

# **St Illtyd's Catholic High School Complaints Policy**

**September 2017**

There are specific arrangements for dealing with complaints relating to:

Admissions, Child Protection, Curriculum, Exclusions and Special Education Needs

If a complaint does not fall into one of these categories or is of a more general nature, the following procedures apply:

Stage 1 - Complaints raised with (and resolved) by first recipient within the school

Stage 2 - Matter referred to head teacher for investigation, decision and resolution

Stage 3 - Matter referred to the governing body for investigation, decision and resolution.

This procedure follows the advice given by the Welsh Assembly Government.

1. At all stages of the complaints process, those responsible for investigation complaints (if appropriate, in conjunction with a colleague or the complaints officer if the school has one) will wish to be sure that the substance of the complaint is not one that may be dealt with under any other procedure e.g. staff capability, staff grievance, staff discipline or child protection. If at any time the issues raised require action under those procedures, then those procedures take precedence and should be implemented. Once complete, the complaint ought to be advised of the outcome of the procedure.

2. If a complaint concerns the head teacher, the chair or vice chair of governors, a governor or a group of governors, the procedures described at paragraphs 38-55 are suggested as being suitable to deal with such a complaint.

3. If a complaint relates, or appears to relate to alleged criminal activity, the Welsh Assembly Government's view is that the recipient of the complaint should immediately refer the matter to the head teacher, if it does not involve the head teacher. If the head teacher is the subject of the allegation the complaint should be referred to the chair of governors who should inform the relevant authorities i.e. Police and/or District Audit, the LEA and if applicable the diocese. If the complaint of alleged criminal activity involves the head teacher

and the chair of governors, the complaints should be referred to the vice chair. If the complaint or alleged criminal activity against the headteacher and chair of governors concerns financial issues, the complaint should be referred to the vice chair and / or the chair of the Finance Committee (provided they are not the subject of the allegation), who should contact the LEA, the relevant authorities, and the diocese. If any of the officers listed in this paragraph are collectively included in an allegation and there is no available officer of the governing body to accept the complaint, the complainant should be advised to send his or her complaint to the clerk of the governing body who should refer the matter to the LEA and if appropriate the diocesan authority.

4. If a complaint involves (or appears to involve) a child protection issue, the recipient of the complaint ought to refer it to the designated child protection teacher. If the designated child protection teacher is the subject of the allegation the matter should be referred to the headteacher. If the headteacher is the designated child protection teacher and is the subject of the allegation the matter should be referred to the chair of governors who should immediately inform the LEA. Current guidance is set out in 'Protecting Children from Abuse: The Role of Education Service available at [www.learning.wales.gov.uk](http://www.learning.wales.gov.uk).

### **Stage 1 – Complaint Raised with and Resolved by First Recipient Within the School**

5. At this stage a complaint may be made orally or in writing. The complaint may be made to a member of staff, head of year, other staff member or Headteacher.

6. The Welsh Assembly Government strongly advises that the first recipient and the complainant make every effort to resolve complaints at this stage. In many cases this will be possible.

7. The complainant should be given the opportunity to meet a member of staff such as a Head of Year, the Assistant Headteacher or the Deputy Headteacher with whom they will raise the matter so that a decision is reached, usually within 10 school days, and conveyed to the complainant. The record of the Complaint may include any discussions and interviews.

8. If the complaint cannot be resolved to the satisfaction of the complainant, the member of staff should inform the complainant, orally or in writing, that they are entitled to take the complaint to the headteacher. The complainant should be provided with a copy of the school's complaints procedure if they have not already been given a copy in the course of stage 1 consideration.

9. If the headteacher is the first recipient of a complainant, he or she can decide whether to delegate consideration to another member of staff under stage 1 or whether to proceed to stage 2.

10. For complaints considered at stage 1, it is recommended that the record of the following be kept:

- \* 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
- \* issues for action by the school and lead member of staff

## **Stage 2 – Consideration by the Headteacher**

11. The complaint will not usually move to stage 2 until it has first been considered under stage 1. The matter might proceed immediately to stage 2 when the headteacher thinks it appropriate.

12. At this stage it is good practice that the complaint is in writing so that the substance of it is clear. If it is not possible for the complainant to put the matter in writing the school might consider making arrangements for the complainant to convey their complaint by another method e.g. by arranging for it to be dictated and signed.

13. On receipt the headteacher should acknowledge the complaint in writing, enclosing a copy of the complaints procedure and giving a target date for providing a response to the complaint. It is recommended that this is usually within 10 school days. If it is not possible to deal with the matter within this time the complainant ought to be informed and given a date when consideration is expected to be concluded.

