

**NEWBRIDGE SCHOOL  
YSGOL TRECelyn**



**Governing Body Complaints Procedure**

**(This policy has been adopted from Caerphilly County Borough Council)**

**Reviewed: DECEMBER 2022**



# NEWBRIDGE SCHOOL – YSGOL TRECelyn COMPLAINTS POLICY



CONTENTS	PARAGRAPHS
<b>SECTION 1</b>	
<b>THE LEGAL FRAMEWORK AND ROLE OF A COMPLAINTS PROCEDURE</b>	
The Legal Framework	1 – 3
Role of the Complaints Procedure	4 – 5
<b>SECTION 2</b>	
<b>CONTENTS AND PUBLICATION OF A COMPLAINTS PROCEDURE</b>	
Contents of a Complaints Procedure	6
Publication of the Complaints Procedure	7 – 8
<b>SECTION 3</b>	
<b>PRINCIPLES OF A COMPLAINTS PROCEDURE</b>	
Principles	9 – 13
Definition of a complaint	14
Definition of a Complainant	15
Investigating Complaints	16
Handling Information	17
Complaints Involving Pupils	18 – 19
Timing	20 – 22
Anonymous Complaints	23
Withdrawal of Complaints	24
Recording Complaints	25 – 28
Reporting and Monitoring Complaints	29 – 30
<b>SECTION 4</b>	
<b>THE 3 STAGE APPROACH TO COMPLAINT RESOLUTION</b>	
Introduction	31 – 32
Stage 1 – Guidelines	33 – 35
Stage 1 – Procedure	36 – 41
Records	42
Stage 2 – Guidelines	43 – 45
Stage 2 - Procedure	46 – 50
Records	51
Stage 3 – Guidelines	52 – 54
Stage 3 - Procedures	55 – 61
Role of the Chair of the Complaints Committee	62 – 65
The Decision	66 – 70
<b>SECTION 5</b>	
<b>ADAPTATIONS TO THE 3 STAGE APPROACH</b>	
Introduction	71
Complaints Against the Headteacher	72 – 75
Complaints Concerning the Complaints Officer	76 – 78
Complaint Against Chair of Governors	79 – 81
Complaint Against the Headteacher and Chair of Governors	82 – 84
Complaint Against the Chair and Vice Chair	85 – 86
Complaint Against a Governor or Group of Governors	87 – 90
Complaints Concerning the Whole Governing Body	91 – 95
Complaints Concerning Alleged Criminal Activity	96 – 97
Child Protection	98



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



### ANNEX A

#### Roles and Responsibilities

Role of the Local Education Authority/Diocesan Authority	1 – 3
Role of the Welsh Assembly Government	4 – 6
The Role of the Children’s Commissioner	7
Commissioner for Local Administration in Wales	8
General Teaching Council for Wales (GTCW)	9
Complaints made to other parties outside the school	10
Complaints Committee Hearing Guidelines	11
School Complaints Record	12

#### PROCEDURE DIAGRAMS

General complaints about the School	Diagram 1
Complaint about the Headteacher	Diagram 2
Complaint about the Complaints Officer (if there is one)	Diagram 3
Complaint against the Chair of Governors and	Diagram 4
Complaint against the Chair of Governors and Headteacher	
Complaint against the Chair of Governors and	Diagram 5
Vice Chair of Governors together	
Complaint about a Governor (including the Vice Chair) or group of	Diagram 6
Governors	

---



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



### SECTION 1- THE LEGAL FRAMEWORK AND ROLE OF A COMPLAINTS PROCEDURE.

#### The Legal Framework

1. Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales, including nursery schools, to establish procedures for dealing 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.
2. Section 29(2) requires Governing Bodies to have regard to guidance from the National Assembly in establishing and publicising their complaint procedures. The elements of the guidance which are statutory are:
  - The content of complaints procedures
  - The publication of complaints procedures
3. There are other statutory processes for complaints and appeals relating to the curriculum, Special Educational Needs (SEN), religious worship, admissions, exclusions, staff grievance, teacher capability and staff disciplinary.

#### Role of a Complaints Procedure

4. A complaints procedure is a way of ensuring that anyone with an interest in the school can raise a concern, with confidence that it will be heard and if well founded, addressed in an appropriate and timely fashion.
5. A complaints procedure provides a framework so that:
  - Anyone with an interest in the school (parents, members of staff, governors, pupils, members of the local community and others) is clear how they can express complaints, and how they will be responded to at each stage.
  - School staff and governors are clear about their roles and responsibilities in responding to complaints.
  - Schools can learn lessons and improve procedures as a result of individual cases and monitor long-term trends.
  - All parties are assured of a consistent, documented approach.

### SECTION 2 – CONTENTS AND PUBLICATION OF A COMPLAINTS PROCEDURE

- The complaints procedure should include:
  - The principles underpinning the complaints procedure
- Roles and responsibilities of all those involved
- Procedures for dealing with complaints of various types
- Timescales for dealing with complaints
- Procedures for monitoring and recording complaints
- Procedures for implementing any actions arising from the resolution of complaints and from monitoring trends.

#### Publication of the Complaints Procedure

6. The Education Act 2002 requires governing bodies to publish their complaints procedure.
7. A summary should be published in the school prospectus and the full document should be made available to all parents, pupils, governors, the LEA, and to all those who request a copy. All staff should be given a copy and made aware of their role in relation to the procedure. Subsequently the full document should be provided to parents, pupils, staff and governors new to the school and on receipt of a request from any individual. It should be in a format that is accessible to the recipients.



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



### SECTION 3 – PRINCIPLES OF THE COMPLAINTS PROCEDURE

#### PRINCIPLES

8. The principles guiding the school's procedure for handling complaints are that it should:
- Be easily accessible and well publicised.
  - Be simple to understand and use.
  - Allow speedy handling, with established time limits for action and keep people informed of progress.
  - Ensure a full and fair investigation.
  - Respect people's desire for confidentiality.
  - Address all the points at issue and provide an effective response and appropriate redress.
  - Provide information to management so that services can be improved.
9. Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their cases will be impartially investigated.
10. Complainants will be dealt with as quickly and effectively as possible, adhering as far as practicable, to time limits laid down for responding to complainants at each stage of the procedure.
11. Complaints at stages 2 and 3 of the procedures must involve staff / governors who are impartial and not compromised by having an interest in or prior involvement with the matter he or she is making a decision on.
12. The school procedure allows for the complainant and the person(s) against whom the complaint is made, to be accompanied by a friend, advocate, union representative, colleague, parent or other person at each stage.

