

General Complaints Procedures

A guide for: Parents/Guardians
Schools
Governing Bodies

INTRODUCTION

This procedure is intended to be a good practice guide which will apply to most general complaints received by schools. It is not intended to cover those matters for which there is a specific statutory requirement, in particular complaints about delivery of the National Curriculum and the provision of Religious Education and collective worship. Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions.

Concerns about allegations of child abuse and staff discipline should be dealt with through the Governing Body and LA procedures that have been adopted for these purposes.

Schools should make all Parents/Guardians aware of the existence and operation of the school's complaints procedures, through inclusion in the school's prospectus and annual report to parents/guardians.

Definition of a Complaint

A complaint is an expression of dissatisfaction about the standard of service, action or lack of action. A formal complaint must be submitted in writing to the appropriate person.

GENERAL PRINCIPLES

1. Accessibility

Parents/guardians should always know how they can raise concerns or lodge a complaint with the school. Complaints procedures should be easily accessible and well publicised.

2. Efficiency

Procedures should be as speedy as possible, consistent with fairness to all.

3. Redress

If the outcome of the complaints procedure shows the school is at fault, it is often sufficient to provide redress in the form of an acknowledgement that the complaint is valid. Alternatively, it may be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review school policies or practices in the light of the complaint.

4. Support for complainant

It is important that parents/guardians know that at any stage of the procedure they can be accompanied by a friend, relative or representative and to know where they can go for information, advice and support, if required. The Complaint Officer can be contacted at the Education Department, County Hall, Wynnstay Road, Ruthin, LL15 1YN.

5. Support for a person complained against

Staff who may be questioned as part of the investigation of a complaint must feel that they are being treated fairly, that they will have the opportunity to put their case and that a friend or representative may accompany them at any stage. There is a crucial balance to be maintained between supporting the individual so that his/her rights are maintained and reputation protected, and investigating a complaint thoroughly and impartially.

The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

6. Confidentiality

It is very important to treat all concerns and complaints with discretion. It is vital that parents/guardians feel confident that their complaint will not penalise their child. However, a complainant will need to be aware that information will have to be shared with those involved in order that the complaint can be investigated.

It is usual to disregard anonymous complaints, but the danger is that they may relate to something serious and the complainant may subsequently surface and say that he/she alerted the school. It should be at the Head Teacher or Governing Body's discretion to decide whether the gravity of an anonymous complaint warrants an investigation.

7 Staff Awareness and Training

All staff should be aware of the procedures, as potentially many will be involved with handling complaints, especially at the informal level. To be confident in doing so depends on them having clear information about the procedures, reassurances that senior staff are committed to the procedures and some basic training in dealing with people who are upset or angry. All staff should also have clear information about which staff have responsibilities so that parents/guardians do not get continually passed from one to another.

8. Record Keeping

Complaints should be recorded and monitored regularly by staff and Governors. It is recommended that recording should begin at the point when an initial concern or complaint cannot be resolved immediately but needs some investigation and/or consultation with others in school and a subsequent report back to the parent.

Recording at the earliest stage need only be a very basic record of the complaint, giving the date, name of parent and general nature of the complaint. A pro-forma or a 'comments and complaints' book could be used.

9. The role of the LA

When the LA receives a general complaint, the complainant will be referred to the school's complaints procedure. If the complaint has already involved the Head Teacher but has not achieved a satisfactory resolution from the perspective of the complainant, the complainant will be referred to the Chair of Governors.

The LA complaints officer will investigate according to whether there has been a defect in the school's complaint procedure.

If requested, the LA will offer advice and guidance to the Head Teacher, Chair of Governors and the Governing Body. Where appropriate, the LA will investigate a complaint on behalf of the school and report to the Chair of Governors.

General Complaints Procedures

A guide for parents/guardians

What to do if you have a concern or complaint about a school.

In Denbighshire, we recognise that parents/guardians have a crucial role to play in supporting their children succeed at school. A good partnership between the home and school ensures that children are happy at school. Visits by parents/guardians to school, reports, newsletters and open evenings further strengthen this partnership.

There may be occasions when problems occur and in most cases these are usually sorted out quickly at the informal stage. However, if you have a concern about a school, you may wish to complain formally. We aim to make our complaints procedure easy to follow.