14. It would assist the investigation and resolution of the complaint if the complainant is given the opportunity to meet the headteacher. Interpretation facilities or assistance if there is a disability issue can be made available as required. The complainant may wish to be accompanied by a friend or relative either for support or to speak on their behalf as necessary. The headteacher may wish to have another person present to witness the

discussion. It would also be useful for a written note to be kept of interviews, telephone conversations and any other action.

15. It is good practice for the Headteacher to convey his or her decision in writing to the complainant.

16. For complaints considered at stage 2 a record should 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
- \* outcome
- \* date of notification to complainant
- \* issues for action by the school and lead member of staff

### **Stage 3 – Consideration by the Governing Body**

17. If a complainant is not satisfied with the outcome of the consideration by the Headteacher the governing body may consider the matter. This should be rare but governing bodies ought to be prepared to deal with complaints when they arise. Governing bodies will wish to satisfy themselves that stages 1 and 2 have been exhausted before considering the matter, or that there are special reasons for not following stages 1 and 2.

18. It is recommended that the complaint is heard by the complaints committee.

### **Calling a Governing Body Complaints Committee Hearing**

19. It is advised that the membership of the committee is checked before each hearing. If the committee includes any governor who has had any prior involvement with the complaint the actual or perceived fairness of the proceedings may be called into question. In order to avoid any accusation of bias, care ought to be taken to ensure that no committee member has any personal links with the complainant or the person against whom the complaint is being made. If there is any doubt about a person's ability to act impartially or fairly or there may be a conflict of potential conflict of interest, in accordance with Part VII, Regulation 57

of the Education (School Government) (Wales) Regulations 1999, the governing body can decide whether that person should be a member can be appointed as necessary.

20. The chair of governors should ask the clerk to the governing body to acknowledge receipt of a complaint, usually within 5 school days. The clerk should make arrangements for the governing body complaints committee to meet to hear the complaint, usually within 15 school days of the date of receipt of the complaint. The clerk to the governing body should take steps to find out when the complainant and other entitled to attend the hearing would be available in order to ensure that all parties are able to attend. The clerk should also arrange a suitable venue for hearing the appeal.

21. The letter of acknowledgement should set out a timetable and may make clear:

- \* all parties involved in the complaint are entitled to provide evidence/written documentation that they wish the committee to consider.
- \* the date by which parties must provide such written evidence
- \* the date by which documents will be forwarded to the person complained about
- \* the date by which the person complained about must return their response • the date that response will be made available to the complainant • the date of the hearing (if available at this point).

21. It is important that a person against whom a complaint is made is given sufficient time, usually 10 school days, to consider all the evidence and take advice before providing a response and before any hearing takes place.

22. The chair of the committee should ensure that the complainant and members of the committee are usually given at least 5 school days' notice of the date of the hearing in writing. It may be in the letter identified in paragraph 20, or a separate letter. The letter should inform the parties of:

- \* the time and place of the committee hearing
- \* the grounds of the complaint, with copies of all relevant documents
- \* the right of all parties to be accompanied or represented by a person of their choice
- \* details of those attending their role

- \* the committee's right 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 good reason why they cannot attend.

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

23. The purpose of the hearing is to enable members of the governing body committee to clarify facts and ascertain whether there are grounds for upholding the complaint. The chair of the complaints committee plays a centre part. He or she should introduce all the committee members and key players and explain that the committee is impartial. The chair also has a key role in ensuring that:

- the issues are addressed
- \* key findings of fact are made
- \* those attending the hearing who may not be used to speaking in such circumstances are put at ease
- \* the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- \* each part has the opportunity to put his/her case without undue interruption
- \* there is no cross examination of individuals and the hearing does not become confrontational.

### **Suggested Proceedings for a Complaints Committee Hearing**

24. It is suggested that:

- \* witnesses should only be required to attend to give their evidence, but may stay throughout if the committee and the complainant agree
- \* the committee members may ask questions of any person
- \* after the introductions, the complainant or their representative is invited by the chair to explain their complaint and be followed by their witnesses

- \* the complainant should sum up their complaint
- \* the Headteacher or other appropriate witness should then explain the schools actions followed by any witnesses for the school
- \* the Headteacher should sum up the school's actions and response to the complaint
- \* the chair informs both parties that they will hear from the committee in writing, usually within 5 school days.
- \* both parties and all witnesses leave whilst the committee discusses and decides on the matter.