#### Definition of a Complaint

13. A school- based complaint is an expression of dissatisfaction, an utterance of grievance or formal accusation made by a person or persons against the school. A complaint can be verbal or in writing.

#### Definition of a complainant

14. A complainant is someone:
- Who allegedly has been wronged; or
  - Whose child(ren) has been wronged i.e. a parent, guardian or other person with parental responsibility; or
  - Someone representing a person in one of the above groups; or
  - Anyone with an interest in the school including members of the local community.

#### Investigating Complaints

15. At each stage the person dealing with the complaint will make sure that they:
- establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them if it is necessary to obtain further information.
  - clarify what the complainant feels would put things right;
  - talk to those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - approach matters with an open mind and;
  - keep records.

#### Handling Information



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



16. A general principle is that an accused person is entitled to know the substance of the accusation. However, there are cases where the governing body may decide to withhold information e.g. where there is a need to protect the source (or there is a legal reason why the information should not be released) or to meet data protection requirements.

### Complaints Involving Pupils

17. Where a complainant is a pupil under the age of 16 years, the complaint may be pursued by the child's parent or guardian. Where someone other than a pupil or parent is pursuing a complaint on their behalf, this can be done only with the consent of the pupil or parent. Evidence provided by a pupil under the age of 16 must be done voluntarily and with parental or guardian's consent.
18. The governing body will be sensitive to fact that appropriate techniques are needed when hearing evidence from a child witness to ensure that the child's view is properly heard.
19. Every effort will be made to investigate complaints promptly. It is recognised that complaints procedure can be stressful to all parties and delay can cause further unnecessary stress. It is also recognised that during a protracted process memories may fade or positions become entrenched.
20. All parties will, as far as possible, be kept informed throughout the process.
21. Timescales identified in days refer to school working days. Complaints received during school holiday times will be addressed at the start of the next available school working day.

### Anonymous Complaints

22. If an anonymous complaint includes an allegation of criminal conduct or if it concerns a child protection matter it will be treated in the same way as any other complaint of this kind (see paragraphs 96 to 98). In other cases, any person receiving an anonymous complaint needs to make a judgement as to whether it should be investigated. All anonymous complaints may be recorded and reviewed periodically as set out in paragraphs 29 and 30. If the outcome of a complaint is that a school is shown to be at fault, then the school will make amends in an appropriate way.

### Withdrawal of Complaints

23. Withdrawn complaints will be recorded and acknowledged by letter.

### Recording Complaints

24. A record of complaints is important
- to monitor the progress of a complaint
  - to provide evidence that the complaint was considered and of the outcome
  - to identify trends or recurring themes in complaints cases
  - to compile reports to governors and others on complaints.
25. Annex A, paragraph 12 of this procedure identifies the records that will be kept at each stage. For anonymous or withdrawn complaints, or complaints regarded as vexatious, frivolous or malicious the record will show:
- a description of the complaint
  - whether the complaint was investigated or just recorded
  - the outcome of any investigation
  - any issues for action by the school and the lead member of staff.
26. Subject to compliance with the Data Protection Act 1998, the record of complaints will be made available for inspection by the LEA and in the course of an inspection of the school carried out under section 10 of the Schools Inspections Act 1996.
27. The record of complaints will be retained for three school years including the year in which the complaint was finalised.

### Reporting and Monitoring Complaints



## NEWBRIDGE SCHOOL – YSGOL TRECelyn COMPLAINTS POLICY



28. The Headteacher, or nominated officer, will compile a report for governors summarising key trends and issues on complaints twice a year. One of which will be included in summary form in the school's Annual Report to Governors and Annual Report to Parents.
29. The purpose of this reporting mechanism will be to allow the governing body to consider the number and subject of complaints, identify any trends or areas for concern and make recommendations for action.

### SECTION 4 – THE THREE STAGE APPROACH TO COMPLAINT RESOLUTION

#### Introduction

30. The school complaints procedure is intended to be a good practice guide, which will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory requirement. At all stages of the complaints process, those responsible for investigating complaints will ensure 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 will be implemented.
31. Complaints procedures will be fair to all parties and applied consistently.

#### STAGE 1 – GUIDELINES (INFORMAL STAGE)

32. The vast majority of concerns and complaints can be resolved informally, often straightaway by the Headteacher, or other appropriate member of staff.
33. Schools should aim to ensure that complainants feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate for someone to act on behalf of a complainant in such an approach.
34. Parents, carers, members of the community may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff may be needed to clarify the issue and help to decide whether the person wishes to take the matter further.

#### STAGE 1 – PROCEDURE

35. Complainants should report their complaints to the Headteacher or appropriate designated individual who should carry out an investigation usually within 5-10 working days.
36. The appropriate member of staff will inform the complainant of the outcome of the investigation.
37. If the complaint relates to the Headteacher, the complainant should be referred to the Chair of Governors see diagram 2.
38. The vast majority of concerns and complaints should be resolved at this point.
39. If the complainant is not satisfied with the outcome, (s)he should be informed on how to proceed to the next stage. The complainant should be given a copy of the school's complaints procedure. If the Headteacher is the first recipient of a complaint, he can decide whether to delegate consideration to another member of staff under Stage 1 or to proceed to Stage 2.
40. The following stages will require complaints to be made in writing. This can only be made if the complainant has:
  - Sought to resolve the concern through an informal approach to the school
  - Accepted any reasonable offer by the school to discuss the result of the investigation

#### Records



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



41. For complaints considered at Stage 1 the record will include the name of the complainant, date of receipt of the complaint, actions taken to resolve the complaint and outcome and any issues for action by the school.

### STAGE 2 - GUIDELINES (FORMAL STAGE)

42. Where it has not been possible to achieve an informal resolution acceptable to the complainant, the complainant must put their complaint in writing to the Headteacher/ Chair of Governors (or a Governor nominated to fulfil this role by the Chair of Governors). If it is not possible for the complainant to put the matter in writing the school will consider making arrangements for the complainant to convey their complaint by another method e.g. by arranging for it to be dictated and signed.
43. The Headteacher/Chair of Governors (or nominated Governor) will investigate the complaint. The Chair of Governors (or nominated Governor) will be excluded from hearing the complaint at Stage 3.
44. The Headteacher/Chair of Governors (or nominated Governor) will write to the complainant acknowledging the complaint and inform the complainant how it will be handled at this stage.