Definition of a Complaint

A complaint is an expression of dissatisfaction about the standard of service, action or lack of action. A formal complaint must be submitted in writing to the appropriate person.

Stage 1 (Informal Stage)

You should contact the school first and discuss your concerns with a member of staff. This could be your child's class teacher or Assistant Head Teacher. Most problems can be dealt with successfully and promptly at this stage.

Stage 2

2a) To pursue a complaint at this stage, you should make arrangements to meet the Head Teacher. If the Head Teacher is unable to deal with the complaint straight away, she should be able to tell you what action will be taken. The Head Teacher should also tell you when and how she will report back to you.

2b) Formal Stage

If you have complained formally in writing to the Head Teacher, the school will let you know that it has received your complaint within **5 school days**. You will be given the results of the Head Teacher's investigation in writing normally within **15 school days**. However, where appropriate, the LA will investigate a complaint on behalf of the school and report to the Chair of Governors.

2c) If your complaint is about the Head Teacher, you can complain directly to the Chair of Governors. (See Stage 3).

Stage 3

If you are still unhappy with the situation, the next step is to write to the Chair of Governors. You should make it clear why you are complaining and what you want to happen as a result of your complaint.

The Chair of Governors will let you know that he or she has received your complaint normally within **5 school days** and will then investigate it. You will be told about the outcome of the Chair of Governors' investigation in writing normally within **20 school days**.

If you are still not satisfied after receiving the chair of Governor's report, you can ask to have your complaint referred to a Complaints Committee of the Governing Body at Stage 4.

Stage 4

You can write to the Clerk of the Governors' at the school. You should say exactly why you are unhappy with the Chair of Governors' findings and ask that a Complaint Committee be set up to investigate the complaint.

The Complaint Committee will meet between **12 and 20 school days** after the clerk to the Governors receives your letter. You will be told in advance about the process and what will happen at the meeting of the committee. You can attend and bring a relative or friend to support you if you want to.

You will be told in writing about the committee's findings normally within **5 school days** from the date of the meeting.

Stage 5

You may believe that your complaint was not handled fairly according to the school's own complaints procedure.

In this case, you can ask the Local Authority (LA) to investigate:

You can write to the LA's complaint officer at:

Education Department

County Hall

Wynnstay Road

Ruthin

LL15 1YN

You should explain your complaint and say why you think the school did not follow its complaint procedure properly. Wherever possible you should give evidence for why you think this.

The department's complaints officer will let you know that he has received your letter normally within **10 working days**. The complaints officer will look at your evidence and then decide if he/she should investigate.

He/she cannot do anything until the school itself has finished considering your complaint. The complaints officer will investigate whether there was a defect in the school's procedure in dealing with your complaint. The complaint officer will not investigate your original complaint all over again. The LA cannot make the school come to a different judgment on your case if the Governing Body has considered your complaint in a reasonable way.

The complaint officer will tell you the outcome of his/her investigation in writing normally within **15 school days** of receiving your complaint. If he/she concludes that the school did not follow its procedures properly, the matter will

be referred back to the Chair of the Governing Body. The Governing Body should then reinvestigate the complaint.

Stage 6

If you believe that the LA has acted unreasonably you may appeal to the:

Minister for Education and Lifelong Learning

National Assembly for Wales

Cardiff Bay

Cardiff

CF99 1NA

The Minister for Education could step in if a Governing Body or a LA had not carried out its legal duty or has acted unreasonably. The Minister for Education would not do anything until the school and the LA had finished looking into the complaint.

If you feel that there has been a fault in the way your complaint has been dealt with, you can take this to the

Local Government Ombudsman:

The Local Government Ombudsman

Derwen House

Court Road

Bridgend

CFG31 1BN

The Ombudsman will only investigate where there has been a fault in the way the process was handled by the school or LA. He/She can investigate complaints about how something has been done. This could be giving the wrong information, not dealing with letters or taking too long to do something. He/She cannot question what has been done just because someone does not agree with the result. The Ombudsman cannot investigate how schools are run. The Ombudsman could not do anything until the school and the LA have finished looking into your complaint.

General Complaints Procedures

Guidance for Schools

Guidelines – Stage 1 (INFORMAL)

Most complaints and concerns can be resolved informally and rapidly by the class teacher or member of staff.

