

# Barry Comprehensive School Governing Body

## COMPLAINTS POLICY

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### BACKGROUND

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”. This includes complaints about the school and any community facilities or services that the school provides. The law also requires governing bodies to publish their complaints procedures. The provisions of section 29 came into force on 1 September 2003.

This document is a draft of Barry Comprehensive School’s Complaints Policy. It sets out the stages of our complaints procedure. The draft has regard to National Assembly Circular 03/2004 (21 May 2004): School governing bodies complaints procedures. The school’s policy is intended to be consistent with the guidance and advice in the circular. Where doubt arises, persons or committees dealing with complaints will have refer to and follow the circular.

### PROCEDURE

Barry Comprehensive School’s governing body has established a three stage procedure. This procedure is intended to act as a model. In practice it is recognised that the procedures for stages 1 and 2 may need to be operated flexibly according to circumstances, provided always that all complaints are addressed fairly and resolved in an appropriate and timely fashion. Stage 3 is formal, and involves a Complaints Committee of the Governing Body. There are special cases:

- If a complaint concerns the head teacher, the chair or vice chair of governors, a governor or a group of governors, there are alternative procedures described below.
- If a complaint relates, or appears to relate to alleged criminal activity, the action taken should be guided by para 52 of the Circular.
- If a complaint involves (or appears to involve) a child protection issue, the action taken (normally by the child protection officer) should follow para 53 of the Circular.

### PRINCIPLES

This policy is guided by section 3 of the circular

Complaints will be handled in a way that is fair to all parties. The procedures will be applied consistently within sensible bounds of flexibility reflecting the circumstances and content of individual complaints.

To enable fast and effective complaint resolution at stage 1 a person or persons handling a complaint informally at stage 1 of the procedure may make a decision even though they have an interest or prior involvement in the matter.

At stages 2 and 3 persons handling complaints should be impartial and not compromised by an interest in or prior involvement with the matter. Investigatory procedures should reflect the advice in para 29 of the Circular.

All complaints must be handled confidentially. Accused persons should know the substance of any accusation that involves them. The Circular considers that in certain rare circumstances this information may be withheld by the governors (para 31).

Complaints involving pupils should reflect the guidelines at paras 32 and 33; however, the school awaits separate guidance in detail on this matter from the Assembly.

Every effort should be made to investigate and resolve complaints quickly and according to a timetable understood by all parties. Governors will be guided by paras 35-8 of the circular.

Unless anonymous complaints include allegations of criminality or concern a child protection matter, in which case paras 54-5 of the Circular will be followed, the person receiving the complaint will refer the matter to the Headteacher who will determine whether or not it should be investigated. (Paras 39-41)

Where complaints are withdrawn this should be recorded and acknowledged by letter (para 42).

The recording of complaints is dealt with under each stage below. The record of any complaint shall be kept for at least three years following the finalisation of the complaint.

Governors will from time to time request a detailed report on complaints received, and any trends and issues arising therefrom. This report will be the responsibility of the Headteacher, who may delegate its compilations.

### CONSIDERATION AND RESOLUTION OF COMPLAINTS

**Stage 1: A complaint is received and resolved informally by the first recipient of the complaint.** Such a complaint may be made orally or in writing. The person receiving and handling the complaint will provide an opportunity for the complainant to meet with the recipient so that a decision can be reached, usually within ten school days, and conveyed to the complainant. The complainant should be advised that if s/he is dissatisfied with the outcome the complaint may be referred to the Headteacher. If the Headteacher is the first recipient of the complaint s/he may decide to delegate its handling to another member of staff under stage 1 or proceed instead to stage 2.

- Where any complaint is made in writing, a record shall be kept that notes the name of the complainant, the date the complaint was received, a brief description of the complaint, the action taken to resolve the complaint and its outcome, and any issues that may arise for action by the school.

**Stage 2: A complaint is considered by the Headteacher.** The Headteacher may handle a complaint informally according to the procedures laid down at stage 1. However, if the matter has not been resolved at stage 1, and the complainant refers the matter to the Headteacher, or in other circumstances at the decision of the head, a more formal consideration of the matter may be appropriate.

- The complaint should be put in writing, and acknowledged in writing.
- The complainant should be given a target date for a response to the complaint.
- It may be appropriate for the complainant to have the opportunity to meet the Headteacher.
- It may be appropriate to provide facilities or assistance if the complainant has a disability,
- The complainant should be advised that they may bring a friend, relative or supporter to speak on their behalf.
- The Headteacher may wish to ensure the presence of a witness on the part of the school.