### STAGE 2 – PROCEDURE FORMAL STAGE

#### (Consideration by Headteacher, Chair Of Governors or Chair's Nominated Governor)

45. Complainants who wish to pursue a complaint to Stage Two will be asked to put the complaint in writing to the Headteacher/Chair of Governors (or nominated Governor). That person should log & acknowledge the complaint in writing usually within 3 working days of receipt. At this stage a copy of the complaints procedure will be given to the complainant. A target date for a full substantive response following an investigation will be made ideally within 10 working days.

If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.

46. The Headteacher/ Chair of Governors (or nominated Governor) will offer the complainant an interview, if appropriate, at which the complainant will be able to set out fully the grounds for the complaint. Where further time is needed after the interview to investigate the matter further, this will be stated at the interview and a time limit agreed upon.
47. Following the interview, a written record of the interview will be made and a written record made of any further investigations.
48. The outcome of any consideration by the Headteacher/Chair of Governors (or nominated Governor) might be:
- No further action, with reasons given.
  - Action within the headteacher's own powers (providing the complaint is not about the headteacher.)
49. The complainant will be notified in writing of the outcome and also informed of the next formal stage if they are not satisfied. Complainants must write within 15 school days of receipt of the written decision notifying the school of their intention to proceed to Stage 3.

### Record

50. For complaints considered at stage 2 the record will include the name and address of the complainant, date and details of the complaint, actions taken to resolve the complaint and outcome, date of notification to the complainant and any issues for action by the school.

### STAGE 3 - GUIDELINES (COMPLAINTS COMMITTEE)

51. The membership of the committee will be checked before each hearing. If the committee includes any governor, who has had any prior involvement with the complaint, the actual or perceived





## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



fairness of the proceedings may be called into question. In order to avoid any accusation of bias, care will 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 or 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 of the complaints committee or any appeal committee. Substitute members can be appointed as necessary.

52. As the Governing Body has established a Complaints Committee to deal with complaints, it is important that individual governors do not get involved before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should not enter into any discussion of the issues and refer the complainant to the schools complaint's procedure.
53. Complaints that reach this stage will do so because the complainant is not satisfied with the response so far. In this situation, it is helpful for the complaints committee to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint. There will be instances where the committee may only be able to establish the facts, make recommendations and give direction to the headteacher for the necessary remedial action.

### **STAGE 3 – PROCEDURE (COMPLAINTS COMMITTEE HEARING)**

54. The following procedure should only be followed upon receipt of a written request from the complainant for the complaint to proceed to Stage Three.
55. At this stage the complaint is logged. The Clerk to the Governing Body will write acknowledging receipt of the written request usually within 5 school days. The Clerk will make arrangements for the Governing Body Complaints Committee to hear the complaint, usually within 15 days of the date of receipt of the complaint. The Clerk will confirm availability of the complainant and others entitled to attend the hearing to ensure that all parties are able to attend and arrange a suitable venue.
56. The letter of acknowledgement will inform all parties involved of the following:
  - all parties involved in the complaint are entitled to provide evidence/written documentation for the committee's consideration
  - the date by which parties must provide such written evidence
  - the date by which the person(s) complained about must return their response
  - the date that response will be made available to the complainant
  - the date of the hearing
  - the procedure for the conduct of the hearing.
57. The person(s) against whom the complaint is made will be given sufficient time, usually 10 school days. To consider all the evidence and take advice before providing a response and before the hearing takes place.
58. The Clerk to the Governing Body should convene a meeting of the complaints panel. In establishing the panel the governing body should nominate a pool of five Governors from which three can be drawn for any hearing. This will ensure that there are always sufficient governors with no conflict or interest to constitute the committee when required. The committee will elect its chair. 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. This will be arranged through the Clerk to the Governing Body and include:
  - 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



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



- details of those attending and 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 adjournment of the hearing if there is good reason why they cannot attend.

59. The Clerk will ensure that interpretation facilities for the hearing are offered and made available if required.
60. The Clerk to the committee should ensure that the meeting is properly minuted.

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

61. The Chair of the committee should try and ensure that the proceedings are as informal as possible and that all parties feel at ease. 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.
62. The Chair of the committee plays a central part. (S)he will introduce all the committee members and explain that the committee is impartial. The Chair will also ensure that the following procedure and protocols are observed:
- the issues are addressed and key findings of fact made
  - the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
  - each party has the opportunity to put his/her case without interruption
  - there is no cross examination of individuals and the hearing does not become confrontational.
63. The Chair of the committee reserves the right to adjourn or conclude the hearing in cases where the parties involved do not observe the protocols of the hearing. for the Complaints Committee hearing are detailed at Annex A, paragraph 11.
64. At the conclusion of the meeting, the Chair will clarify that all parties have understood the proceedings, have been given proper opportunity to speak, put evidence forward and take questions and that they have said everything they wished.

### **The Decision**

65. Once the evidence has been presented the complaints committee should consider its decision in private. The Clerk to the Governing Body may remain to provide assistance to the committee with the approval of the Chair. The committee may also consider taking advice from advisers, such as, representatives of the LEA. Such advisers will leave once their advice has been given. In cases where the LEA is involved both in giving evidence and providing advice, each of these functions is performed by different individuals.
66. The committee will consider:
- the evidence
  - whether all parties involved have complied with the complaints procedure
  - whether there is substance to the complaint
- The decision will be based on a majority agreement with a second or casting vote from the chair as necessary. The decision will cover:
- whether 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 recommendations for changes to school policies or procedures to ensure similar problems do not arise in future.



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



67. The decision of the committee will be sent in writing to the complainant usually within 5 school working days following the hearing. The correspondence will set out the reasons for the decision and any remedial action to be taken by the school. The decision letter will 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
  - any new issues will be treated as a new complaint but only if they are demonstrably different from the complaint already considered.
68. The decision of the Complaints Committee is final. All parties should have understood the reasons for the decision and be satisfied that even if they have not been successful, the hearing was fair.

### SECTION 5 - ADAPTATIONS TO THE 3 STAGE APPROACH

#### Introduction

69. There are a number of cases where the principles outlined in section 4 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 governor or governors (including the chair and vice chair) the Headteacher or the designated individual.