Schools should ensure that parents/guardians' feel able to raise concerns with staff informally.

Definition of a Complaint

A complaint is an expression of dissatisfaction about the standard of service, action or lack of action. A formal complaint must be submitted in writing to the appropriate person.

Procedures – Stage 1

Parents/guardians should have an opportunity for informal discussion of any concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.

If the member of staff first contacted cannot deal with the matter immediately, he/she should make a firm arrangement to deal with it at a future date or refer the matter to another member of staff. In either case a note of the name, date and contact details of the complainant should be taken.

If the complaint relates to the Head Teacher, the complainant should be advised to contact the Chair of Governors.

The staff member dealing with the complaint should make sure that the complainant is clear what will happen next.

If no satisfactory solution has been found within **10 school days**, the complainant should be asked if they wish their concern to be considered further. Where, appropriate, the LA will investigate a complaint on behalf of the school and report to the Chair of Governors.

Guidelines – Stage 2 (FORMAL) The Head Teacher

At this stage it becomes evident that the parents/guardians concern is a definite complaint. The Head Teacher should ensure that the procedure is carried out properly. One of the reasons for having different stages in the procedure is to re-assure a parents/guardians that his/her concern is being heard by more than one person.

Procedure – Stage 2 – (Formal) The Head Teacher

If appropriate, parents/guardians who wish to pursue a complaint at Stage 2 should be asked to put it in writing.

The Head Teacher should acknowledge the written complaint in writing within **5 school days** of receiving it.

The Head Teacher should give the parent a date for providing a response. This should normally be within **10 school days**. If this timescale is unachievable, the complainant should be informed of when it is likely to be concluded.

The Head Teacher (or designated member of staff) should provide an opportunity for the complainant to meet him/her and provide details of the complaint.

If necessary, the Head Teacher (or designated member of staff) should interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. This should include acknowledgement that such a member of staff could be accompanied by a friend or representative. He/She is entitled to **5 school days** notice of any meeting and a subsequent adjournment of a further **5 days** if the friend or representative is unavailable. The complaints procedure is distinct from formal disciplinary proceedings for staff and this needs to be made clear to all concerned. However there may be occasions where a complaint leads to a disciplinary procedure which puts the complaints process on hold. If so, the complainant should be informed of this, without going into details, and updated regularly on likely further delay. After the disciplinary process is completed it will be necessary to decide what further response to the complainant is required.

The Head Teacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the Head Teacher (or designated member of staff) should arrange a meeting with the complainant to discuss or resolve the matter. This meeting should be followed up with a letter setting out the outcome of the meeting. The complainant should be advised in this letter that if they wish to take the complaint further s/he should notify the Chair of Governors.

SAMPLE LETTER 1

These letters are intended as a guide only and should be adapted to suit local circumstances.

Dear

Thank you for coming to see me about
As you know, it is this school's policy to deal with any parental concern as quickly and effectively as possible. I can therefore assure you that the matter you have raised will be fully looked into within school and I will contact you again by to let you know the outcome.

Thank you again for bringing this matter to my attention.

Yours sincerely

Head Teacher

SAMPLE LETTER 2

CONFIDENTIAL (to be put onto letter and the envelope)

Dear

Further to our meeting on I have now had an opportunity to look into your concerns and wish to explain what I have learnt about this matter.

I hope you are satisfied that the matter has now been dealt with appropriately. However, if you feel that your concerns have not been fully addressed, you may wish to write to the Chair of Governors (Mr Noel Johnson) at the school address, who will undertake his own investigation into your complaint.

Full details of the complaints procedure are contained in the attached leaflet "Responding to Parents' Concerns".

Yours sincerely

Head Teacher

*Take care! Head Teachers are recommended **not** to put any details about individual members of staff into the letter if disciplinary action has been taken/is being considered.*

SAMPLE LETTER 3

'RESPONDING TO PARENTS' CONCERNS'

What are our aims?

Ysgol Melyd aims to establish and promote a close relationship with all parents, in the interests of their children. We recognise that children will feel more secure when they receive consistent messages from both home and school. Parents' views about our school are welcomed, including the expression of any serious concerns. At the same time we undertake to inform parents as soon as possible about any issues of concern to the school so that we can gain co-operation in resolving them.