25. If any party appears to be having difficulty in presenting their case, (e.g. complaints for whom English or Welsh is an additional language or who have literacy problems and may not have understood all the paperwork) the chair can intervene to assist them.

26. At the conclusion of the hearing all parties should:

- \* have understood the nature of the proceedings
- \* have been given proper opportunity to speak, put evidence forward and to take questions
- \* feel that they have said everything they wished
- \* feel the complaints committee has listened to and understood all the points made
- \* be clear as to when they will be informed of the committee's decision.

### **The Decision**

27. Once all the evidence has been presented the complaints committee should consider its decision in private. Before doing so it can take advice if it wishes from advisers i.e. representatives of the LEA, diocesan authority or other relevant body. Such advisors should leave once their advice has been given. The Welsh Assembly Government recommends where the LEA or diocesan authority is involved both in giving evidence and providing advice, each of these functions is performed by different individuals.

28. The committee needs to consider:

- the evidence
- \* whether the Headteacher or others have complied with the school's complaints procedure

- \* whether there is substance to the complaint

29. It would be usual for the decision to be based on a majority agreement with a second or casting vote from the chair as necessary. The decision need to cover:

- \* whether or not the complaint is upheld

- \* any action to be taken by the governing body, headteacher and/or members of staff in light of the decision.

- \* any recommendation for changes to school policies or procedures to ensure similar problems do not arise in future.

30. The committee's decision should be sent in writing to complainant usually within 5 school days of the hearing, setting out the reasons for the decision and any remedial action to be taken by the school.

31. When the decision of the complaints committee is made know, all parties should:

- \* have understood the reasons for the decision, which should be expressed clearly and concisely in writing

- \* be satisfied that even if they have not been successful, the hearing was a fair one.

32. For complaints dealt with at stage 3 the record should include:

- \* a full account of the proceedings of the complaints committee, evidence presented and all other relevant documentation

- \* decision reached and any action taken by the school, Headteacher, governing body or member of staff

- \* date of the decision and the date the decision letter was sent to the complainant

### **Finalisation of a Complaint**

33. Once a governing body has exhausted its own procedures it should attempt to secure closure of the complaint. If at the end of stage 3 i.e. consideration by the governing body at the complaints committee, the complaint is not upheld, the decision letter should make clear:

- \* that the complaint has been thoroughly investigated



- \* the governing body and the headteacher will not re-open 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 raised under a previous complaint

### **ADAPTATIONS TO THE 3 STAGE APPROACH**

34. There are a number of cases where the principles outlined above apply, but the complaint does not lend itself to the three-stage approach and adaptations will have to be made. These are set out below in respect of complaints which concern the whole governing body, an individual governing body, an individual governor or governors including the chair and vice chair, the Headteacher or the complaints officer.

#### **Complaint against the Headteacher**

35. If the complaint is against the Headteacher, the first recipient should refer it to the chair of governors. The governing body's complaints procedure may set out an arrangement for the chair to delegate investigation of the complaint to the vice chair or to a designated governor. On receipt of a complaint about the headteacher the chair should:

- consider paragraph 1 to check whether the matter is properly for consideration under the complaints procedure
- \* check whether the matter needs to be referred to other authorities such as the police or social services (paragraphs 3-4)
- \* consider whether he or she needs to delegate consideration to another member of the governing body in light of any prior involvement by the chair in the matter or the relationship the chair has with the Headteacher.

36. Consideration of the complaint by the chair, vice chair or designated governor would constitute investigation under stage 2 of the procedure and the investigating governor should proceed in accordance with the process in paragraphs 11-16. Whichever governor carries out the investigation should not then be a member of the complaints or complaints appeal committee. The investigating governor should declare any potential conflicts of interest.

37. Following this process if the complainant is not happy he/she should be advised to write to:

- \* the vice chair – if the chair has investigated under stage 2, or
- \* the chair – if the vice chair or another delegated governor has investigated under stage 2

who should refer the matter to the chair of the complaints committee for consideration in accordance with stage 3 of the process at paragraphs 17-38.

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

38. Any complaints about the chair of governors should be sent to the vice chair who should immediately inform the headteacher, the LEA and the diocesan authority. The vice chair should:

- \* Check whether the matter needs to be referred to another authority such as the police or social services (paragraphs 3-4)
- \* Consider whether to obtain advice from the LEA or diocesan authority

39. The vice chair may consider investigating the complaint or delegating this task to another designated governor. This would constitute an investigation under stage 2 of the procedure. Alternatively the vice chair could refer the matter directly to the governing body complaints committee for investigation and consideration. The chair to the complaints committee should then process in accordance with the process for stage 3 consideration set out in paragraphs 17-38.

