CYFLAWNI TEGWCH A RHAGORIAETH
MEWN ADDYSG A GWELL LLES I BAWB
EQUITY AND EXCELLENCE IN EDUCATION
AND ENHANCED WELLBEING FOR ALL

Complaints Policy

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Introduction

Bryn Celynnog Comprehensive School 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.

We have a zero-tolerance approach to all forms of bullying and harassment and promote respectful relationships between learners, parents/carers, staff, and governors.

The definition of a complaint is ‘an expression of dissatisfaction in relation to the school, a member of its staff or the governing body that requires a response from the school.’

This complaints policy 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.

When to use this Policy

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 policies, in which case we will explain to you how your concern will be dealt with.

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.

Have you asked us yet?

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 policy 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 policy.

What we expect from you

We believe that all complainants have a right to be heard, understood, and respected. 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.

Nor will we tolerate unreasonable demands, unreasonable persistence nor vexatious complaining. We have a separate policy to manage situations where we find that someone’s actions are unacceptable.

When a parent, carer or stakeholder begins to show signs of such unreasonably persistent behaviour headteachers/governing bodies should inform the individual of the impact their behaviour is having at an early stage and that if the unreasonably persistent behaviour continues it may be necessary for restrictions to be imposed as to future communication and contact with the school and staff.

Please refer to the local authority's 'Managing Unreasonably Persistent and Unacceptable Behaviours' Guidance for Schools document for further information.

Our approach to answering your concern or complaint

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

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

Timescales for dealing with your concerns or complaints may need to be extended and we will notify you.

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

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

Complaints about bullying

Parents and carers should feel confident that their children are safe at school. Rights, respect, equality statutory guidance for governing bodies describes how the Welsh Government expects bullying to be dealt with in schools, including the reporting of incidents.

Complaints from parents about their children being bullied at school is one of the most common complaints received by Welsh Government. Naturally, this is an emotive and sensitive subject, and it is very important that anti-bullying policies are followed correctly so that the whole school community understands there is a zero-tolerance policy on bullying in all forms. This will limit the number of complaints received, however governing bodies may wish to specifically address the issue of bullying in their policies. A statement on bullying and harassment has been added to the model policy. Governing bodies should be especially alert to the following common types of bullying and harassment when applying their policies:

- bullying linked to race, religion, and culture
- homophobic, biphobic and transphobic bullying
- sexist and sexual bullying
- learners with disabilities and/or ALN experiencing bullying.

It should be noted that whilst this list of types of incidents is primarily focused on peer-on-peer bullying of pupils, it also true that school staff, governors and other adults can be guilty of such forms of harassment – both towards learners and other adults. Complaints about such behaviour should treated with the utmost importance and be dealt with as described in the model policy.

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.

Answering your concern or complaint

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 or companion to support you at any time during the process, but you will be expected to speak for yourself, unless you require special assistance. We also 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.

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

If you have a concern, you can often resolve it quickly by talking to a teacher or to the P.A. to the Headteacher / Clerk to the Governing Body (the 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.

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. 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.

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.

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

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.

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. The form at Appendix A 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.

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.

In all cases, the P.A. to the Headteacher / Clerk to the Governing Body can support you to put your complaint in writing if necessary.

If you are involved in any way with a complaint, the P.A. to the Headteacher / Clerk to the Governing Body (the school's designated person) will explain what will happen and the support that is available to you.

The P.A. to the Headteacher / Clerk to the Governing Body 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 to 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 within 10 school days of completion.

Stage C

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. You do not have to write down details of your whole complaint again.

If you need assistance instead of sending a letter or e-mail, you can talk to the chair of governors or the P.A. to the Headteacher / Clerk to the Governing Body who will write down what is discussed and what, in your own words, would resolve the problem and then be asked to sign them as a true record of what was said. We would normally expect you to do this within five school days of receiving the school's response. 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.

The letter will also tell you when all the documentation to be considered by the complaints committee must be received. Everyone involved will see the 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 information or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with you.

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.

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

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

Special circumstances

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

Complaints about the headteacher

Any complaint about the headteacher should be given to the chair of governors who may delegate it to another governor who will investigate it. It is important to try and establish whether the complaint should be dealt with under a policy for staff capability, staff grievance, staff disciplinary or child protection. If it does, then those policies take precedence. If not, the complaint should proceed under Stage B of the model complaints policy. 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

The vice chair should deal with a complaint about the chair of governors or delegate it to another governor. Stage B onwards of the model complaints policy should apply. Depending on the nature of the complaint the vice chair should inform the local authority (and if appropriate the diocesan authority) that a complaint has been made and what action will be taken by whom. If the complaint is upheld, then the complaints committee should consider whether it needs to recommend to the full governing body that the chair should be removed, and another governor appointed to that role.

Complaints about the chair of governors and the headteacher

The complaint should be dealt with in the same way as a complaint about the chair of governors or headteacher, by the vice chair or their delegate.

