



# PROCEDURE

## COMPLAINTS

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## 1. INTRODUCTION

1.1 Schools value the good relations they enjoy with all stakeholders and members of the public. These good relations are based on mutual respect and a willingness to listen to other points of view. At Bassaleg we are committed to dealing effectively with complaints, learning from any mistakes we may have made and responding appropriately.

1.2 Our definition of a complaint is dissatisfaction with the school, its procedures or the actions of a member of staff that requires a response from the school.

1.3 The purpose of the complaints procedure is to provide a framework for all parties to raise a concern with confidence that it will be heard and if well founded, addressed in an appropriate and timely fashion.

## 2. RATIONALE

2.1 It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

2.2 Please note that there are specific procedures for SEN statements, accusations of child abuse, admissions, exclusions, the national curriculum, religious worship in school, staff grievances, teachers' capability and staff disciplinary matters, which must be followed in those cases. **This procedure is intended for those complaints, which do not appear to fall into any of these other categories.**

## 3. PRINCIPLES OF BASSALEG SCHOOL'S COMPLAINTS PROCEDURE

3.1 Our complaints procedure should be fair to everyone involved and applied consistently.

3.2 The governing body will allow staff involved in dealing with your complaint to make decisions at Stage 1 so that we can resolve the issue as quickly and effectively as possible. At stages 2 and 3 the individuals involved in dealing with your complaint will be impartial and have no prior involvement with the matter upon which they are making a decision.

3.3 At each stage the person who is investigating and trying to resolve your complaint will

3.3.1 Establish what has happened so far, and who has been involved.

3.3.2 Clarify the nature of your complaint.

3.3.3 Contact you to confirm details and clarify what you feel would put things right.

3.3.4 Talk to everyone involved, keep records and approach matters with an open mind.

3.4 As far as possible all matters relating to your complaint will be kept confidential. However, there may be instances when the person dealing with your complaint may need to inform other individuals within school to ensure it is addressed appropriately.

3.5 Where your complaint involves a member of staff, in most instances they are entitled to know the issues that you have raised.

3.6 Where a pupil is involved in a complaint he/she may be accompanied by his/her parent/guardian or an adult of the pupil's choice.

3.7 At any stage of the process you may be accompanied by a friend, advocate or other person but you will be expected to speak for yourself.

3.8 We will deal with your complaint as quickly as possible and will give you a timeframe from the outset. Where an investigation and decision is likely to take longer than originally stated the governing body will notify everyone involved in writing, outlining the reasons for any delay.

3.9 If we receive a complaint from you shortly before a school holiday, other than a half-term holiday, we will make every effort to resolve the issue before the school closes.

3.10 Anyone involved in our complaints procedure may request an adjournment of a meeting if the timing is inconvenient. However, it will not be acceptable to repeatedly cancel meetings as a means of thwarting the process, or an attempt to circumvent stages.

3.11 Anonymous complaints concerning child protection or alleged criminal conduct will be dealt with in the same way as any other complaint however other anonymous complaints or those deemed to be malicious or vexatious will only be investigated after due consideration.

3.12 If you choose to withdraw your complaint, this will be recorded and acknowledged by letter.

3.13 We believe that everyone has the right to be heard, understood and respected, including school staff and governors. While we acknowledge that the issues concerning your complaint may have caused heightened tension, we expect you to be polite and courteous and will not tolerate unreasonable behaviour including physical or verbal aggression.

3.14 As a school we also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining.

3.13 A record of all complaints including those which are anonymous or withdrawn will be maintained by the school. This record will be made available to the LA and the School Inspection Service subject to compliance with the Data Protection Act 1998. Records of complaints will be retained by the school for five school years including the year in which the complaint was finalised.

3.14 The Head teacher will include a summary of complaints received at Stages 2 and 3 in her termly report to governors. This will summarise key trends and issues.

#### **4. RESPONDING TO COMPLAINTS**

4.1 The procedure has three stages.

Stage 1 – A complaint is raised with and resolved by the first recipient in the school.

Stage 2 – The matter is referred to the Head teacher for investigation, decision and resolution.

Stage 3 – The matter is referred to the Governing Body for investigation, decision and resolution.

## **4.2 STAGE 1**

4.2.1 If you have a complaint, you can often resolve it quickly by talking to or writing to a Head of Year, Subject Leader or senior member of staff. You should raise your complaint as soon as you can (preferably within 10 school days of any incident). If the Head teacher is the first recipient she will decide whether to delegate consideration to another member of staff.

4.2.2 If you are a pupil you can raise your concerns with your Form Tutor, Head of Year or member of the Senior Leadership Team.

4.2.3 We will normally aim to resolve the issue/respond to you within 10 school days however, if this is not possible we will agree a revised timescale.

4.2.4 The member of staff overseeing your complaint will ensure that you are kept informed of progress being made and will log your concern on the school's management information system for future reference.

## **4.3 STAGE 2**

4.3.1 If we have been unable to resolve your complaint informally then you should put your complaint in writing to the Head teacher. This should preferably be done within 5 school days of receiving a response to your initial complaint so that we can resolve the issues as quickly as possible. You may find the form in Appendix B helpful.

4.3.2 On receipt the Head teacher will acknowledge the complaint in writing, refer you to the complaints procedure and give you a target date for providing a response, usually within 10 school days. You will be given the opportunity to meet the Head teacher and other persons may be present to witness the discussion.

4.3.4 The Head teacher will complete any further investigation and will convey her decision in writing within 10 school days.

## **4.4 STAGE 3**

4.4.1 Although it is rare for a complaint to progress to Stage 3, if you are not satisfied with the outcome of Stage 2 the governing body will consider the matter. You should therefore write to the Chair of Governors c/o Bassaleg School, explaining why you wish the Governors' Complaints Committee to consider your complaint.

4.4.2 The clerk to the governing body will acknowledge receipt of your complaint in writing usually within 5 school days and make arrangements to convene the committee, usually within 15 school days of receipt of your complaint. This letter will set out a time frame for events, including when and where the meeting will take place and will also tell you when all the evidence and documentation to be considered by the complaints' committee must be received.

4.4.3 The clerk to the governing body will contact everyone involved in the matter to ascertain when they will be able to attend. All parties will be given 5 days' notice of the meeting.

4.4.4 Where applicable, the person against whom the complaint is being made will be given sufficient time, usually 10 school days, to consider all the evidence and take advice before providing a response.

4.4.5 Where a pupil is required to give evidence to the committee, it can only be on a voluntary basis and in the case of pupils under 16, with the consent of their parents.

4.4.6 Once all the evidence has been presented, the complaints committee will consider its decision in private.

4.4.7 The committee will consider:

- Whether the Head teacher or others have complied with the school's complaints procedure.
- Whether there is substance to your complaint.

4.4.8 The committee will decide upon:

- Whether or not your complaint is upheld.
- Any action that needs to be taken by the governing body, Head teacher and/or members of staff in the light of the decision.
- Any recommendations for changes to school policies or procedures.

4.4.9 The committee's decision will be sent to you in writing, usually within 5 school days of the hearing and will outline the reasons for the decision and any remedial action taken by the school.

4.4.10 Once the decision of the complaints' committee is made known, everyone involved should understand the reasons for the decision and be satisfied that even if they have not been successful the hearing was a fair one.

4.4.11 The letter you receive stating the decision of the complaints' committee will also contain:

- A statement of the right to appeal, together with the address of the clerk to the governing body.
- The date by which you need to lodge any notice of appeal (15 school days after the day on which notice in writing was given of the committee's decision).
- A statement that any appeal you may lodge, must set out the grounds on which it is made.

## **5. APPEALS CONSIDERATION**

5.1 The appeals committee will meet to consider your appeal, no later than 15 school days after the day on which the appeal was lodged.

5.2 Membership of the appeals committee will be different from the membership of the complaints committee.

5.3 The chair of the appeals committee will circulate all written evidence to all parties usually 5 school days before the hearing.

5.4 Written evidence will include the statement of decision by the complaints committee, the notice of appeal, which gives grounds for your appeal and any written representations from any party.

5.5 Proceedings for the appeals committee will be the same as for the complaints committee.

5.6 The appeals committee should attempt to secure closure of your complaint. If the complaint is not upheld, the decision letter will make clear:

- The complaint has been thoroughly investigated.
- The governing body and the Head teacher will not reopen the matter.
- Any new issues will not mean re-opening an already determined complaint
- If new issues arise these will be treated as a new complaint but only if they are demonstrably different from matters under previous complaint.

5.7 The letter may also explain that the LA can review the procedures used by the governing body but not their decision.

## **6. ROLES AND RESPONSIBILITIES**

### **6.1 Role of the Governing Body**

6.1.1 Complaints, if dealt with properly, can enhance the reputation of the school. The governing body has an important role to play in handling complaints well.

6.1.2 Although the Head teacher has a role in hearing complaints, adjudicating and deciding on what action should be taken, the ultimate responsibility lies with the governing body.

6.1.3 The governing body has no role at the first stage of the complaints procedure. The Chair of Governors may not be formally involved at this stage unless the complaint is about the Head teacher.

## **6.2 Role of the Chair of the Complaints Committee**

6.2.1 The Chair plays a key part in clarifying the facts of your complaint and ascertaining whether there are grounds for upholding the complaint.

6.2.2 The Chair will introduce all those who are involved in the matter and will explain that the committee is impartial.

6.2.3 He/she will also ensure that the issues you have raised are addressed, key findings of fact are made and that anyone who may not be used to speaking in such circumstances is put at their ease.

6.2.4 In addition, the Chair will ensure that the hearing is conducted in an informal manner with everybody treating one another with respect and courtesy. They will also ensure that everyone involved has put their case without interruption and that there is no cross examination.

## **6.3 Role of the LA**

6.3.1 The LA does not have a statutory role in resolving complaints about schools. The statutory responsibility rests with the governing body.

6.3.2 The LA may however be asked to assist in investigating your complaint or to give advice on the handling of your complaint or give advice on the response to your complaint.

## **7. RECORDING AND MONITORING COMPLAINTS**

7.1 A record of complaints is important because it enables us as a school to monitor the progress of a complaint, provide evidence that the complaint has been considered and the outcome noted. In addition, it enables the school to identify trends and recurring themes in complaints cases.

### **7.2 Anonymous, Withdrawn, Frivolous or Malicious Complaints**

The record will include:

- A description of the complaint
- Whether the complaint was investigated or just recorded
- The outcome of any investigation
- Identified issues for action

### **7.3 Stage 1 Records**

Records for Stage 1 complaints will be logged on the school's management information system and will include:

- The name of the complainant.
- Date of receipt of the complaint.

- A brief description of the complaint.
- Action taken to resolve the complaint and outcome.
- Identified issues for action.

#### **7.4 Stage 2 Records**

Records for Stage 2 complaints will be logged on the school's management information system and will include:

- The name and address of the complainant.
- Date and details of the complaint.
- Action taken to resolve the complaint and a written record of discussions, interviews and evidence collated as appropriate.
- Outcome.
- Date of notification to the complainant.
- Identified issues for action.

#### **7.5 Stage 3 Records**

Records for Stage 3 complaints will be held by the clerk to the governors and will include:

- A full account of the proceedings of the complaints committee, evidence presented and all other relevant documentation.
- Decision reached and any action to be taken by the school, Head teacher, governing body or member of staff.
- Date of the decision and the date the decision letter was sent to the complainant.
- Identified issues for action.

## **8. ADAPTATIONS TO THE COMPLAINTS PROCEDURE**

### **8.1 COMPLAINT CONCERNING THE MEMBER OF STAFF DEALING WITH THE CONCERN**

8.1.1 If a complaint concerns the member of staff dealing with the complaint, it should be passed to the Head teacher who will either delegate the investigation to another senior member of staff under stage 1 of the procedure or investigate the complaint herself under stage 2.

8.1.2 If the complainant is not happy with the outcome, they may write formally to the Chair of Governors in accordance with stage 3 of the procedure.

### **8.2 COMPLAINT AGAINST THE HEADTEACHER**

8.2.1 If a complaint is against the Head teacher, the first recipient will refer it to the Chair of Governors.

8.2.2 The Chair of Governors will decide whether the matter is for consideration under the complaints procedure, ascertain whether it needs to be referred to other authorities and finally decide whether he needs to delegate the matter to another member of the governing body in the light of prior involvement.