What do we do to avoid concerns arising?

At Ysgol Melyd we work closely with parents in order to keep them informed of all aspects of school life. We have:

The home school agreement

Parents' evenings held every term)

A written report for parents about their child once a year

An annual written report for parents from the Governors followed by an annual meeting at least two weeks after the report is issued

The newsletter

Etc

In addition, we have a section in the school's prospectus explaining how parents can raise concerns. We recognise that parents may not keep the prospectus throughout the time their child is with us and so the same guidance is on permanent display in the school's reception area. Further, we ensure that any member of staff joining the school, both teaching and support staff is aware of our policy and the procedure for parents to follow.

General Complaint Procedures

Guidance for Governing Bodies

Guidelines – Stage 1 (Chair of Governors)

If the complaint is against the Head Teacher, the Chair of Governors will investigate the complaint.

The Chair of Governors will also investigate if the complainant is dissatisfied with the response to his/her original complaint.

The Chair of Governors may refer the complaint to a nominated governor who has responsibility for investigating concerns and complaints. This is to enable the Chair of Governors to remain impartial in case he/she is needed at a later stage. If the Chair of Governors (or the nominated governor) investigates the complaint, he/she may use different strategies according to the circumstances, such as meeting the complainant or seeking advice from the LA officer.

If the Chair of Governors would prefer not to deal with the complaint individually, he/she should then arrange for a Governors' Complaints Committee to be set up to investigate the complaint.

If requested by the Governing Body, the LA may investigate the complaint if appropriate.

Stage 1 Procedure

Following an investigation at this stage, a written reply should be sent to the complainant, taking care and advice over the wording.

Guidelines – Stage 2 (Governors' Complaints Committee)

Although complaints may rarely reach this stage, Governing Bodies should be aware of how to deal with them. At this stage, schools may wish to seek advice from the LA.

This stage of review by the governing body must be impartial and independent.

The Governing Body should form a committee to deal with complaints. Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. The complaint committee should not consist of a governor who has investigated the complaint at an earlier stage.

If individual governors are approached by parents/guardians or others with complaints, they should not enter into any discussions of the issue but refer the complaint to the school's complaint procedure.

Procedure – Stage 2

The clerk to the Governing Body should acknowledge receipt of the written request from the parents/guardians and inform the complainant that it will be heard normally within **20 school days** of receipt.

The letter should inform the complainant of their right to submit any further documents relevant to the complaint. These must be received **5 school days** before the committee meets.

The clerk to the Governing Body should convene a meeting of the complaints committee. The Governing Body should nominate 5 governors from which 3 can be selected for any hearing. The committee should select its chair.

The committee members should have had no prior involvement with the complaint. Generally, it would not be appropriate for the Head Teacher to have a place on the committee. Governing Bodies should have regard to the advantages of having a mix of different type of governor on the committee and be sensitive to issues of equal opportunity in the composition of the committee.

All relevant correspondence and documentation should be given to each committee member. The chair of the panel should ensure that the complainant, Head Teacher and any other witnesses are given **five days notice in writing** of the date, time and place of the hearing. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the committee.

The chair should invite the Head Teacher to attend the hearing and prepare a written report for the committee in response to the complaint. The Head Teacher may also invite any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee. Any relevant documents should be received by all concerned (including the complainant) **at least five days** before the meeting of the committee.

The Corporate Director of Lifelong Learning or his/her representative may attend the meeting to advise the committee.

The chair of the committee should ensure that the minutes of the meeting are properly recorded.

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action which will satisfy the complainant that their complaint has been taken seriously.

The chair of the panel should try and ensure that the proceedings are as informal as possible and that the complainant feels at ease.

At the conclusion of the meeting, the chair should explain that the committee will consider its decision and write to both parties with the outcome normally within **5 school days**.

The Head Teacher and any witnesses should then withdraw and the committee should consider its decision. This should include: a decision on the complaint; appropriate action to be taken by the school; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.

The school should ensure that a copy of all correspondence and notes is kept on file in the school for 2 years. This should be separately from pupils' personal records.