#### Complaint Against the Headteacher – Diagram 2

70. If the complaint is against the headteacher, the first recipient should refer it to the chair of governors. The chair may 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 whether the matter is suitable for consideration under the complaints procedure
  - check whether the matter needs to be referred to other authorities such as the police and or social services
  - 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.
71. Consideration of the complaint by the chair, vice chair or designated governor would constitute investigation under stage 2 of the procedure and the governor appointed to investigate should proceed in accordance with the process. Whichever governor carries out the investigation should not then be a member of the complaints committee. The governor appointed to investigate should declare any potential conflicts of interest.
72. Following this process if the complainant is not happy (s)he 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

Either the chair of governors or vice chair will refer the matter to the chair of the complaints committee for consideration in accordance with stage 3 of the process.

#### Complaints Concerning the Complaints Officer – Diagram 3

73. If the Headteacher has assigned a member of staff as a Complaints Officer to deal with complaints at the first stage of the procedure and the complaint concerns the Complaints Officer, the complaint should be passed to the Headteacher.
74. The Headteacher can decide to delegate investigation to another senior member of staff under stage 1 of the procedure or to investigate it him or herself under Stage 2.
75. If the complainant is not happy with the outcome s(he) should be advised to write formally to the Chair of Governors in accordance with Stage 2 of the process.



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



### **Complaint against the Chair of Governors – Diagram 4**

76. Any complaints about the Chair of Governors should be sent to the Vice Chair who should immediately inform the Headteacher and LEA. The Vice Chair should:
- check whether the matter needs to be referred to another authority such as the police or social services
  - consider whether to obtain advice from the LEA.
77. 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. If the complainant is dissatisfied with the investigation by the Vice Chair or nominated Governor, they must write to the Clerk to the Governing Body within 15 days of receipt of the decision to request that the Complaints Committee of the Governing Body hears the complaint in accordance with Stage 3.
78. It is recommended that the matter is not brought to the governing body's attention until it has been determined by the complaints committee.

### **Complaint against the Headteacher and the Chair of Governors – Diagram 4**

79. Complaints against the Headteacher and Chair of Governors should be sent to the Vice Chair of Governors who should inform the LEA. The Vice Chair should:
- check whether the matter needs to be referred to another authority such as the police or social services consider whether to obtain advice from the LEA.
80. 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. If the complainant is dissatisfied with the investigation by the Vice Chair or nominated Governor, they must write to the Clerk to the Governing Body within 15 days of receipt of the decision to request that the Complaints Committee of the Governing Body hears the complaint in accordance with Stage 3.
81. 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 – Diagram 5**

82. 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 arrange for a complaints committee hearing to be arranged in accordance with stage 3 of the process.
83. If the Chair of the complaints committee is the Chair or Vice Chair of Governors the committee will need to appoint a new Chair to hear the complaint.

### **Complaint against a Governor (Including the Vice Chair) or Group of Governors – Diagram 6**

84. 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. If the Chair is involved and is part of the group being complained about, the complaint should be sent to the Vice Chair, providing that the Vice Chair is not part of the group of governors being complained about. The Chair or Vice Chair should then deal with the complaint in the same way as a complaint against the Headteacher.
85. 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. If the Chair of the complaints committee is the Chair or Vice Chair of Governors, the committee will need to elect another chair.



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



86. 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.
87. If a number of governors are the subject of a complaint, and as a result too few governors remain to fulfil the requirements of the complaints procedures in terms of constituting a complaints committee, then the 'whole governing body' procedures in detailed in paragraph 91 should be followed.

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

88. 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 LEA.
89. On receipt of a complaint about the actions of a Governing Body, 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.
90. If no action is appropriate under these provisions the LEA 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.
91. If the LEA 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.
92. 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 the following information 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 Welsh Assembly Government to review the procedure used by the Governing Body but not the decision itself.

### **Complaints Involving Alleged Criminal Activity**

93. If a complaint relates, or appears to relate to alleged criminal activity, the recipient will immediately refer the matter to the Headteacher. If the Headteacher is the subject of the allegation, the complaint will be referred to the Chair Of Governors who will immediately inform the relevant authorities i.e. the police and/or District Audit, the LEA. If the complaint involves both the Headteacher and the Chair of Governors, the complaint will be forwarded to the Vice Chair.
94. If the complaint of alleged criminal activity against the Headteacher and Chair Of Governors concerns financial issues, the complaint will be referred to the Vice Chair Of Governors or Chair of the Finance Committee (provided s(he) is not the subject of the allegation), who should contact the LEA and the relevant authorities. If the above are collectively included in the allegation and there is no other suitable Governor available to accept the complaint, the complainant will be advised to send their complaint to the Clerk to the Governing Body who will refer the matter to the LEA.



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



### Child Protection

If the complaint involves or appears to involve a child protection issue, the recipient will refer it to the designated Child Protection teacher. If the Child Protection teacher is the subject of the allegation then the matter will be referred to the Headteacher. If the Headteacher is the designated Child Protection teacher and is the subject of the allegation the matter the complainant should be referred to the Chair Of Governors who will 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)

### ANNEX A The Role of the LEA

1. The role of the LEA is to offer advice and guidance to the Governing body when requested. It is not the role of the LEA to offer guidance to the complainant, nor to advise them.
2. In circumstances where the complainant contacts the LEA for advice the LEA will refer the complainant to the school informing the complainant to take up the matter with the school. Where any complaint is received in writing by the LEA, which is not a copy, the LEA will forward the correspondence to the school to process.
3. The LEA will provide advice and support to complaints committees of governing bodies, including attendance of a clerk at meetings to hear complaints, where appropriate. (This will be in accordance with the Service Level Agreement where clerking is provided by the LEA).

### The Role of the Welsh Assembly Government

4. If the Welsh Assembly Government is the first recipient of a complaint about a school and it is not a matter for the statutory authorities, the Assembly Government will advise the complainant to raise the matter with the school under the school's complaints procedure.
5. If a complainant is dissatisfied about the procedures used by a governing body to address a complaint he/she can ask the Assembly Government to consider its actions under sections 496 and 497 of the Education Act 1996.
6. Where a governing body has acted unreasonably or has failed to carry out a statutory duty under education law the assembly can issue direction to the governing body. A direction does not normally overturn a governing body decision but can require a governing body to reconsider a matter or amend its process. The courts define 'unreasonable' as action which no sensible authority acting with due appreciation of its responsibilities would have decided to adopt.

