


# *Ysgol Maesydderwen*



## **Complaints Procedure**

*Trefn Gwyno*

Type: Statutory Policy

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## **1. Introduction**

1.1 Ysgol Maesydderwen is committed to dealing effectively with complaints. We aim to clarify any issues about which you are not sure. If possible we will put right any mistakes we have made and we will apologise. We aim to learn from mistakes and use that experience to improve what we do.

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

1.3 This complaints procedure supports our commitment and is a way of ensuring that anyone with an interest in the school can raise a concern, with confidence that it will be heard and, if well founded, addressed in an appropriate and timely fashion.

## **2. When to use this procedure**

2.1 When you have a concern or make a complaint we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by the school, in which case we will tell you who to complain to. At other times you may be concerned about matters that are handled by other procedures, in which case we will explain to you how your concern will be dealt with.

2.2 If your concern or complaint is about another body as well as the school (for example the local authority) we will work with them to decide how to handle your concern.

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

3.1 If you are approaching us for the first time you should give us a chance to respond. If you are not happy with our response then you may make your complaint using the procedure we describe below. Most concerns can be settled quickly just by speaking to the relevant person in school, without the need to use a formal procedure.

## **4. What we expect from you**

4.1 We believe that all complainants have a right to be heard, understood and respected. But school staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining.

4.2 The school has a separate vexatious policy to deal with situations where the actions of an individual are unacceptable.

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

5.1 We will consider all your concerns and complaints in an open and fair way. Complaints will be handled impartially, and we will avoid conflicts of interest.

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

5.3 We are mindful that some complainants may have communication difficulties. We will support individuals to register their complaints in an appropriate way, especially where the complainant is unable or finds it difficult to put the complaint in writing and does not have someone who can support them to do this.

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

5.4 Whoever investigates your complaint may need to speak to you before starting the investigation in order to clarify exactly what your complaint is. This will allow them to deal with your complaint correctly. In such cases, the person handling your complaint will confirm what was discussed in writing with you before proceeding to investigate the complaint.

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

5.6 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this complaints policy), in which case we will explain why this is so, and will tell you what steps will be taken.

5.7 The governing body will keep the records of documents used to investigate your concern or complaint for seven years after it has been dealt with. Records will be kept in school and reviewed by the governing body after seven years to decide if they need to be kept for longer.

5.8 Complaints that are made anonymously will be recorded for reporting to the governing body but will not be investigated. The exception to this is where a safeguarding issue is raised. In all cases of anonymous complaints, the school will liaise with the Schools Service to ascertain whether there is a safeguarding issue contained within the complaint.

5.9 Where complaints are considered to have been made only to cause harm or offence to individuals or the school, the governing body will ensure that records are kept of the investigations that are made and what actions are taken, including the reasons for 'no action'.

## **6. Answering your concern or complaint**

6.1 The chart in Appendix 1 shows what may happen when you make a complaint or raise a concern. Most issues can be resolved at an informal level, before reaching a formal complaints process. There are up to three Stages within the formal complaints process. Most formal complaints can be resolved at Stages 1 or 2. You can bring a relative or companion to support you at any time during the process but you will be expected to speak for yourself. However, we recognise that when the complainant is a pupil it is reasonable for the companion to speak on their behalf and/or to advise the pupil.

6.2 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else within the school needs to know about your concern or complaint, so as to address it appropriately.

6.3 If you are a pupil under 16 and wish to raise a concern or bring a complaint we will ask for your permission before we involve your parent(s) or carer(s). If you are a pupil under 16 and are involved in a complaint in any other way, we may ask your parent(s) or carer(s) to become involved and attend any discussion or interview with you.

6.4 It is not possible to introduce new elements to a complaint if it progresses through Stages 1, 2 and 3. Only the original complaint can be considered. If during the course of dealing with a complaint, there are new issues you wish to raise these must be raised as a new complaint at the appropriate Stage as per Section 7 and Appendix 1, below.

6.5 The [governing body] has a complaints committee to deal with complaints at Stage 3. Committee meetings will have three members, but the entire committee will have more than three members – this will allow the committee to avoid (as far as possible) conflicts of interest.

### **Informal processes – Stage 0**

6.6 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.

6.7 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.

### **Formal processes**

6.8 Please note that there are a range of special circumstances outlined in Section 7 below, and in the diagram in Appendix 1. These explain who a complaint should be addressed to – most complaints will initially be made to the head teacher.