Complaints about the chair and vice chair of governors

Any complaint about the chair and the vice chair of governors should be referred to 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.

A governor or group of governors:

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 or a governor chosen by the chair should investigate (Stage B onwards of the model complaints policy should apply). If the complaint is upheld, it should be referred to the complaints committee to consider whether to recommend to the governing body that some or all of the governors subject to the complaint should resign or be removed from the governing body.

Care should be taken to ensure that no governors implicated in the complaint take part in investigating it, are members of the complaints committee or take part in any governing body discussion and decisions about governors resigning or being removed.

If the chair and vice chair are part of the group of governors subject to the complaint, 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.

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 policy described below should be used.

The whole governing body:

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. It is recommended that the local and/or diocesan authorities agree arrangements with the governing body for investigation and consideration of the complaint. There may be grounds for independent investigation, the local authority should advise, and governing bodies are strongly advised to act on that advice. The local authority could

investigate the complaint or arrange for investigation by a third party. The clerk or school staff should not undertake investigation.

If investigation suggests that there are grounds for the complaint, the local authority should secure the agreement of the governing body to establish an external complaints committee.

An external complaints committee should act as a complaints committee would act at Stage C of the model complaints policy.

If the governing body does not co-operate with the authority or a committee established by the authority to consider the complaint or acts against or fails to act on reasonable advice, then the local authority would be justified in may consider using its regulatory powers of intervention. If a complaint 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 (advisably, in consultation with diocesan authorities in the case of schools with religious character)

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

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 policy, or to investigate it themselves under Stage B. If the complainant is not happy with the outcome, they may proceed through the complaints policy until Stage C is completed. If there are matters of a staff disciplinary or capability nature those policies must be followed.

The local authority

A local authority should satisfy itself that all the schools it maintains have adequate complaints policies that are publicised. A local authority may provide whatever advice it deems appropriate to governing bodies. It may also provide guidance documents in addition to this publication.

A governing body may seek advice from a local authority about its complaints policy or how to handle a complaint or for assistance to investigate a complaint. However, the statutory responsibility for dealing with complaints remains with the governing body.

A local authority should consider any evidence that suggests that a governing body does not have a complaints policy, has an inadequate policy, has not followed its policy, or has a policy that is inoperable because persons who are subjects of the complaint investigate it or make decisions about it. If a school complaints policy is inoperable, if there are grounds to cast doubt on its independence, or in other

reasonable circumstances, a local authority may arrange, with the agreement of the governing body, for a panel of independent persons to consider a complaint.

A local authority may use its powers of intervention under the School Standards and Organisation (Wales) Act 2013 if the governance or management of a school is inadequate.

The diocesan authorities

Diocesan authorities may provide advice to schools to which they appoint governors, and such schools may seek advice from the diocesan authorities. Schools with religious character may agree to the diocesan authority investigating a complaint or arranging for a third party to do so.

The Welsh Government

If the Welsh 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 policy. If it appears that the governing body is failing to deal with the complaint, the Welsh Government will advise the complaint is brought to the attention of the local authority to provide support or take action.

The Children's Commissioner for Wales

The Children's Commissioner for Wales has an advice and support service for children and young people, and the people who care for them. Children and young people and their carers can go to the Children's Commissioner when they need advice and support. The Children's Commissioner's officers are not counsellors but work with children, young people, and adults to find a solution. 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.

The Children's Commissioner does not take the place of governors or of governing body complaints policies. The Commissioner may, under certain circumstances, examine individual cases, and to do so may 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 can publicise any failure to do so.

The Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales (PSOW) has no role with respect to complaints which come within the scope of complaints policies described in this guidance. However, guidance is available on the PSOW website for complainants who feel their complaint to a public body has not been dealt with effectively.

The Education Workforce Council

The Education Workforce Council (ECW) has no role regarding governing body complaints policies described in this guidance.

Our commitment to you

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

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

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 you may want to contact 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.

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).

The governing body has reviewed this policy on XXX.

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]

APPENDIX A: Model Complaint 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.

Your details

Surname

Forename(s)

Title: Mr/Mrs/Ms/other

Address and postcode

Daytime phone number

Mobile phone number

Email address

How would you prefer us to contact you?

If you are making a complaint on behalf of someone else, what are their details?

Their name in full

Address and postcode

What is your relationship to them?

Why are you making a complaint on their behalf?

About your complaint (continue your answers on separate sheets of paper if necessary)

Name of the school you are complaining about.

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 it is more than three months since you first became aware of the problem, please give the reason why you have not complained before.

What do you think should be done to put matters right?

Have you already put your complaint to a member of staff?

If so, please give brief details about how and when you did so.

Signature of complainant: Date:

Signature if you are making a complaint on behalf of someone else

Signature: Date:

Please send this form and any documents to support your complaint to:

[Insert name of complaint handler]

[Insert address and contact details of complaint handler]

Official Use

Date acknowledgement sent: By whom:

Complaint referred to: Date: