



Ysgol Uwchradd Y Frenhines Elisabeth
Queen Elizabeth High School

COMPLAINTS POLICY AND PROCEDURE

GENERAL

The Education Act 2002 requires us to have a policy for dealing with parents' complaints. This policy and procedure seeks to implement that requirement as well as the recommendations set out in the National Assembly for Wales Circular 3/2004. According to this Circular, such a document *“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”*.

Our Complaints Policy allows parents' complaints about school issues to be dealt with efficiently and sensitively, and at the appropriate level.

Complaints can cover a wide variety of matters that concern parents. The school expects ALL parental complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.

AIMS

The policy aims to ensure that all complaints from parents, pupils and others are dealt with as quickly and sensitively as possible, and by the person best able to do so. They should also be dealt with as informally as possible. However, a formal procedure exists to deal with complaints of a more serious, or intractable, nature.

A parent, pupil or other complainant should be able to expect to have a response, even if not the final response, to their complaint within two working days of having made the complaint.

If parents, pupils or other complainants wish to register a formal complaint they should be asked to write to the school's Office Manager outlining the specific nature of their complaint.

The procedures are published under arrangements made by the Head and approved by the Governing Body.

At each stage, the person dealing with the complaint will need to make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them if unsure or further information is necessary;

- clarify what the complainant feels would put things right;
- talk to those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- approach matters with an open mind and;
- keep records.

Complaints will be kept confidential and only those involved in investigating and making a decision be made aware of the nature of the complaint. A general principle is that an accused person is entitled to know the substance of the accusation. However, there are cases where the Governing Body may decide to withhold information e.g. where there is a need to protect the source (or there is a legal reason why the information should not be released) or to meet data protection requirements.

Particular consideration is given for handling complaints involving pupils. Pupils may be involved as complainants, as the subject of a complaint or as witnesses. At each stage a pupil may be accompanied by his or her parent/guardian or an adult of the pupil's choice. Pupils may provide evidence to committees but this would need to be done voluntarily and with their parents' consent in the case of pupils under the age of 16. The Welsh Assembly Government recommends that committees should be sensitive to the fact that appropriate techniques are needed when hearing evidence from child witnesses to ensure that the child's view is properly heard. Separate guidance will be issued on the specific arrangements for dealing with complaints involving pupils, including the support that should be given to pupils and advocacy arrangements.

In all cases, all parties (the complainant and the person(s) complained against) are to be kept informed throughout the process. A timetable of events will be provided to ensure all parties are clear as to what will happen and when.

If an anonymous complaint includes an allegation of criminal conduct or if it concerns a child protection matter it is recommended that it should be treated in the same way as any other complaint of this kind. In other cases, any person receiving an anonymous complaint needs to make a judgement as to whether it should be investigated. All anonymous complaints may be recorded and reviewed periodically.

This Complaints Policy and Procedure requires withdrawn complaints to be recorded and acknowledged by letter.

TYPES OF CONCERNS AND COMPLAINTS

The majority of complaints received by the school fall into the following categories:

- **financial and administrative;**
- **academic** - e.g. course programme, unsatisfactory teaching, too much/too little homework, progress in a particular subject;
- **pastoral** - e.g. discipline/indiscipline, inappropriate sanctions, bullying, overall progress of the child, unhappiness of child;
- **child protection** - e.g. allegations against staff [dealt with in our Child Protection Policy], handling of sensitive issues.

ROLES AND RESPONSIBILITIES

Governing Body: for approving the policy, procedures, and guidelines, hearing and deciding on appeals, receiving reports, and advising the Head. The GB will monitor the level and nature of complaints and review the outcomes at termly meetings.

Chair of the Governing Body: to receive complaints at Stage 3, to ensure that the Complaints Committee is convened in order to hear the appeal, and to check that the correct procedure is followed. The Complaints Committee will comprise of three Governors on rota, and will not include the headteacher. Non-Governor members may be co-opted on to the Committee by the Governing Body, but will not have voting rights.

Chair of the Complaints Committee at Stage 3:

The role of the Chair of the Complaints Committee is to ensure that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the Committee has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard; and
- any written material is seen by all parties.

Appeals Committee:

If there should be an appeal against a decision of the Complaints Committee, an Appeals Committee will be convened to rehear the complaint. The Appeals Committee can overturn the decision of the Complaints Committee. Its membership will not include a person from the first committee or anyone previously connected with the complaint.

Clerk to the Governing Body/Office Manager

The Clerk must act as the reference point for the complainant at Stage 3. The Clerk must:

- set convenient dates and times and venues for hearings;
- collate any written material and forward it to the parties;
- meet and welcome the parties;
- record the proceedings; and
- notify the parties of the decision;
- for the efficient operation and management of the policy and procedures;
- ensure that training is available for staff on how to deal appropriately with complaints;
- keep parents, pupils and others informed of the procedures;
- compile reports for the Head as required.

