or unreasonable behaviour will not be tolerated and may lead to the school asking the relevant authorities to intervene. Persistently making complaints that have no substance will fall into the category of unreasonable behaviour.

2.9 Complaints that are made anonymously will be handled at the discretion of the school and may be considered using other procedures, depending on the nature of the complaint. For example, anonymous complaints relating to (or appearing to relate to) a child protection matter or alleged criminal activity will be referred immediately to the relevant authorities.

2.10 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'.

3. Reaching an answer to your concern or complaint

3.1 The chart in Appendix A shows what may happen when you make a complaint or raise a concern. You can bring a relative, friend or adviser to support you at any time during the process.

3.2 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.

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

3.3 If you have a concern, you can often resolve it quickly by talking to a teacher or **Mrs Collier or Mr D Foster, (Deputy Heads)**. 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.

II.

3.4 If you are a pupil, you can raise your concerns with your school council representative, form tutor or a teacher chosen to deal with pupil concerns (as appropriate for the school). 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.

3.5 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.

3.6 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

3.7 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 must put your complaint in writing to the headteacher.

would be expected to do this within five school days of receiving a response to your concern. There is also a form attached (Appendix B) that you may find useful.

3.9 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.

3.10 Mrs Collier, Mr D Foster or the Headteacher can help you to put your complaint in writing if necessary.

3.11 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 will 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.

3.12 In most circumstances, the complaints procedure ends at this point.

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3.8 Normally, you

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Stage C

3.13 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 to the chair of governors setting out your reasons for asking the governing body complaints committee to consider your complaint.

3.14 Mrs Louise Langley, Clerk to the Governors can help you with this. We would normally expect you to do this within five school days of receiving the school's response. We will let you know when we have received your letter and will agree a timescale with you for dealing with the matter. The complaints committee will normally have a meeting with you within 15 days of receiving your letter.

3.15 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. You will be asked to read the notes or have the notes read back to you and then 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.

3.16 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, whilst 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.

3.17 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.

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

3.19 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.

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

4. Special circumstances

4.1 Where special circumstances occur, such as complaints against:

oo. a governor or group of governors

the concern or complaint will be referred to the chair of governors or delegated to another governor who will undertake the investigation

ii. the chair of governors or headteacher and chair of governors

the vice chair of governors will immediately be informed and will decide whether the complaint needs to be investigated under any other procedure

iii. 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

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.

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

The governing body has consulted with staff and pupils on this policy and will consult further if any amendments are made in the future.

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

Signed by chair of governors on behalf of the governing body:

Date approved:

(by full governing body)

Date of review:

Date sent to the local authority:

(there is no statutory requirement to do this, but it may be good practice)

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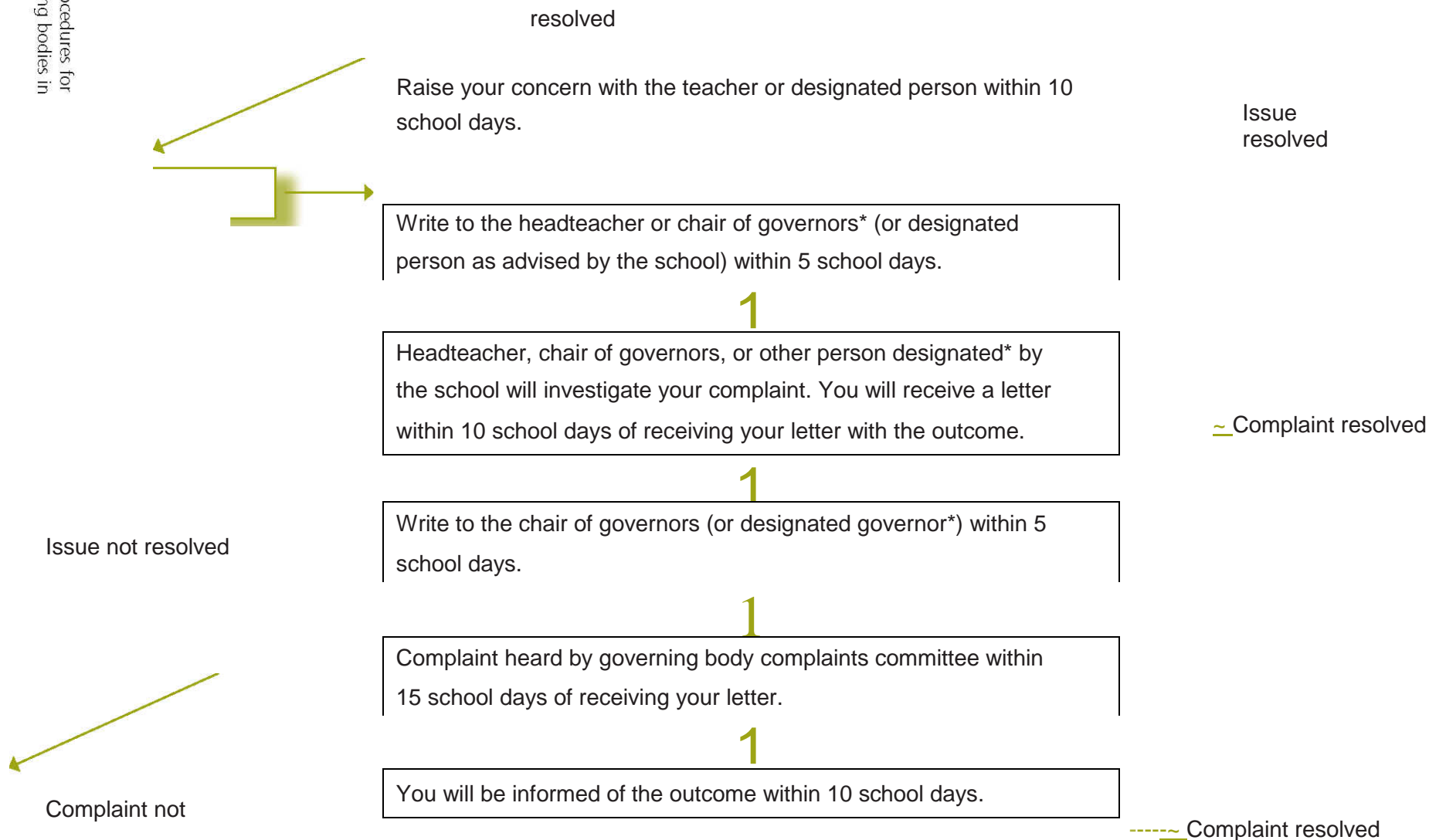
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Appendix A: Summary of dealing with concerns or complaints