### The Role of the Children's Commissioner

7. The Children's Commissioner for Wales has a statutory remit covering all children in Wales, which embraces the actions of the Welsh Assembly Government, LEAs and schools.

The Commissioner may:

- Provide advice, assistance, information and support to children in making a complaint or representation;
- Review and monitor arrangements made for dealing with complaints, whistleblowing and advocacy, or the absence of such arrangements;
- Investigate individual cases submitted to him.

In reviewing the complaints process, the Commissioner's role is to make sure that they are working effectively and enable children and young people to exercise their rights. The Commissioner may serve notice on the body or person to be reviewed and has a statutory power to require information from teachers, school governors, local authority officers and members. The Commissioner may



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



produce reports which contain recommendations. He has no statutory power to require their implementation but can publicise any failure to do so.

In individual cases, the Commissioner has a statutory right to require information, explanations and assistance in relation to action taken in response to a complaint. The Commissioner does not take the place of existing complaints procedures nor act as an avenue of appeal.

### **Commissioner for Local Administration in Wales (also known as Local Government Ombudsman)**

8. Currently, most of the responsibilities of school governing bodies fall outside the remit of the Commissioner for Local Administration in Wales (CLAW). The only exception is school admissions appeals.

### **General Teaching Council for Wales (GTCW)**

9. The GTCW (the statutory, self-regulating professional body for teachers in Wales) has a responsibility for investigating and hearing cases of unacceptable professional conduct or serious professional incompetence concerning a registered teacher or cases where a registered teacher has been convicted (at any time) of a relevant offence.

The Governing Body and LEA, as they are required to do, will report cases to the Assembly or the GTCW where they 'cease to use' or 'might have ceased to use' a registered teacher's services had (s)he not resigned.

The GTCW may also consider referrals about a registered teacher from a person other than a governing body or LEA, for example a pupil, parent or fellow teacher. In such circumstances, the GTCW will ask whether the complainant has reported the allegation to the school Governing Body or LEA and, if so, what the outcome was. If the complainant has not reported the allegations to the school governing body or the LEA, the GTCW will ask for reasons why this has not been undertaken. The GTCW will not normally investigate an allegation that has not been referred to a school Governing Body.

### **Complaints made to other parties outside the school**

10. Complainants may make their first approach to the police, another statutory body, the LEA, a local or national elected representative or voluntary organisation. The Governing Body will provide such organisations with copies of their complaints procedures with the advice that the complainant should contact the school in order for the complaint to be dealt with.

If such parties receive complaints about a school they must take account of the Governing Body's statutory responsibility for the resolution of complaints.

### **11. COMPLAINTS COMMITTEE HEARING GUIDELINES**

- Purpose: To enable all parties to make representations to the committee concerning the complaint made against the school.
- To agree general procedural arrangements (as below) – committee, Headteacher, complainant(s) and clerk.
- Witnesses will normally be required to attend to give their evidence, but may stay throughout if the committee and the complainant agree
- Committee members may ask questions of any person
- Chair to introduce all parties
- The complainant or their representative is invited by the chair to explain their complaint and be followed by their witnesses.
- The complainant will sum up their complaint.
- The Headteacher, representative or other appropriate witness should explain the school's actions followed by witnesses for the school. At this stage if the complaint was about the headteacher the chair of governor (or nominated governor) will explain the school's actions followed by any witnesses for the school.



## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



- The Headteacher or chair of governors (or nominated governor) will sum up the school's actions and response to the complaint
- The chair of the complaints committee will inform 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. The clerk to the governing body will remain to offer support to the committee and minute the decisions reached.





## NEWBRIDGE SCHOOL – YSGOL TRECELYN COMPLAINTS POLICY



### 12. School Complaints Record

Ref \_\_\_\_\_

#### Stage 1 – Informal Stage

Date complaint received	
Name	
Address	
Brief description	
Actions taken to resolve complaint	
Complainant satisfied	( Y / N )
Issues for school action	

#### Stage 2 – Formal Stage

Referred to (name of Governor / Staff)	
Details sent to named Governor / Staff	
Copy of report received	(Y/N)
Date	
Issues for school action	

#### Stage 3 – Complaints Committee

Date of Complaints Committee Hearing	
Headteachers Report submitted on	
Copy of report received	(Y/N) Date:
Issues for school action	