- Written notes should be kept of interviews, telephone conversations, or other action.
- The Headteacher's decision should be conveyed in writing to the complainant, who should be advised of the opportunity to have the complaint heard by a Complaints Committee.
- A record shall be kept that notes the name of the complainant, the date the complaint was received, a brief description of the complaint, the action taken to resolve the complaint, notes of interviews, etc., the outcome of the complaint, and any issues that may arise for action by the school.

**Stage 3: A complaint is considered by the Governing Body.** This should occur rarely and governors should be satisfied that stages 1 and 2 have been exhausted before considering any matter, or that there are special reasons why they should hear a complaint.

The Governing Body has established a procedure to empanel Complaints Committee when the need arises. This will be chaired by the Chair of Governors, or if appropriate the Vice Chair, or the Chair of the Finance Committee. The Headteacher will not be a member. As well as the Chair there will be at least two, and no more than four, other members. Three members, including the Chair will constitute a quorum. The committee may include person(s) appointed under Regulation 46 of the SSFA (1998), but the majority of members present must be governors. No member should have had prior involvement with the complaint or personal links with the complainant such that the fairness of the proceedings may be affected. The committee will be clerked by the Clerk to the Governors or the school's committee clerk. The Chair may request that representatives of the LEA or other relevant body observe the meeting and are in a position to provide advice to the Committee at the consideration stage.

The Chair of the Committee shall be guided by para 74 of the Circular in making arrangements for the complainant to attend its hearing of the complaint, and by paras 75-77 relating to the timetable for the hearing, the provision of written evidence, and the notice of meeting and associated papers. All parties should be enabled to provide written evidence if they so wish, and such evidence must be made available freely to all parties. At least five working days' notice should be given of the hearing. The Committee will proceed with the hearing in the absence of the complainant or his/her representative unless good reason is shown why there should be adjournment.

The conduct of the hearing shall be guided by paras 78-81 of the Circular. Once all the evidence has been heard the committee shall consider its decision in private. It may adjourn to a second meeting in order to do this. It may be advised at this stage by representatives of the LEA or another relevant body. Paras 82-88 of the Circular provide guidance on procedures at this stage. Decisions will be by majority agreement with a second or casting vote from the Chair in the event of a tied vote. Guidance on the decision letter is given in paras 87 and 92 of the Circular. The record of the meeting shall include a full account of the committee's proceedings together with all relevant documentation; the decision reached; a note on action by the school or the governors consequent on the decision; the date of the decision, and a copy of the decision letter.

This policy does not provide for an appeals stage, as the Governors have considered that such a provision unduly prolongs the resolution of complaints without real benefit to the parties. Complainants will be advised that the LEA or if applicable the Welsh Assembly Government may review the procedures used by the Governing Body but not their decision.

## EXCEPTIONS TO THIS PROCEDURE

In each case below it may be appropriate for the person handling the complaint to seek informal resolution wherever feasible.

- Where the Headteacher is the object of a complaint it shall be referred to the Chair of Governors. S/he will follow paras 94-6 of the Circular in determining how to proceed.
- Where the complaint is against the Chair of Governors it shall be referred to the Vice Chair who will follow paras 100-102 of the Circular.
- Where the complaint is against both Head and Chair it shall be referred to the Vice Chair who will follow paras 103-5 of the Circular.
- Where the complaint is against both Chair and Vice Chair the procedure shall be that the Clerk to the Governors shall empanel a Complaints Committee of three to five members who have no prior involvement with the complaint. In this instance the Committee shall elect a Chair for the hearing.
- Further permutations of complaints against governors are considered in

## PUBLICATION

This policy will be summarised in the school's Prospectus. It will be placed in full on the school's web site, associated with a link that enables download of the Circular from the Assembly web site. All staff shall be given a copy and made aware of their roles in respect of the procedure. The full document will be provided to all parents, pupils, relevant bodies and to others who request a copy. In future all new staff and governors will receive a copy.

The school will prepare a simple, one-page guide to these procedures to be offered, with the policy, to any complainant. This one page guide will be distributed to all parents/guardians. The school will from time to time consider how it can further develop the accessibility of this policy and its associated procedures.

**Agreed 14 October 2004**