6.9 In all cases, the school will not allow someone to have knowledge of or be involved in investigating a complaint where there is a conflict of interest. In the case of governors, any governor who considers a complaint at Stage 2 cannot be a member of the complaints committee that considers the same complaint at Stage 3.

6.10 If at any point you are invited to a meeting in regards to the complaint, you will be sent an invitation using the template in Appendix 3.

### **Stage 1**

6.11 If you have been unable to resolve your complaint informally, you can make a formal complaint. There is a form in Appendix 2 that you can use to record your complaint in writing, but you do not have to use it.

6.12 Your complaint should be addressed to the head teacher (except for the special cases in Section 7/Appendix 1 below). The head teacher may designate another member of staff to investigate. The Deputy Headteacher is the complaints officer for the school and the complaint will be passed to them. If your complaint is about the headteacher, you should go straight to Stage 2.

6.13 We will try to let you know what we have done or are doing about your concern normally within 10 school days, but if this is not possible, we will talk to you and agree a revised timescale with you.

6.14 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 2**

6.15 If your concern has not been resolved at Stage 1 (or is a special circumstance in which the formal process starts at Stage 2 – see section 7 and Appendix 1 below) you can put your complaint in writing to the chair of governors. You can address the letter to the school's address. If your complaint is about the chair of governors, you should address it to the vice-chair.

6.16 We would expect you to do this within five school days of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible. There is a form in Appendix 2 that you can use to record your complaint in writing, but you do not have to use it. If you are a pupil we will explain the form to you, help you complete it and give you a copy.

6.17 The chair of governors (or vice-chair, where applicable) may designate another governor to investigate the complaint on their behalf. This cannot be a member of the complaints committee.

6.18 If you are involved in any way with a complaint, the person overseeing your complaint will explain what will happen and the sort of help that is available to you.

6.19 The person overseeing your complaint will contact you to discuss your complaint and may arrange 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 person overseeing your complaint will complete the investigation and will let you know the outcome in writing within 10 school days of completion.

## **Stage 3**

6.20 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 clerk to the governing body setting out your reasons for asking the governing body's complaints committee to consider your complaint. You do not have to write down details of your whole complaint again.

6.21 There is a form in Appendix 2 that you can use to record your complaint in writing, but you do not have to use it. We would normally expect you to do this within five school days of receiving the response to Stage 2 (unless Stage 3 is the first stage of the process in line with special circumstances in Section 7 and Appendix 1 below). We will let you know how the complaint will be dealt with and will

send a letter (see Appendix 3) to confirm this. The complaints committee will normally have a meeting with you within 15 school days of receiving your letter.

6.22 The letter will also tell you when all the evidence and documentation to be considered by the complaints committee must be received. Everyone involved will see the evidence and documentation before the meeting, while ensuring that people's rights to privacy of information are protected. The letter will also record what we have agreed with you about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with you.

6.23 Normally, in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the committee may think it reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.

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

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

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

### **Complaints handled by the local authority**

6.27 In cases of complaints against the entire governing body (see Section 7 and Appendix 1 below), these will be handled by the Local authority. The processes in Stage 3 will apply.

6.28 The Local authority will also be asked to investigate any complaints that cannot be handled by the school because this policy is inoperative in the specific circumstances (for example, if so many governors (but not all governors) are named in a complaint that the complaints committee is unable to be quorate). The process in Stage 3 will apply.

6.29 In regards to 6.26 and 6.27, the Local authority will arrange to have the complaint investigated. If it is suggested that there are grounds to uphold the complaint, then the Local authority will empanel a three-member Independent Complaints Committee, which will function identically to the governing body's own complaints committee.

### **Procedure at a Stage 3 meeting**

6.30 The complaints committee will meet with you to discuss your complaint. You are able to bring an advocate or a friend to support you. Appendix 4 outlines the format of a meeting.

6.31 The complaints committee will meet separately with those against whom you have made a complaint, but usually on the same day.

6.32 The complaints committee may identify other parties it needs to meet with, or other information it needs to examine, in order to make a decision.

6.33 The complaints committee may invite an officer of the Local authority to the meeting. The officer will provide advice and guidance to the committee, but will not have a role in making a decision.

6.34 The clerk to the governing body will attend the meeting to make notes. These are for the committee members to refer back to when making their decision. These are not minutes and will not be circulated to attendees. The notes will not be kept as part of the records, unless the committee decides that there is a valid reason to maintain part or all of the notes.

6.35 The only formal recording by the clerk will be the recording of the decision, in the form of the outcome letter.

6.36 No party will be permitted to record any part of the committee meeting by use of audio-visual technology (such as mobile phones, Dictaphones, etc).

## **Outcomes**

6.37 At all stages, you will be informed in writing of the outcome. The outcome will be one of four outcomes (either for the complaint as a whole, or for individual sub-complaints that make up the complaint). These four outcomes are:

- No case to answer (in cases where it is clear that a complaint is not valid at the outset)
- Not upheld
- Partially upheld
- Upheld

The letter will not explain the detail behind the decision. A model letter is included in Appendix 5.

6.38 The letter will also outline any actions arising from your complaint. Please note that it is possible to identify actions to improve practice even in cases where complaints are not upheld.

## **7. Special circumstances**

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

### **i. 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 2 onwards of the complaints procedure will apply.

### **ii. A governor or group of governors (not including the chair 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 2 onwards of the complaints procedure will apply.

### **iii. 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 2 onwards of the complaints procedure will apply.

iv. 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 3 of the complaint procedure will then apply.

v. 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. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.

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

7.3 If the complaint is about the clerk to the governing body, then please contact the Local authority for advice.

7.4 If there is an allegation of criminal activity, the person handling the complaint will consult with the Schools Service lead officer for advice.

## **8. Our commitment to you**

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

8.2 If you need help to make your concerns known we will try and assist you. If you are a young person and need extra assistance the Welsh Government has established MEIC which is a national advocacy and advice helpline for children and young people. Advice and support can also be accessed from the Children's Commissioner for Wales.

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

## **9. Other bodies**

9.1 Other bodies have a limited or no role in complaints related to schools.

### **The local authority**

9.2 Except in special circumstances outlined in sections 6 and 7 above, or in cases of complaints that involve local authority staff, the local authority has no role in investigating complaints solely related to the school.

9.3 The local authority has an advisory role. The school may seek advice in relation to any complaint brought to its attention. Complainants are also able to approach the local authority for advice.

9.4 The local authority has an oversight and quality assurance role. The local authority will consider any claims that the school has not handled a complaint correctly, but will not consider the complaint itself (i.e. it will review the process, but not the findings). Complainants are able to approach

the local authority if they are dissatisfied with an aspect of the process, including if the school refuses to consider a complaint.