Diagram 1 – General complaints about the School

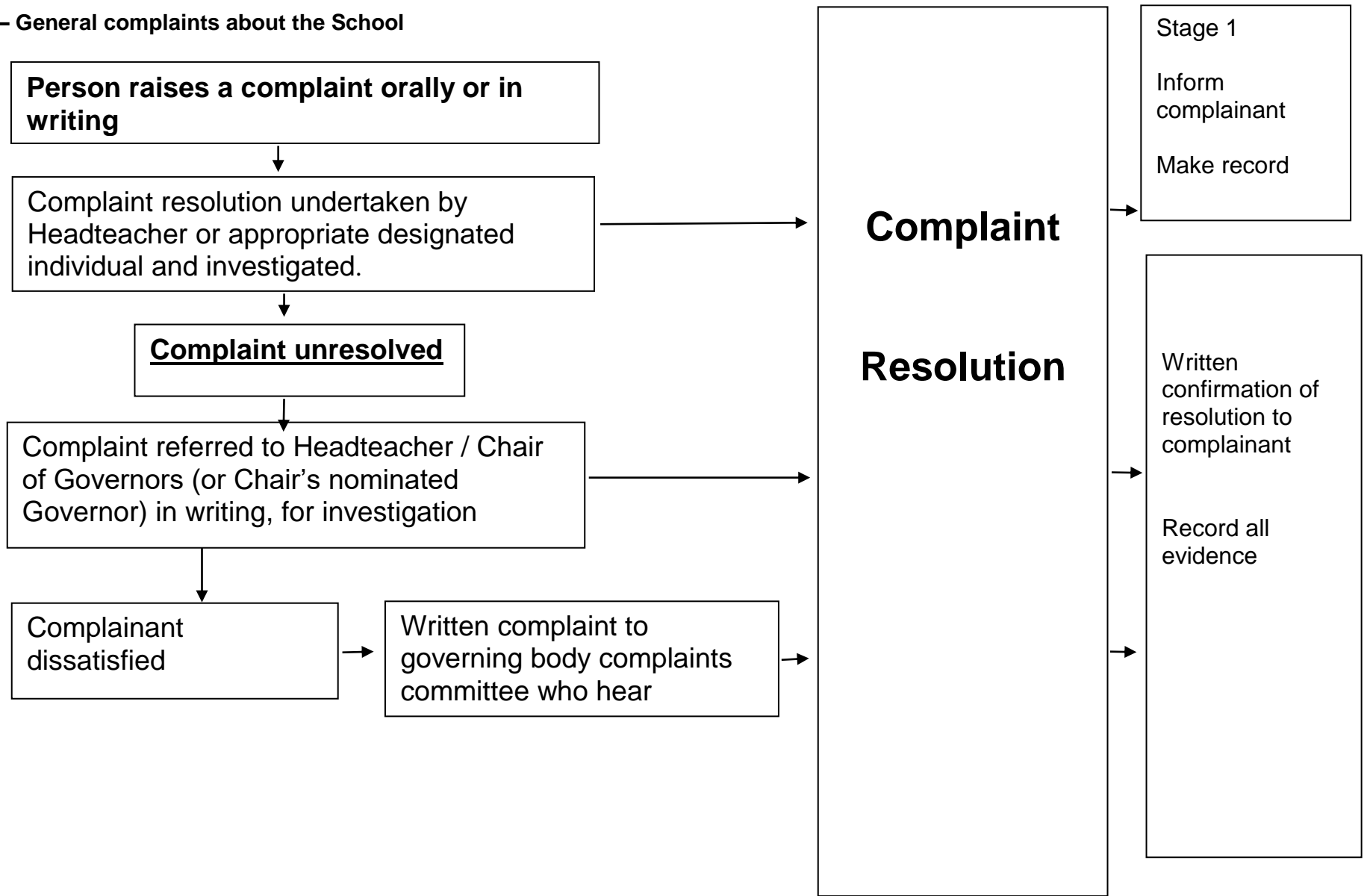
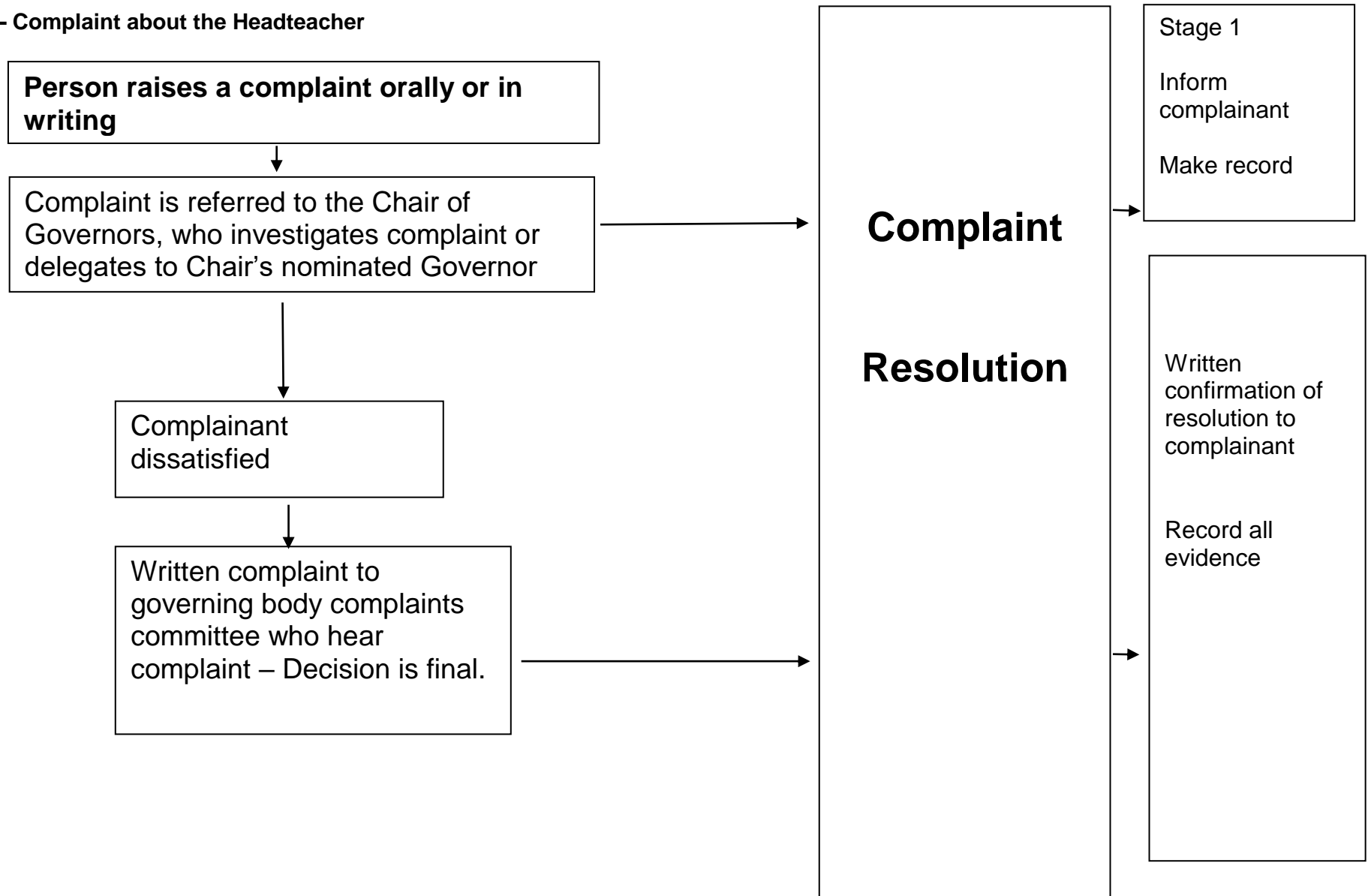
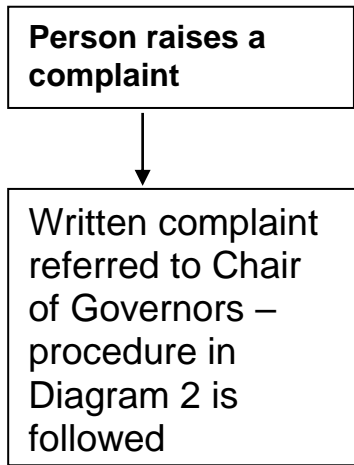


Diagram 2 – Complaint about the Headteacher

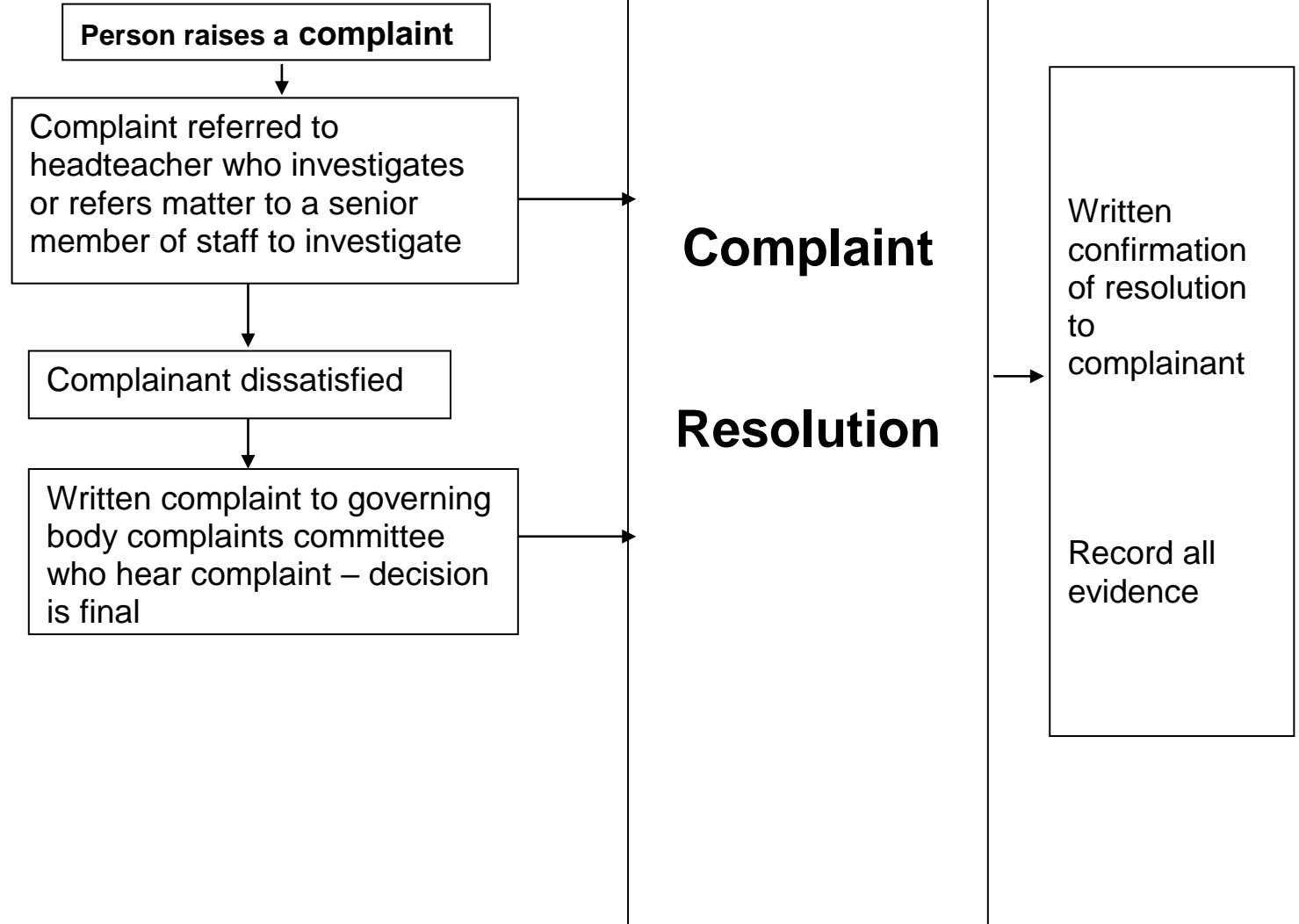


**Diagram 3 – Complaint against the Complaints Officer**

**If Headteacher is also the Complaints Officer**



**If Headteacher is not the Complaints Officer**

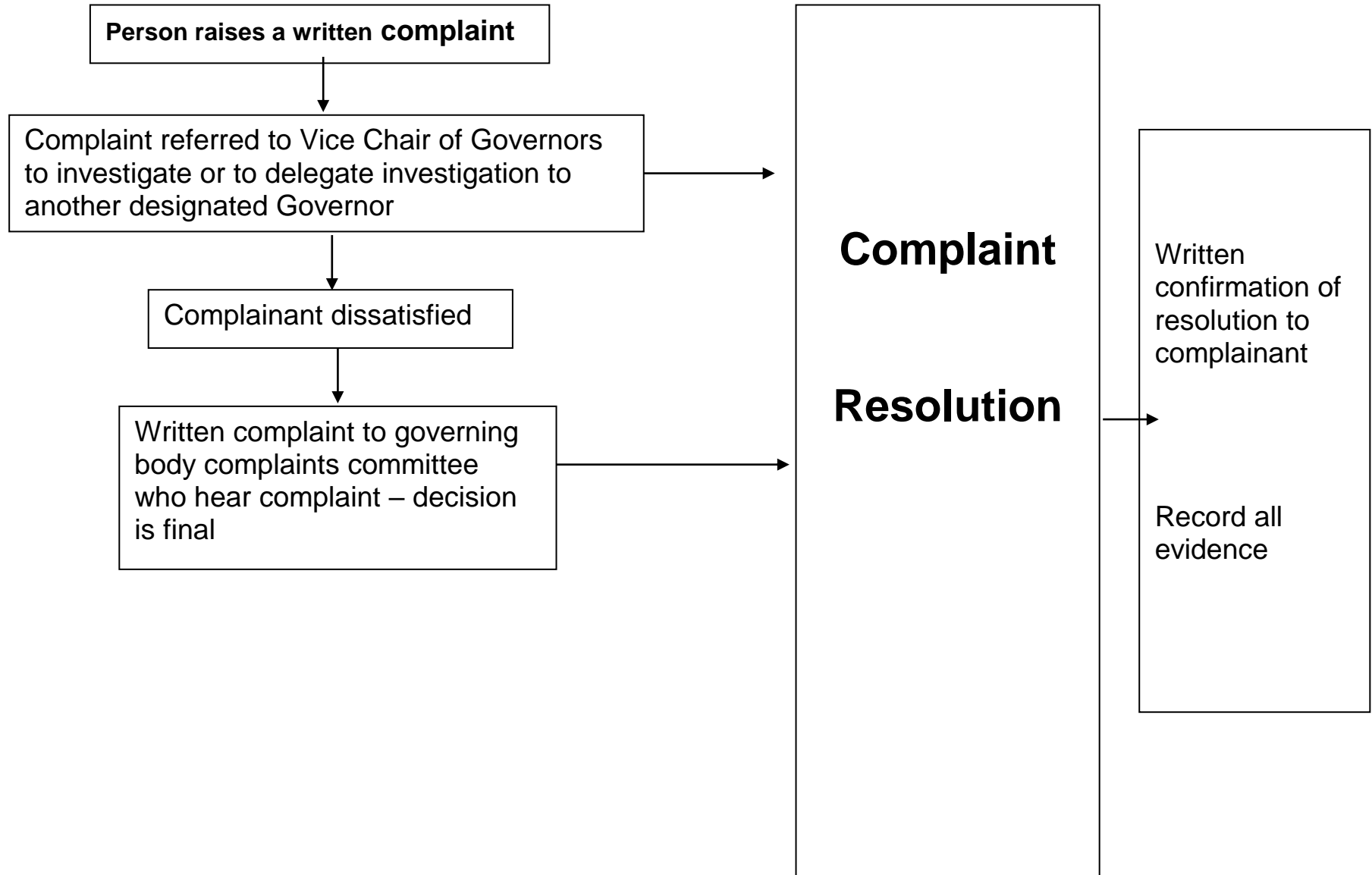




NEWBRIDGE SCHOOL – YSGOL TRECELY  
COMPLAINTS POLICY