This procedure will be followed in the event of a concern or complaint about the school, provided that the concern or complaint does not fall under other statutory procedures.



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* **If the complaint is about the headteacher, chair or vice chair or other governors, then the complaint will be referred to the clerk to the governing body and the procedure that is followed will be agreed with you.**

All timescales shown are targets and are flexible. The school will work with you to ensure that the time allowed to deal with your concern or complaint is reasonable and helps to achieve an answer to the problem.

Appendix B: Pro forma document to register a complaint

Please complete and return to who will acknowledge receipt and explain what action(s) will be taken.

Your name:

Your relationship to the school:

Your address:

Postcode:

Daytime telephone:

Evening telephone:

Details of your complaint:

What have you done so far to try and resolve your concerns or complaint! (Who have you spoken to and what was the response!)

What actions do you feel would resolve the problem!

Are you attaching any documents! Please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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Annex 2: Procedures for handling complaints from/involving pupils

Have your say

Do you have a suggestion, concern or complaint? By

working together we can make a difference.

We want you to feel safe and happy at school, but sometimes you may feel worried, have a concern or want to make a suggestion. We also want to hear about areas of school life that you enjoy and value.

If you are worried about something please tell a member of staff straight away so that we can look into it. We will take your concerns and any issues that you raise very seriously.

If you don't want to raise the concern yourself, you can ask a member of the school council, a member of staff or someone else you trust to take the matter up on your behalf (the school may have a designated person for pupils to speak to) with **Mr Foster** in this school will do this.

When you raise a suggestion, concern or complaint:

- we will listen to everything you say
- we will ask you questions to help make things clear
- we will treat you fairly
- someone can help you, such as a parent, friend, relative or someone else
- the person dealing with your concern will tell you what is happening.

Privacy

Usually, we will not tell anyone about what you say unless they are involved in dealing with your concern. Sometimes we will tell other people, for instance, if you or someone else is in danger of being hurt or upset. If this is the case we will explain it to you.

When you have a concern or complaint against another person, then that person will normally have a right to be made aware of the concern or complaint and be allowed to give their side of the story.

School council

If your concern or suggestion affects the whole school or a group of pupils, we might suggest that the school council considers it or you might want to ask the school council yourself.

We all want our school to be safe, caring and successful - the best it can be.

With your help we can make it so.

Annex 3: 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 Act³. Governing bodies must also publicise their complaint procedures.

2. 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 disciplinary. You can find guidance on these topics at www.learning.wales.gov.uk

3. Section 29(2) requires a governing body to have regard to guidance issued by the Welsh Assembly Government 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. This circular is published under section 29(2) in relation to the establishing and publicising of procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27 of the Act. 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.

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³ Section 27 provides the governing body of a maintained school with the power to provide any facilities or services whose provision furthers any charitable purpose for the benefit of pupils at the school, their families and people who live and work in the locality of the school.