Head: for the overall internal management of the procedures, for hearing complaints at the second stage, ensuring that the procedures are monitored and reviewed and termly reports made to the GB.

Deputy Headteacher: the designated co-ordinator for complaints, as well as for specific administrative, environmental and financial queries and complaints.

Heads of Faculty: for dealing with and where possible resolving complaints about academic matters/programmes of study/teaching methods at stage 1 of the procedures.

Heads of Learning: for dealing with and where possible resolving complaints concerning overall pupil progress, discipline issues, pastoral care.

Child Protection Officer: for child protection issues.

All staff: for hearing any concerns brought to them by parents and pupils and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff, and for informing the relevant staff of the concerns. And for passing any complaints received from other people who are not parents or pupils to the Complaints Coordinator.

The LEA: The Governing Body may ask the LEA for assistance to investigate a complaint, or for advice on handling, or responding to a complaint. The involvement of the LEA in a further stage would be for the purpose of reviewing the procedure used to reach a decision, not to review the decision itself or to act as an appeal mechanism.

Welsh Assembly Government: If the Welsh Assembly Government is the first recipient of a complaint about a school and it is not a matter for the statutory authorities, the Assembly Government will advise the complainant to raise the matter with the school under the school's complaints procedure. The Assembly Government will not normally investigate an issue until the complainant has first pursued it under that procedure. If a complainant is dissatisfied with our procedures, he or she can ask the Assembly Government to consider intervening. If the Minister concludes that the Governing Body has acted unreasonably or has failed to carry out a statutory duty under education law (which would include failure to deal with a complaint) the Assembly Government can issue a direction to the Governing Body. A direction does not normally overturn a Governing Body decision but can require it to reconsider a matter or consider it for the first time if it has failed to do so, or to amend its process to ensure it does not happen again. The Courts have defined 'unreasonable' as action which no sensible authority acting with due appreciation of its responsibilities would have decided to adopt.

Children's Commissioner: The Children's Commissioner for Wales has a wide-ranging statutory remit covering all children in Wales. It embraces the actions of the Welsh Assembly Government, local authorities and schools. The Commissioner may:

- provide advice, assistance, information and support to children in making a complaint or representation;
- review and monitor arrangements made for dealing with complaints, whistle-blowing and advocacy, or the absence of such arrangements;
- investigate individual cases submitted to him.

In reviewing complaints processes the Commissioner's role is to make sure that they are working effectively and enable children and young people to exercise their rights. The Commissioner may serve notice on the body or person to be reviewed and has a statutory power to require information from teachers, school

governors, local authority officers and members. The Commissioner may produce review reports, which contain recommendations. He has no statutory power to require their implementation but he can publicise any failure to do so. In individual cases, the Commissioner has a statutory right to require information, explanations and assistance in relation to action taken in response to a complaint. The Commissioner does not take the place of existing complaints procedures nor act as an avenue of appeal.

Public Services Ombudsman for Wales: Most of the responsibilities of school governing bodies fall outside the remit of the Public Services Ombudsman for Wales, the only exceptions being schools admissions appeals.

General Teaching Council for Wales: The General Teaching Council for Wales (GTCW) is the statutory, self-regulating professional body for teachers in Wales. It seeks to raise the status of teaching by maintaining and promoting the highest standards of professional practice and conduct in the interests of teachers, pupils and the general public. The GTCW has a responsibility for investigating and hearing cases of unacceptable professional conduct or serious professional incompetence concerning a registered teacher or cases where a registered teacher has been convicted (at any time) of a relevant offence. Under Assembly Regulations, our Governing Body and the LEA are required to report cases to the Assembly or the GTCW where they "cease to use" or "might have ceased to use" a registered teacher's services had he or she not resigned. The GTCW's Disciplinary Procedures and Rules set out the procedures for dealing with any cases received. The GTCW may also consider referrals about a registered teacher from a person other than a governing body or LEA, for example a pupil, parent or fellow teacher. In such circumstances, the GTCW will ask whether the complainant has reported the allegation to the school governing body or LEA and, if so, what the outcome was. If the complainant has not reported the allegations to our Governing Body or the LEA, the GTCW will ask for reasons why this has not been reported. The GTCW will not normally investigate an allegation which has not been referred to the Governing Body.

FORMAL PROCEDURE

There is a three stage process to handling complaints

- Stage 1 complaint heard by staff member (who is not subject of the complaint);
- Stage 2 complaint heard by Head; and
- Stage 3 complaint heard by GB's complaints appeals panel.