Diagram 4 – Complaint against the Chair of Governors and Complaint against the Chair of Governors and Headteacher

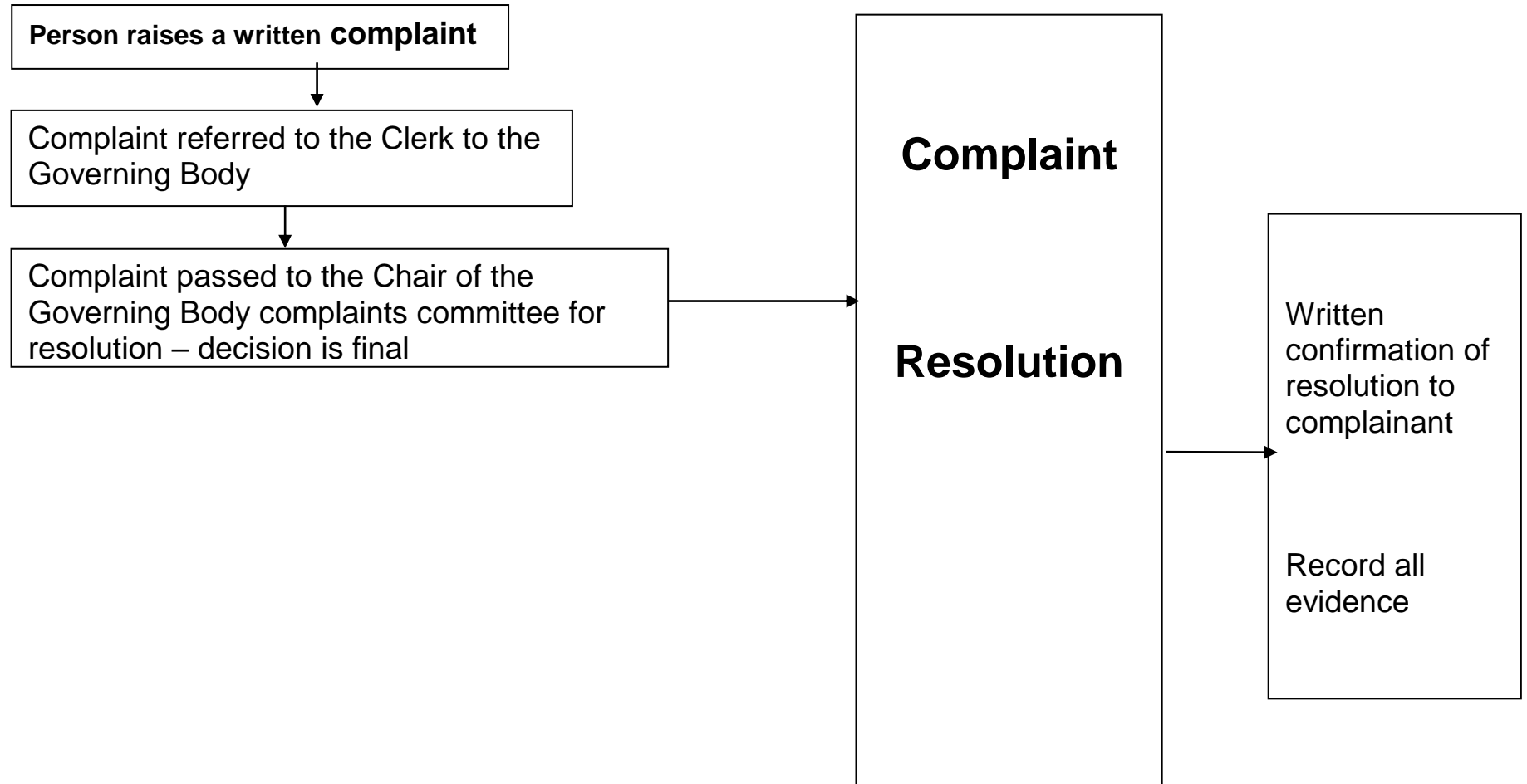




NEWBRIDGE SCHOOL – YSGOL TRECELYN  
COMPLAINTS POLICY



Diagram 5 – Complaint against the Chair and Vice Chair of Governors together





# NEWBRIDGE SCHOOL – YSGOL TRECELY COMPLAINTS POLICY



Diagram 6 – Complaint about a Governor (including the Vice Chair) or group of Governors

