



# **SEALAND COMMUNITY PRIMARY SCHOOL** **COMPLAINTS PROCEDURE**



## **SECTION 1: THE LEGAL FRAMEWORK**

Section 29(1) of the Education Act 2002 requires governing bodies of all maintained schools to establish procedures for dealing with complaints relating to the school, other than complaints which may be dealt with in accordance with other statutory procedures; and to publicise those procedures. There are already existing procedures for complaints and appeals relating to the curriculum, Special Educational Needs, religious worship, admissions, staff grievance, teacher capability and staff disciplinary issues.

## **SECTION 2: PURPOSES OF A COMPLAINTS PROCEDURE AND GENERAL PRINCIPLES**

### **Purposes:**

- a) To provide good communication, clear information and straightforward procedures: all of which are essential to an open and transparent relationship between a school and its key partners.
- b) To treat expressions of concern seriously and to respond to them quickly and effectively.
- c) To ensure that parents, members of staff, governors, pupils, members of the local community and others are clear about how they can express concerns and formal complaints and how they will be responded to.
- d) To ensure that school staff and governors are clear about their roles and responsibilities in responding to concerns and complaints.

### **Principles:**

- a) **This policy operates in conjunction with Flintshire's Agreed Code of Conduct for Parents (Appendix 1) and EWC code of conduct for staff.**
- b) The Complaints Procedure will be consistent and fair to all parties. All those involved in dealing with complaints must be impartial. A person involved in making decisions on complaints must not be compromised by having an interest in, or prior involvement with, the matter he or she is making a decision on.
- c) Those involved in investigating the complaint must respect the rights of the complainant and any other persons involved. The complaint must be kept confidential and only those involved in investigating and making a decision should be made aware of the nature of the complaint.
- d) Any person about whom a complaint is made or who is affected by a complaint will have the right to see all the relevant information so that he/she can respond fully to the complaint. Information may only be withheld where there is a need to protect the source or there is a legal reason why the information should not be released, such as data protection requirements.
- e) If the complaint centres on a pupil, the pupil may be interviewed in the first instance by the head teacher or senior member of staff to establish the facts.

However, at the governing body investigation and hearing stage the pupil should be accompanied by her/his parent/guardian.

f) If a member of staff is the subject of a complaint, he/she needs to be made aware of the complaint as soon as possible and have the opportunity to respond and be accompanied by a union representative or colleague if the person so wishes.

### **SECTION 3: STAGES OF THE COMPLAINTS PROCEDURE**

**STAGE 1** – expression of concern raised with classteacher/relevant teacher

**STAGE 2** – matter referred to head teacher for investigation and decision

**STAGE 3** – complaint referred to the governing body for consideration and decision

#### **STAGE 1 – CONSIDERATION BY A MEMBER OF STAFF**

The school will try to resolve the concern at this stage before it becomes a formal complaint. At this stage the concern can be expressed orally or in writing. The complainant should be given the opportunity to meet the member of staff with whom they have raised the matter. The principle will be to listen, investigate and ensure that the decision reached is recorded and conveyed to the complainant within 10 school days. A written record of discussions and interviews, dates and details of the complaint and any decision reached and the reason for it should be kept. The head teacher will be kept informed of developments.

If the concern cannot be resolved quickly or to the satisfaction of the complainant, the member of staff will inform the complainant of the next step which is referral in writing to the head teacher. This advice should be put in writing to the complainant.

If the member of staff considers the complaint to be serious, the complaint must be referred to the head teacher immediately without going through the first stage. Equally, if the issue is brought to the head teacher by the complainant, the head teacher can decide whether to refer it to another member of staff or whether to proceed to investigation under STAGE 2.