GUIDELINES

All staff and governors should be conversant with the procedures.

Stage 1

All staff should listen carefully and patiently to parents' and pupils' complaints, recognising that however ill-founded the complaint might be it is a matter of great concern to the parent or pupil.

If the matter is within the competence of the member of staff to resolve quickly this should be done. Otherwise the complainant should be reassured that the complaint will be passed to the relevant member of staff, and the relevant person should be informed by the member of staff as soon as possible.

The member of staff receiving the complaint should communicate with the relevant senior member of staff at the earliest opportunity [ensuring that the appropriate 'Complaints Form' is used]. If the senior member of staff considers the issue to be serious he/she should inform the Deputy Headteacher, and inform the complainant of the action taken. The Deputy Headteacher will determine the next step(s).

If the Deputy Headteacher or a relevant senior member of staff considers that he/she can deal with the complaint he/she should attempt to do so. If a resolution cannot be found the Co-ordinator should inform the complainant of their right of appeal to the Head (Stage 2) or GB (Stage 3), and inform the Head/GB of the action taken.

If the complaint concerns a child protection issue or involves an allegation of abuse by a member of the school staff the Child Protection Officer should be informed immediately.

If a serious complaint is made by a pupil, the member of staff should immediately inform the Deputy Headteacher, who will immediately inform the appropriate Head of Learning. It will be the responsibility of the Head of House/Year to determine whether he/she can deal with the issue, or in consultation with the Co-ordinator, what the next course of action should be, including referring the matter to the Head.

If a trivial/simple verbal complaint is made it might be possible in most cases to resolve it immediately. In more serious cases, or where a member of staff is uncertain, parents should always be asked to put their complaint in writing. This is to ensure that there is no conflict in determining what the complaint consists of and the action taken by the members of the school staff.

In any cases of doubt members of staff should seek the advice of the (Co-ordinator/Deputy Head) who has the responsibility for mentoring colleagues.

If the appropriate member of staff cannot resolve the complaint, the Co-ordinator must refer the matter to the Head (Stage 2).

At Stage 1 the school should aim to resolve the complaint within 24 hours of receiving it. Where this is not possible, the Co-ordinator will inform the parties of the action being taken, and when it is expected to resolve it.

No complaint should normally be left unresolved at this stage after THREE days of receipt of the complaint. In abnormal circumstances the matter will be referred to the Head who will determine the appropriate action, and will keep the parties informed.

Stage 2

The Head will decide the outcome at this stage, but may delegate the collating of information to the Co-ordinator.

The Head must normally resolve the matter within THREE days of receiving notification of the complaint. In abnormal circumstances a longer time scale can be agreed, either by agreement with all parties, or by a decision of the Chair of the GB if no agreement is reached.

If the Head is unable to resolve the issue it is open to the complainant to make representations to the governing body. (Stage 3)

Stage 3

Appeals to the Governing Body

Complainants who are not satisfied by the Head's decision re the complaint can make representations to the governing body.

The complainant must be advised by the Co-ordinator to write to the chair of the GB giving details of the complaint. The Chair will nominate a governor (or panel) to hear the appeal.

The hearing must be within 10 days of the Chair receiving notice of the complaint.

The complainant must be told of their right to be accompanied by a friend, and where relevant translations/interpreters must be arranged by the Clerk consultation with the parties.

The nominated governor/panel will make its own procedures, and will agree these with the Chair, who will report them to the next governing body meeting.

The governor/panel will ensure that the complainant is heard in private, is welcomed, and as far as possible is put at ease.

Careful consideration must be taken when the complainant is a pupil.

The governor/panel will hear the appeal(s), consider all the views expressed and decide the outcome.

The governor/panel can:

- dismiss the complaint in whole or part;
- uphold the complaint in whole or part;
- decide on appropriate action to resolve the complaint; or
- recommend changes to the school's systems or procedures.

The governing body's decision is binding.

Where there is provision for an extra appeal to another body in the school's policy:

In this case, if the governing body cannot resolve the matter the complainant should be informed that representations can be made to the LEA, and be informed about the action that needs to be taken.

The decision at this stage must be communicated to the parties within THREE days of the hearing.

REPORTING AND RECORDING

In all cases it is important for staff to use the school's 'Complaints Form' so that records of the complaint and the action taken can be recorded and traced. Supporting documents should be attached to the form.

The Head and Complaints Co-ordinator will consider the handling of complaints from time to time, and will discuss issues with staff as necessary.

The Head will report to staff from time to time, and to the GB each term on the number and type of complaints received and their outcomes.

Date established by Governing Body: 7th November 2007

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