40. It is recommended that the matter is not brought to the governing body's attention until it has been determined by the complaints committee and any appeal committee.

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

41. Complaints against the headteacher and chair of governors should be sent to the vice chair of governors who should inform the LEA and if applicable the diocesan authority. The vice chair should:

- \* check whether the matter needs to be referred to another authority such as the police or social services (paragraphs 3-4)

\* consider whether to obtain advice from the LEA or diocesan authority

42. The vice chair may consider investigating the complaint or delegating this task to another designated governor. This would constitute an investigation under stage 2 of the procedure. Alternatively the vice chair could refer the matter directly to the governing body complaints committee for investigation and consideration. The chair to the complaints committee should then proceed in accordance with the process for stage 3 consideration set out in paragraphs 17-38.

43. The vice chair or delegated governor must declare any potential conflicts of interest before consideration of the matter under stage 2 and if necessary delegate the matter to another governor.

### **Complaint against the Chair and Vice Chair**

44. Any complaint about the actions of the chair and vice chair of governors should be referred to the clerk of the governing body who should refer the matter to the chair of the complaints committee. The chair of the complaints committee should seek advice from the LEA and if appropriate the diocesan authority, and arrange for a complaints committee hearing to be arranged in accordance with stage 3 of the process at paragraph 17-38.

45. If the chair of the complaints committee is the chair or vice chair of governors, the complaint should be referred to the chair of the complaints appeal committee who should become the chair of the complaints committee in respect of that particular case. In these instances the complaints appeal committee would need to have a separate chair. If the post of chair of the complaints committee and chair of the complaints appeal committee are held by the chair and vice chair of governors, both these committees will need to appoint a new chair to hear the complaint.

### **Complaint against a Governors (including Vice Chair) or Group of Governors**

46. Any complaint about the actions of a governor or group of governors should be referred to the chair of governors provided that the chair is not one of the group of governors being complained about, the complaint should be sent to the vice chair, providing they also are not part of the group of governors. The chair or vice chair should then deal with the complaint in the same way as a complaint against the Headteacher as set out in paragraphs 38-40.

47. If the chair and vice chair are part of the group of governors, the complaint should be referred to the clerk to the governing body who should refer the matter to the chair of the complaints committee for action under stage 3 of the process set out in paragraphs 17-38.

If the chair of the complaints committee is the chair or vice chair of governors, the complaint should be referred to the chair of the complaints committee in respect of that particular case. In these instances the complaints appeal committee would need to have a separate chair.

48. If the matter proceeds to consideration by the governing body at stage 3 particular care will need to be taken to ensure that the members of the complaints committee can be regarded as impartial.

49. If a number of governors are the subject of a complaint, and as a result too few governors remain to fulfill the requirements of the complaints procedures in terms of constituting a complaints committee, then the 'whole governing body' procedures in paragraphs 53-57 below should be used.

### **Complaints Concerning the Whole Governing Body**

50. Any complaint about the actions of the whole governing body should be sent to the clerk of the governing body who should immediately inform the Headteacher, chair of governors, the LEA and the diocesan authority.

51. On receipt of a complaint about the actions of a governing body, the Diocese and the LEA should consider whether the matter is one to be considered in accordance with Section 15 of the School Standards and Framework Act 1998 as amended by section 55 of the Education Act 2002. This provides that where a school is causing concern the LEA can issue a warning notice to the governing body in accordance with its powers of intervention.

52. If no action is appropriate under these provisions the LEA and the diocesan authority may wish to secure the agreement of the governing body that the complaint be heard by a committee independent of the governing body and specially constituted for that purpose.

53. If the LEA or the diocesan authority decides not to pursue any action, the clerk to the governing body may inform the complainant that the matter will be raised at the next governing body meeting. If the next planned governing body meeting is some time away, the chair of governors and the clerk may consider arranging a separate meeting to consider the complaint. The complainant may be informed of the proposed action and timing of the governing body meeting. The complainant may be afforded the same opportunity to give written and oral evidence as he or she would have been given if the matter were being dealt with by the governing body complaints committee.

54. The governing body may look at the evidence and arrive at a decision in the same way that its complaints committee would. The complainant may be sent by the clerk to the governing body:

- \* the decision and an explanation of the reasons for the decision

- \* an explanation that if the complainant is dissatisfied he or she can ask the LEA, (diocese, if appropriate) or the Welsh Assembly Government to review the procedure used by the governing body but not the decision itself.