#### **STAGE 2 – INVESTIGATION BY THE HEADTEACHER/CHAIR OF GB**

At this stage the complaint must be in writing so that the substance of it is quite clear. However, if it is not possible for the complainant to put the matter in writing the school will make arrangements for the complainant to convey their complaint by another method e.g., by arranging for it to be dictated and signed. The head teacher/Chair will acknowledge the complaint in writing as soon as possible, giving a brief explanation of the complaints procedure and a target date for providing a response. This will normally be within 10 school days. However, if it is not possible to deal with the matter within this time, the complainant will be informed of a date when consideration will be concluded.

The complainant will be given the opportunity to meet the head teacher/Chair and will be allowed to be accompanied by a friend or relative who can speak on their behalf. The head teacher/Chair may also choose to have another person present to witness the discussion. Interpretation facilities or assistance if there is a disability issue should be made available as required. A written record of interviews, telephone conversations and any other procedures will be kept.

### **Complaint against the Head teacher**

If the complaint is against the head teacher, it must be referred to the Chair of Governors and he/she or another designated governor should carry out the investigation and arrive at a decision. Before doing so, the chair should ensure that the substance of the complaint is not one that should be dealt with under any other procedure i.e., capability, staff grievance or disciplinary. The investigation should be carried out within 10 school days from receipt of the complaint.

### **STAGE 3 – FORMAL COMPLAINT TO THE GOVERNING BODY**

If a complainant is not satisfied with the outcome of the informal stage of investigations, he/she is entitled to make a formal complaint to the Chair of Governors. A complaint must have been dealt with at the informal stage before it is referred to the governing body. The complaint must be in writing.

### **Referral to the Governing Body Complaints Committee**

The governing body will delegate the investigation of complaints to the complaints committee. The committee will consist of a minimum of three governors. The appeals panel will be made up of the same number of members, but the members will be different to those on the complaints committee.

The complaints committee will not include the head teacher, or any governor who has had any prior investigation/involvement with the complaint. In addition, no committee member should have any personal links with the complainant or the person complained against, so as to avoid any possibility of bias. The committee will need to elect a Chair.

The membership of the committee will be reviewed annually; and checked before each hearing to ensure that members have not had prior involvement in the matters under consideration or could be perceived as being biased. Substitute members will be appointed as necessary.

The Chair of Governors will ask the clerk to acknowledge a complaint within 5 school days and make arrangements for the governing body complaints committee to hear the complaint within 15 school days of receipt of the complaint. The letter of acknowledgement should invite the parties (the complainant and the person complained against) to provide any written documentation they wish the panel to consider.

### **The Process for Complaints Committee Hearings**

The committee can proceed by means of a review of documentary evidence or oral hearing, in either case taking appropriate advice if it wishes from the local education authority or any other body before reaching a decision.

The chair of the committee should ensure that the complainant and members of the panel are given 5 school days notice of the date of the hearing in writing. The letter will inform the parties of –

- Time and date of the hearing
- Grounds of the complaint, with copies of all relevant documentation
- The right of all parties to be accompanied or represented by a person of their choice if an oral hearing is to take place
- The committee's option to proceed with an oral hearing in the absence of either or both parties if no good reason is given why they should not do so
- The entitlement of the parties to seek an adjournment of the hearing if there is a good reason why they cannot attend.

The purpose of the hearing is to enable members of the committee to clarify the facts and ascertain whether there are grounds for upholding the complaint. All parties involved in the complaint are entitled to provide evidence. It is not an opportunity for parties to "cross examine" each other. The committee will ensure that each party is interviewed separately and leaves after giving evidence. Proceedings should be as informal as possible so that all parties feel at ease.

Once all the evidence has been presented, the committee should consider its decision in private. This could include –

- A decision on the complaint
  - Appropriate action to be taken by the school
- and/or**
- Recommendations for changes to school procedures or other appropriate action to ensure similar problems do not arise in future.

The committee's decision should be sent in writing to the complainant within 5 school days of the hearing, with an explanation of the reasons for the decision. A full written record should be taken of the proceedings and kept on file in the school along with all other relevant documentation.

