

# St Illtyd Primary School and Nursery Unit, Llantwit Major

## Complaints Procedure

### 1. Introduction

1.1 Section 29 of the Education Act (2002) requires the governing bodies of all maintained schools in Wales to set up procedures to deal with complaints from 'parents, pupils, members of staff, governors, members of the local community and others'.

1.2 This complaints procedure has been taken from the Welsh Government Circular 11/2012 entitled 'Complaints procedures for school governing bodies in Wales'. It should be read in conjunction with this circular and will be guided by the principles contained within it.

1.3 St. Illtyd Primary School and Nursery Unit 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.

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

1.5 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.

1.6 The procedure aims to:

- be accessible;
- encourage informal conciliation and resolution nearest to the source of the complaint;
- allow speedy handling, within established time-frames;
- ensure full and fair consideration of complaints;
- respect complainants' confidentiality;
- provide an effective and appropriate response; and
- support the right of the complainant to be accompanied at any stage of the procedure.

1.7 The procedure is summarised in the school's prospectus and is available in full on the school's website. The full document will also be provided to anyone who requests it.

## **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, for example harassment and bullying, academic decisions, disciplinary or misconduct procedures, financial matters, staff grievance procedures or Freedom of Information issues. In these cases 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. If a complaint is found to be frivolous, vexatious or motivated by malice, the school reserves the right not to proceed with the complaint and, if necessary, to take action against the complainant.

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

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

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

5.3 We will make every effort to investigate and resolve complaints quickly and according to a timetable agreed by all parties; this will normally follow the deadlines outlined in this procedure, although timescales may need to be extended following discussion with you. We reserve the right, however, not to consider any complaint that is submitted more than three months after the event, unless there are exceptional circumstances, and to set a final deadline

at any stage, after which the complainant will forfeit the right to pursue the complaint further.

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

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

5.7 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the school depending on the nature of the complaint.

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

5.9 If a complainant or the subject of a complaint is under the age of 18, then his/her parent(s) or legal guardian(s) must be informed and their permission gained for the complaint to proceed.

5.10 If a complaint is considered to involve criminal activity, then it will be referred to the police and the police will decide whether to take any action. The school's complaints procedure will be suspended until the police investigation is concluded and only continued if the matter remains unresolved.

5.11 If a complaint involves or appears to involve any child protection issues, then the school's child protection and safeguarding policies and procedures will be invoked and followed alongside the complaints procedure.

5.12 At all stages of the informal and formal procedures a complainant or the subject of a complaint has the right to present his/her case in his/her chosen language.

5.13 If there is more than one complainant acting as members of a group, then one person should be prepared to act as a spokesperson and correspondent for the purpose of the formal procedure, and all should be able to demonstrate that they have been personally affected by the matter. They must all agree in writing to the spokesperson acting on their behalf.

5.14 Where a complaint is withdrawn this should be recorded and acknowledged to all parties in writing.

5.15 Throughout the process we will give due regard to the Data Protection Act (1998). This means that no details about any individual will be given out without his/her permission. Until a complainant's identification is verified, only information about process and procedures will be supplied.

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

6.1 The chart in Appendix A shows what may happen when you make a complaint or raise a concern. There are up to three Stages: A, B and C. Most complaints can be resolved at Stages A or B. You can bring a relative, witness or companion to support you at any time during the process but not a solicitor or barrister acting in a professional capacity, unless this is agreed by both parties. If the complainant is considering legal action, the school will take suitable steps to ensure that its legal position is fully protected. You will be expected to speak for yourself, although we recognise that, when the complainant is a pupil, it is reasonable for the companion to speak on their behalf and/or to advise the pupil.

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

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

### **Stage A (Informal)**

6.4 A complainant and the recipient of a complaint should always seek to resolve the matter informally in the first instance and try to take appropriate action to prevent unnecessary escalation of the complaint. If you have a concern, you can often resolve it quickly by talking to the person(s) involved, a teacher or the headteacher, who is the school's designated complaints person. You should raise your concern as soon as you can either orally or in writing; normally we would expect you to raise your issue within **10** school days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.