### **The Welsh Government**

9.7 The Welsh Government have no role in school complaints.

### **The Children's Commissioner for Wales**

9.8 The Children's Commissioner for Wales has no role in school complaints.

9.9 Complainants can approach the Children's Commissioner for advice and support.

### **The Education Workforce Council**

9.10 The Education Workforce Council has no role in school complaints.

### **Estyn**

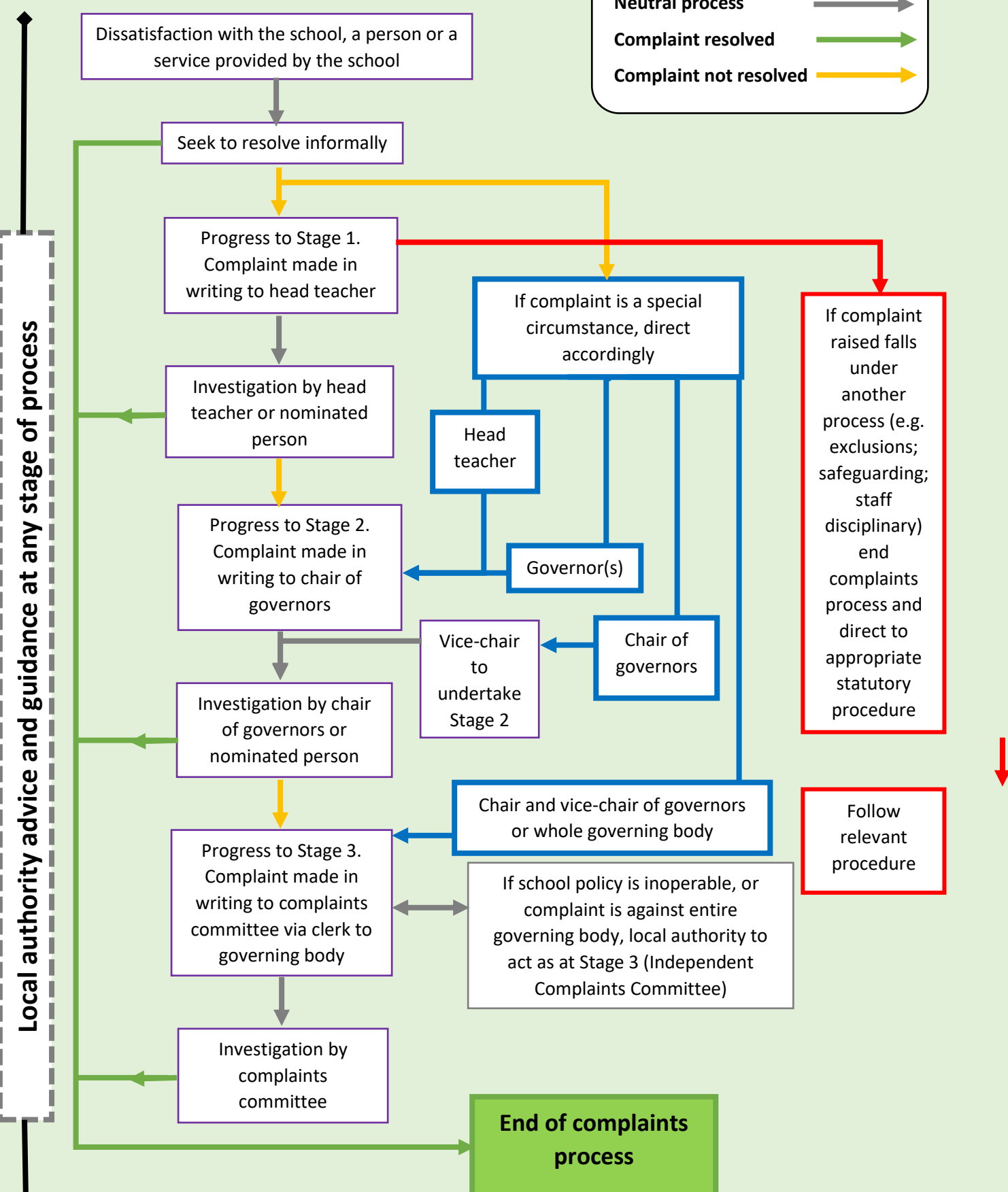
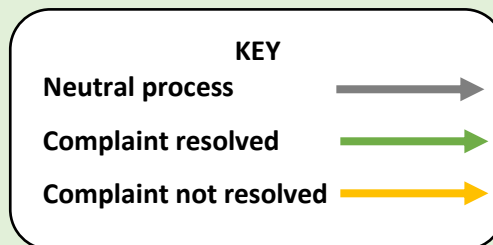
9.11 Estyn has no role in school complaints.

### **The Public Services Ombudsman for Wales**

9.12 The Public Services Ombudsman for Wales has no role in school complaints.

9.13 Complainants who are dissatisfied with the process, including a review by the local authority (see 9.4 above), can approach the Public Services Ombudsman for Wales for advice.

## APPENDIX 1 - COMPLAINTS PROCESS



Dissatisfaction with the process (a process issue) – refer to local authority (NB local authority will not consider the complaint/the findings – will only consider the process followed)

## **APPENDIX 2 - COMPLAINTS 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 this form, will explain it to you and will give you a copy of it when it is completed.

### **Section A - Your details**

Title: Mr/Mrs/Ms/Other	
Full Name	
Address and postcode	
Telephone number(s)	
Email address	
Preferred method of contact	

### **Section B - If you are making a complaint on behalf of someone else**

Their name in full	
Address and postcode	
What is your relationship to them?	
Why are you making a complaint on their behalf?	

### **Section C - About your complaint** (attach additional sheets or documents as necessary)

Who your complaint is against (name and role)	
What do you think they did wrong or did not do?	

Describe how you have been affected.	
When did you first become aware of the problem?	
If the date above is more than three months ago, please give the reason why you have not complained before.	
What do you think should be done to put matters right?	
Have you already tried to resolve the issue informally?	
Any other information that is relevant:	

**Signature of complainant:**

**Date:**

**If you are making a complaint on behalf of someone else:**

**Their signature:**

**Date:**

Please send this form and any documents to the head teacher, chair of governors or clerk to governing body as appropriate (see Appendix 1) via the school address.

