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'Every child, every chance, every day'  
'Pob plentyn, pob cyfle, pob dydd'

## COMPLAINTS PROCEDURE

Policy Number	Date Reviewed	Date of Next Review
YBGP10	MAY 2018	MAY 2021

**Purpose:** To establish a procedure for dealing with complaints relating to the school, as required by section 29(1)(a) of the Education Act 2002.

**Scope:** All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters (relating to the curriculum, exclusion, admissions etc...) which are subject to separate procedures.

### **General Principles:**

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- Investigation of any complaint or review request will begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practical.

### Part A: Complaining about the actions of a member of staff other than the Headteacher.

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

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. (In the case of serious concerns it may be appropriate to address them directly to the Headteacher.) An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. (Any dispute in relation to the "reasonableness" may be determined through the review process).

## **Stage 2 Considerations by the Headteacher**

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Headteacher, who will be responsible for its investigation.

The Complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Headteacher may meet with the complainant to clarify the complaint.

The Headteacher will collect such other evidence as they deem necessary. Where this involves an interview with a member of staff, who is the subject of the complaint that member of staff may be accompanied by a friend or representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. (e.g. where staff disciplinary procedures are being followed).

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint. Any such request must be made in writing within 10 school days of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Stage 3 will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

### **Stage 3 Complaining about the actions of the Headteacher**

If a complainant is not satisfied with the outcome of the consideration by the head teacher the governing body may consider the matter. The complainant should write to the chair of governors.

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.

The complaint will be heard by the complaints committee. The clerk to the governing body will acknowledge the complaint usually within 5 school days.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the concerned parties, will be informed in writing of the outcome.

**If the complainant is not happy with the decision they may contact the Local Authority and the Welsh Assembly government who can review the procedures used by the governing body but not their decision.**

### **Part B: Complaining about the actions of the Headteacher**

#### **Stage 1**

The complainant is usually expected to arrange to speak directly with the Headteacher. (In the case of serious concerns it may be appropriate to raise them directly with the Chair of Governing Body.) Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

#### **Stage 2**

If the complaint is not resolved at stage 1 the complainant must put the complaint in writing and pass it to the Chair of the Governing Body. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc... In addition the complainant will be invited to meet with the governors to present oral evidence or to clarify the complaint.

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 head teacher the chair should:

- Consider whether the matter is properly for consideration under complaints procedure
- Check whether the matter is properly for consideration under the complaints procedure
- 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.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. (E.g. where staff disciplinary procedures are being followed).

The complainant will be told that consideration of their complaint by the investigating governor is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the investigating governor in handling the complaint. Any such request must be made in writing within 10 school days of receiving notice of the outcome from the investigating governor, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Stage 3 will be followed.

### **Stage 3 Considerations by the Governing Body**

If a complainant is not satisfied with the outcome of the consideration by the investigating governor the governing body may consider the matter. The complainant should write to the complaints committee.

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.

The complaint will be heard by the complaints committee. The clerk to the governing body will acknowledge the complaint usually within 5 school days.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the concerned parties, will be informed in writing of the outcome.

**If the complainant is not happy with the decision they may contact the Local Authority and the Welsh Assembly Government who can review the procedures used by the governing body but not their decision.**

**Part C: Complaining against the whole Governing Body**

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 and the Local education authority.

On receipt of a complaint about the actions of a governing body, the LA 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.

If no action is appropriate under these provisions the LA, 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.

If the LA 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.

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 LA or the Welsh Assembly Government to review the procedure used by the governing body but not the decision itself.