6.5 If you are a pupil, you can raise your concerns with your school council representative, an adult or the headteacher. This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly.

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

6.7 The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the concern for future reference.

## **Stage B (Formal investigation by the headteacher or chair of governors)**

6.8 In most cases, we would expect that your concern is resolved informally. If you feel that your initial concern has not been dealt with appropriately you should put your complaint in writing to the headteacher, clearly outlining the nature and grounds of the complaint and what outcome is sought.

6.9 We would expect you to aim to do this within **five** school days of receiving a response to your concern, as it is in everyone's interest to resolve a complaint as soon as possible. There is also a form attached (Appendix B) that you may find useful. If you are a pupil we will explain the form to you, help you complete it and give you a copy.

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

6.11 In all cases, the headteacher or an adult in the school can help you to put your complaint in writing if necessary.

6.12 If you are involved in any way with a complaint, the headteacher or an adult in the school will explain what will happen and the sort of help that is available to you.

6.13 The headteacher or chair of governors will acknowledge receipt of your formal complaint and invite you to discuss it at a meeting. Timescales for this 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 then conduct any other interviews and gather further evidence in order to complete the investigation and will let you know the outcome in writing within **10** school days of completion. Written notes will be taken of all meetings by a third party, as long as this is agreed by all involved.

## **Stage C (Formal investigation by the complaints committee of the governing body)**

6.14 It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write, through the school's address, to the chair of governors setting out your reasons for asking the governing body's complaints committee to consider your complaint and clearly outlining why the decision at Stage 2 is not satisfactory. We would normally expect you to do this within **five** school days of receiving the school's response. You do not have to write down details of your whole complaint again.

6.15 If you prefer, instead of sending a letter or email, you can talk to the chair of governors or the headteacher, who will write down what is discussed and what, in your own words, would resolve the problem. You will be asked to read the notes or will have the notes read back to you and then be asked to sign them as a true record of what was said. We will let you know how the complaint will be dealt with and will send a letter to confirm this. The complaints committee will normally have a meeting with you within **15** school days of receiving your letter.

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

6.17A complaints committee will have been established by the governing body within its committee structure to meet when the need arises. It will normally be chaired by the chair of governors or his/her representative. It will not include the headteacher. It will be comprised of two to four members in addition to the chair. Three members, including the chair, will constitute a quorum. No member of the committee should have had prior involvement in Stages 1 or 2 of the case or have any knowledge of it or be in any way connected with it to ensure impartiality and objectivity. The chair of the committee may request that representatives of the local authority or other relevant body observe the meeting and are in a position to provide advice to the committee at the consideration stage.

6.18 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.

6.19 The committee will be clerked by the clerk to the governors, who will record a full account of the committee's proceedings and keep all relevant documentation, including the decision reached, the action consequent on the decision, the date of the decision and a copy of the decision letter, for a minimum of seven years.

6.20 We will write to you within **10** school days of the meeting explaining the outcome of the complaints committee's deliberations. Decisions will be by a majority agreement with the chair having a second or casting vote, if necessary.

6.21 The governing body's complaints committee is the final arbiter of complaints. There is no appeals procedure. However, a complainant, if still

dissatisfied, has the right to contact the local authority, who will review the process, or a higher authority, such as the Ombudsman or the Children's Commissioner for Wales.

## **7. Special circumstances**

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

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

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

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

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

8.2 To enable fast and effective complaint resolution at Stage 1, a person or persons handling a complaint informally may make a decision, even though they may have an interest or prior involvement in the matter. However, at Stages 2 and 3 the handling of a complaint should not be compromised by an interest or prior involvement with the matter.

8.3 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.

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

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 is good practice]

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](mailto:advice@childcomwales.org.uk)