8.2.3 Such an investigation will be carried out as at stage 2 of the procedure.

8.2.4 If the complainant is not happy with the outcome, they will be advised to write to the Vice chair, if the Chair investigated at stage 2, or the Chair, if another delegated governor investigated at stage 2.

8.2.5 The matter will then be referred to the Chair of the Complaints committee in accordance with stage 3 of the procedure.

### **8.3 COMPLAINT AGAINST THE CHAIR OF GOVERNORS**

8.3.1 If a complaint concerns the Chair of Governors, it will be sent to the Vice Chair who will inform the Head teacher and the LA.

8.3.2 The Vice Chair will ascertain whether the matter needs to be referred to other authorities, whether to seek advice from the LA and whether he/she needs to delegate the matter to another member of the governing body.

8.3.3 Such an investigation will be carried out at stage 2 of the procedure.

8.3.4 The Vice Chair can refer the matter directly to the complaints committee for investigation and consideration. Such an investigation will be carried out in accordance with stage 3 of the procedure.

8.3.5 The matter should not be brought to the attention of the full governing body until the matter has been considered by the complaints committee and any appeal committee.

## **8.4 COMPLAINTS AGAINST THE HEADTEACHER AND THE CHAIR OF GOVERNORS**

8.4.1 If a complaint concerns the Head teacher and Chair of governors, it should be sent to the Vice Chair of governors who will inform the LA.

8.4.2 The Vice Chair will ascertain whether the matter needs to be referred to other authorities, whether to seek advice from the LA and whether he/she needs to delegate the matter to another member of the governing body.

8.4.3 Such an investigation will be carried out at stage 2 of the procedure.

8.4.5 The Vice Chair can refer the matter directly to the complaints committee for investigation and consideration. Such an investigation will be carried out in accordance with stage 3 of the procedure.

## **8.5 COMPLAINT AGAINST THE CHAIR AND VICE CHAIR OF GOVERNORS**

8.5.1 If a complaint concerns the Chair and Vice Chair of governors, it should be sent to the clerk of the governing body who will refer the matter to the complaints committee.

8.5.2 The chair of the complaints committee will inform the LA and organise a meeting of the complaints committee in accordance with stage 3 of the procedure.

8.5.3 If the chair of the complaints committee is either the Chair or Vice Chair of governors, the chair of the complaints appeal committee will become the chair of the complaints committee and if necessary a new chair will be appointed for the complaints appeal committee.

## **8.6 COMPLAINT AGAINST A GOVERNOR OR GROUP OF GOVERNORS**

8.6.1 If a complaint concerns a governor or group of governors, it should be referred to the Chair of Governors.

8.6.2 The complaint will be dealt with in the same way as a complaint against the Head teacher.

8.6.3 If the Chair and Vice Chair of governors are involved in the group, the complaint will be referred to the chair of the complaints committee or other appropriate governor in accordance with stage 3 of the procedure. Impartiality must be maintained at all times.

## **8 CONCLUSION**

8.1 We will do our very best to take your concerns seriously ....

## APPENDIX A

### COMPLAINTS PROCEDURE

#### STAGE 1

- Raise your concerns with the relevant member of staff within 10 school days.
- Issue resolved or
- Move to Stage 2 by writing to the Head teacher within 5 school days.

#### STAGE 2

- The Head teacher will investigate your complaint and meet you.
- You will receive a letter within 10 school days outlining the outcome.
- Issue resolved or
- Move to Stage 3 by writing to the Chair of Governors within 5 school days.

#### STAGE 3

- Your complaint is heard by the governing body complaints committee within 15 school days of receiving your letter.
- You will be informed of the outcome within 10 school days.
- Issue resolved

## APPENDIX B

### COMPLAINTS FORM

1. YOUR DETAILS	
Surname	Forename(s)
Title: Mr/Mrs/Miss/Dr	
Address and postcode	
Daytime telephone number	Mobile phone number
Email address	
Preferred method of contact	
2. ABOUT YOUR COMPLAINT	
The following questions may help you to formulate your complaint. You do not need to answer them all.	
a) Who/what are you complaining about?	
b) When did the issue first arise? If it was some time ago, have you complained before?	
c) If you have complained before, to whom did you complain and when?	
d) Describe the impact of the issue.	
Signature	
Date	