Guidance – Stage 3 (Review by the LA)

If the complainant is dissatisfied with the Governing Body's handling of their complaint, further recourse to other agencies is available to them outside the scope of the school's own procedures. However, these agencies would be unable to take any action until the school's own procedures had been completed.

The LA is not able to re-investigate the original complaint nor can it seek to substitute the LA's judgment for that of the Governing Body if the governors have followed a proper procedure and considered the complaint reasonably. If the results of an investigation show that there had been a breach of procedure the matter will be referred back to the Governing Body, with a copy to the Head Teacher, the complainant will be informed of the outcome of the investigation. The Governing Body should then re-investigate the original complaint through the appointment of a new Complaint Committee.

Procedure (Stage 4) LA

If, having been given the Governing Body's decision, a complainant believes that a complaint was not handled fairly according to the school's complaints procedure, they can write to the Education Department's Complaints Officer at:

County Hall
Wynnstay Road
Ruthin
LL15 1YN

The complainant should explain their complaint, and give evidence that shows that the school did not follow its complaints procedure. The department's complaints officer will acknowledge the complainant's letter within **10 school days** and inform the Chair of Governors that a complaint has been received. If the evidence supports it, the complaints officer will investigate whether the school had dealt with the complaint properly according to its procedure. The complainant will be notified in writing by the LA complaint officer.

Guidance beyond the LA

Complaints can be taken to the Minister for Education and Lifelong Learning on the grounds that a Governing Body or LA was acting, or proposing to act, unreasonably, or on the grounds that either the Governing Body or the LA had failed to discharge its duties under the Education Act 1996.

Procedure beyond the LA

The complainant should write to the:
Minister for Education and Lifelong Learning
Welsh Assembly Government
Cardiff Bay
Cardiff
CF99 1NA17

Guidance beyond the LA - The Local Government Ombudsman

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.

The Ombudsman would not take action until the school and LA procedures have been exhausted.

Procedure beyond the LA - The Local Government Ombudsman

The complainant should write to:
The Local Government Ombudsman
Derwen House
Court Road
Bridgend
CFG31 1BN

Annex A – Governors' Complaints Committee

Model Procedure for the Conduct of a Meeting to Hear a Complaint

1. The chair of the committee should invite everybody (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint, establish the facts try to resolve the complaint and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along with the following lines:
 - i. The Head Teacher will present the report on the complaint and may call witnesses;
 - ii. The complainant will be given the opportunity to seek clarification from the Head Teacher and any witnesses;
 - iii. The committee (including the Corporate Director's representative) may seek clarification from the Head Teacher and any witnesses;
 - iv. The complainant will be given the opportunity to respond and may call witnesses;
 - v. The Head Teacher will be given the opportunity to seek clarification from the complainant and any witnesses;
 - vi. The committee (including the Corporate Director' representative) or senior officer may seek clarification from the complainant and any witnesses;
 - vii. The Head Teacher will be given the opportunity to sum up;
 - viii. The complainant will be given the opportunity to sum up; and
 - ix. Both parties will leave the room to allow the committee to deliberate but the Corporate Director's representative may remain to offer technical and procedural advice.
4. The committee should make a decision on: whether the complaint is justified; appropriate action to be taken by the school; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision will be confirmed in writing normally within **5 school days** and written confirmation sent to all parties concerned.

Further guidance for governing bodies on procedures for dealing with complaints has been published by the Welsh Assembly Government. (School Governance and Management 2004).

SAMPLE LETTER 4

CONFIDENTIAL (to be put onto letter and the envelope)

Dear

Thank you for your letter of Indicating that you wish to make a formal complaint about Ysgol Melyd.

I am now writing to invite you to a meeting with a panel of Governors of the school to discuss your complaint and to reach a decision which produces a fair and reasonable outcome in the circumstances. The panel will consist of three Governors who have had no prior involvement with the complaint. You may wish to bring a friend or relation to the meeting.

The meeting will be held on (date) at (time) at (location, and I enclose copies of all the correspondence relating to the case. Please note that we will be discussing in full all the points made in this correspondence, but will not be able to consider any new issues which have not been made available to all the participants prior to the meeting. Please ensure therefore that any additional papers that you would like considered at the meeting are returned to me by

May I take this opportunity to assure you that the Panel will listen carefully to both your views and those of the school, and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely

Clerk to the Governors