If the complainant is dissatisfied with the decision reached by the complaints committee, he/she can refer the matter to the appeals committee. The membership of the panel will not include any members previously included on the complaints committee. The purpose of the appeal committee would be to rehear the complaint. The appeal committee could overturn the decision of the complaints committee.

### **The Role of the Local Education Authority**

The LEA **does not have** a statutory role in resolving complaints, but the governing body can choose to involve the LEA at any stage if it wishes. The role of the LEA is advisory. If the complainant is dissatisfied with the outcome of the school's complaints process, she/he should be advised to ask the LEA to review the process followed by the governing body.

If the complainant does request the LEA to review the procedure, the LEA view should be sent to the complainant within 15 school days. If the authority concludes that the process followed was deficient, it should invite the governing body to reconsider the matter. A committee with different membership should be set up to reconsider the matter.

### **The Role of the Welsh Assembly**

If a complainant is dissatisfied with the outcome of the of the complaints procedure he/she may ask the Welsh Assembly Government to look at the matter.

The Assembly can consider the actions of the governing body under sections 496 and 497 of the Education Act 1996. If the Minister concludes that a governing body has acted unreasonably or has failed in its statutory duty and a practical remedy is possible, the Assembly can issue a direction to the governing body. A direction does not normally overturn a governing body decision, but can require it to reconsider the matter.

The Assembly will not consider complaints about the actions of a governing body unless the complainant has first pursued the complaint with the governing body.

### **Finalisation of the Complaint**

Once the governing body has exhausted its own processes, it is entitled to make it clear to the complainant that it will not re-open the complaint, but that the complainant is entitled to pursue the complaint through other channels such as the Welsh Assembly. If the complainant raises new issues he or she will be advised to make a new complaint to the governing body.

### **Complaints Register**

The governing body will keep a register of all complaints referred to it for consideration. This will include:

- the name and address of the complainant
- a description of the complaint
- time taken to resolve the complaint
- the outcome.

The register should be available for inspection by the LEA and in the course of an inspection.

### **Complaint against a Governor**

If the head teacher receives a complaint about the actions of a governor or group of governors, he will refer the matter to the Chair of Governors.

The Chair will either investigate the matter or delegate the responsibility to a designated governor. If the complaint is from another governor or governors, the chair may decide to involve an external party to investigate the matter e.g. the LEA or ACAS.

If the matter is unresolved and proceeds to consideration by the governing body at STAGE 3, the hearing should be undertaken by a panel of governors not involved in the complaint and some non-governor members.

### **Complaint against the Chair of Governors**

Any complaints about the Chair of Governors should be sent to the clerk to the governing body who will refer it to the complaints committee for investigation.

The committee should arrange a hearing within 10 school days of receiving the complaint. The process for complaints committee hearings outlined earlier in this document should now be followed. The decision should be sent to the complainant and copied to the Chair of Governors.

The matter should not be brought to the whole governing body's attention until it has been investigated and the Chair of Governors informed of the decision.

### **Complaints concerning the Whole Governing Body**

Any complaint about the whole governing body should be sent to the clerk to the governing body, who should immediately inform the head teacher, Chair of Governors and the LEA.

The clerk should inform the complainant that the matter will be raised at the next meeting of the governing body. If the next planned meeting is some time off, the Chair and clerk should consider arranging a separate meeting to consider the complaint. The complainant must be informed of the proposed action and timing of the governing body meeting.

The governing body should discuss the complaint and their findings and decision should be sent to the complainant through the clerk. The complainant will be informed that if he or she is dissatisfied with the response, the matter can be referred to the LEA.

On receipt of a complaint about the actions of the governing body, the LEA should first consider whether the substance of the complaint should be dealt with in accordance with the provisions of Section 15 of the School Standards and Framework Act of 1998, as amended by Section 55 of the Education Act 2002, i.e. where the school is causing concern and whether there is a need for the LEA to issue a warning notice to the governing body in accordance with its powers of intervention. If no action is required under these provisions, the LEA may wish to consider arranging for the complaint to be heard by a panel independent of the governing body and specially constituted for that purpose.