### APPENDIX 3 - MODEL MEETING INVITATION LETTER

Use this template on school letterhead.

Amend sections in **[bold, red square brackets]** as appropriate.

Dear [name of complainant]

Re: Complaint

As part of the process of investigating your complaint, you are invited to attend a meeting with **[name of individual OR complaints committee]**.

The meeting will take place on **[date]** at **[time]**. It will take place at **[location]**.

If you wish to alter the date and time or location of the meeting, please let us know by contacting **[name of contact and way of contacting]**. Please be aware that the arrangements for the meeting will only be altered once, unless there are exceptional circumstances. If you are unable to make two appointments to meet, the complaint may be progressed without the opportunity for you to attend a meeting.

**[Please could you provide the following information [number of] days prior to the meeting:**

- **[List information/documents required or delete this section if not applicable]**

**[The following information/documents [in addition to any above] will be circulated [number of] days prior to the meeting.]**

You are able to bring someone with you to the meeting to support you. This can be a professional advocate or a friend or family member.

The people who will be attending the meeting are:

- **[List all attendees, including the complainant]**

**[The complaints committee will meet with you and anyone who comes with you separately to [names of subject of complaint or others] (only required in the case of a complaints committee meeting)]**

If you do not alter the arrangements for the meeting, and do not attend the meeting without providing reasons for your absence in advance, the complaint will be progressed and a decision will be reached.

**[I/we]** look forward to meeting with you.

Yours sincerely

**[Name of person handling complaint/clerk to governing body]**

**[Role]**

## **APPENDIX 4 - COMPLAINTS COMMITTEE MEETINGS**

The process for conducting meetings of a governing body complaints committee is outlined below.

It is recommended that the committee meets separately with: the complainant(s); those who are the subject of a complaint and/or other staff/governors who are involved or have investigated at Stage 1 or 2.

Process:

- The chair of the committee will introduce everyone in the meeting.
- All those attending should be put at ease.
- It is crucial that the meeting is conducted with respect and courtesy, and that all participants adhere to this.
- Should the conduct of participants deteriorate, and the meeting become combative, then the chair should adjourn the meeting and seek advice from the local authority if necessary.
- It should be explained that the committee will be meeting separately with the different parties.
- The chair must make it clear that the decisions will be made based on the facts.
- The decision of the committee will be final.
- The chair will ask the complainant to explain their complaint.
- The chair will ask the head teacher and/or any relevant school staff or governors who have investigated at Stage 1 or 2 to explain their findings of fact and any actions already taken.
- Any witnesses will be asked to speak.
- All those who wish to speak should be given the opportunity to speak and to ask any questions without interruption.
- Committee members may ask questions of any person in the meeting.
- If the local authority attends, they will provide advice to all parties.
- All relevant issues must be addressed – if additional meetings are required, these should be arranged.
- When the committee have met with all parties, and have sufficient information to make a decision, they will make their decision in private. The clerk will attend to record the decision.
- The clerk may make notes throughout. These are not minutes and will only be made to be able to support the committee members to review the information provided.

## APPENDIX 5 - MODEL OUTCOME LETTER

Use this template on school letterhead.

Amend sections in **[bold, red square brackets]** as appropriate.

Dear [name of complainant]

Re: Complaint investigation outcome

**[I/the complaints committee] [have/has]** considered your complaint. Your complaint was:

- **[Outline the complaint – use multiple bulletpoints if the complaint has separate elements]**

The outcome of the investigation is:

- **[Complaint upheld/partially/upheld (delete as appropriate and list separately for each element if applicable)]**

**[(for Stage 1 or 2 complaints) If you are unhappy with this decision, you are able to escalate it to Stage [2/3] by writing to the [chair of governors/clerk to the governing body], via the school, within 5 days of receipt of this letter.]**

**[(for Stage 3 complaints) The decision of the complaints committee is final. If you are unhappy with any aspects of the process, the local authority can review the process but cannot consider the complaint itself. Contact [education@powys.gov.uk](mailto:education@powys.gov.uk) to raise any process issues, addressing your concerns to the officer responsible for complaints.]**

**[(if any actions have been identified) [I/the governing body] will take forward the following actions arising from your complaint:**

- **[List any actions]]**

Yours sincerely

**[Person investigating complaint/chair of committee]**

**[Role]**