### **Withdrawal of Complaints**

A complainant is able to withdraw a complaint at any time by giving notice in writing to the person dealing with the complaint i.e. member of staff, the head teacher or the clerk to the governing body. The letter will be acknowledged in writing.

***This policy has been adopted by Sealand Governing Body in line with LA recommended policy and guidance and is subject to update/revision following LA recommendations.***



## **APPENDIX 1: SEALAND PRIMARY SCHOOL THE SCHOOL CODE OF CONDUCT FOR PARENTS**

**In order to support a peaceful and safe school environment the school cannot tolerate parents, guardians, carers and visitors exhibiting the following whilst on school premises and for communications involving use of telephone, email and social media:**

- Disruptive behaviour which interferes or threatens to interfere with the operation of a classroom, staff member's office, office area or any other area of the school grounds including team matches/school events.
- Using loud and/or offensive language, swearing, cursing, using profane language and/or displaying anti-social behaviour on our school premises.
- Threatening to do actual bodily harm to a member of school staff, governor, visitor, fellow parent/carer or pupil regardless of whether or not the behaviour constitutes a criminal offence.
- Actual physical violence against any other person on school premises.
- Damaging or destroying school property/threatening to damage or destroy property.
- Abusive or threatening e-mails or text/voicemail/phone messages/conversations or other written and/or electronic communication.
- Defamatory, offensive or derogatory comments regarding the school or any of the pupils/parent/staff at the school, on Facebook or other social network sites. (See Appendix 1).
- The use of physical aggression towards another adult or child. This includes physical punishment against your own child on school premises.
- Approaching another parent/guardian/carer's child in order to discuss or chastise them because of the actions of this child towards their own child. (Such an approach to a child may be seen to be an assault on that child and may have legal consequences).
- Smoking and consumption of alcohol or other drugs, or in possession of, whilst on school property.

Should **any** of the above behaviour occur on school premises the school may contact the appropriate authorities and if necessary refuse the offending person(s) entry to the school/school grounds.

We trust that parents and carers will assist our school with the implementation of this policy and we thank you for your continuing support of the school.

## **Appendix 1: Inappropriate use of Social Network Site**

Social media websites are being used increasingly to fuel campaigns and complaints against schools, Headteachers, school staff, and in some cases other parents/pupils. The Governors of our schools consider the use of social media websites in this way as unacceptable and not in the best interests of the children or the whole school community.

Any concerns you may have must be made through the appropriate channels by speaking to the class teacher, the Headteacher or the Chair of Governors, so they can be dealt with fairly, appropriately and effectively for all concerned in line with our complaints policy.

In the event that any pupil or parent/carer of a child/children being educated in our schools is found to be posting libellous or defamatory comments on Facebook or other social network sites, they will be reported to the appropriate 'report abuse' section of the network site. All social network sites have clear rules about the content which can be posted on the site and they provide robust mechanisms to report contact or activity which breaches this. The school will also expect that any parent/carer or pupil removes such comments immediately. In serious cases the school will also consider its legal options to deal with any such misuse of social networking and other sites.

Additionally, and perhaps more importantly is the issue of cyber bullying and the use by one child or a parent to publicly humiliate another by inappropriate social network entry. We will take and deal with this as a serious incident of school bullying.

Any concerns you may have about your child/the school **must be made through the appropriate school complaints procedure**. Normally this is done by speaking to the class teacher, the Head teacher or the Chair of Governors, so they can be dealt with fairly, appropriately and effectively for all concerned. School Complaints Policy/Procedures available from the office on request.

***This policy has been adopted by Sealand Governing Body in line with LA/Flintshire Primary Headteacher Federation recommended policy and guidance and is subject to update/revision following LA recommendations.***