

**Cowbridge Comprehensive School**  
**Governing Body Complaints Procedure**

- **Statutory Legislation: School Standards and Framework Act 1998.  
Education Act 2002, Section 29.  
School Governing Body Complaints  
Procedures NafW Circular 03/2004.**

1. 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.

**Scope of the policy:**

This policy will be applied when a complaint is made by a pupil attending this school and /or his/her parents. Exceptions to this are when the complaint relates to a possible child protection issue or when the complaint relates to an assessment outcome in relation to a public examination. Both of these circumstances will be dealt with under their own separate and specific procedures.

If the complainant is a pupil at the school, National Assembly Circular No: 39/2006 "Guidance for School Governing Bodies on Procedures for Complaints involving Pupils" will underpin our actions. A copy of this guidance is available via the links on the school's website.

- **Roles and Responsibilities:**

2. It is recommended that complainants allow the school to try to resolve the complaint at each stage and not try to circumvent stages. It is also recommended that a complainant co-operates with the school in providing information so that the complaint can be investigated and heard.
3. All parties will behave reasonably and treat the process and the parties involved with respect. It is reasonable to request an adjournment of a meeting or a hearing if the timing is inconvenient but it is not reasonable for any party to seek last minute cancellation or to thwart the process by repeatedly failing to agree dates.
4. The complainant and the person(s) against whom a complaint is made can be accompanied by a friend, advocate, union representative, colleague, parent or other person at each stage.

- **Procedures for dealing with complaints:** see Diagrams 1 to 5

5. All complaints will be dealt with quickly and with impartiality. The person dealing with the complaint will
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with or contact the complainant for further information if necessary;
  - 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.
6. As per Welsh Assembly Government recommendations, complaints are confidential (only those involved in investigating and making a decision are made aware of the nature of the complaint).

• **Timing:**

7. • Complaints will be dealt with quickly to ensure that, whenever possible, delays are avoided.
- All parties will be kept informed throughout the process.
  - Complaints will usually be responded to within 10 working days. All parties will be notified if this process is likely to take a longer period of time.

• **Recording Complaints:**

8. • The school will keep an appropriate record of complaints including anonymous and withdrawn complaints (see Appendix 2)
- The record should include all documentation relating to the LEA or Welsh Assembly Government involvement in the process (if applicable)
  - Records of any complaints will be kept for 3 years.
  - Reports to the Governors' Complaints Committee will be made annually to review processes and procedure for subsequent years.

• **Anonymous Complaints:**

9. • 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 Appendix 3).
- In other cases, any person receiving an anonymous complaint needs to make a judgement as to whether it should be investigated.

• **Withdrawal of Complaints:**

10. • A withdrawn complaint must be recorded and acknowledged by letter. (from school to complainant or vice versa)

• **The 3 Stage Approach to Complaint Resolution**

**A. OVERVIEW**

11. **Stage 1:** Complaint raised with (and resolved) by first recipient within the school.
- Stage 2:** Matter referred to Headteacher for investigation, decision and resolution.
- Stage 3:** Matter referred to the Governors for investigation, decision and resolution.
12. • At any stage of the process, those responsible for investigating the complaint(s) 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, child protection etc.

If at any time the issue raised require action under those procedures, then those procedures take precedence and should be implemented.

13. • Once completed, the complainant should be advised of the outcome of the procedure.
14. • If a complaint concerns the Headteacher, complaints officer, the Chair or Vice Chair of Governors, a Governor or a group of Governors, diagrams 1-6 Appendix 2 are suggested as suitable procedures to deal with such a complaint.
15. • In circumstances where the complaint is relating to or appears to relate to alleged criminal activity, the matter should be immediately referred to the Headteacher (if it does not involve the Headteacher). If it does, it should be referred to the Chair of Governors, who should inform the relevant authorities. If the Chair of Governors is the subject of the allegation, it should be referred to the Vice Chair. If the complaint against the Headteacher relates to financial irregularity it should be referred to the Chair of Governors and /or the Chair of the Finance Committee. If all of the people mentioned above (and other Governors) are involved in the allegation, it should be referred to the Clerk to the Governors, who should refer the matter to the LEA.
16. • 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 that person is the subject of the allegation it should be referred to the Headteacher. (current guidance is available in 'Protecting Children from Abuse': The Role of the Education Service available on [www.learning.wales.gov.uk](http://www.learning.wales.gov.uk)).

## B. DETAIL

17. **Stage 1: Complaint raised with and resolved by 1<sup>st</sup> recipient within school, normally the School Complaint's Officer.**
  - The first complaint may be made orally or in writing. The first recipient, (normally the Complaints Officer) and the complainant should make every effort to resolve the complaint at this stage.
  - A decision should be made within 10 working days and conveyed to the complainant. If possible, the complainant should be given the opportunity to meet with the member of staff with whom they have raised the matter, to reach a decision.
  - The record of the complaint may include any discussions and interviews.
  - If a resolution cannot be reached satisfactorily, the complainant should be advised to take the complaint to the Headteacher. The complainant should be provided with a copy of the school's complaints procedure.
18. **Stage 2: Consideration by Headteacher.**

**N.B.** The complaint will not usually move to Stage 2 until it has first been considered under Stage 1.

  - The complaint should normally be in writing so that the substance of the complaint is clear.
  - Receipt of the complaint will be acknowledged in writing within 5 working days. A copy of the complaints procedure and a deadline for providing a response to the complaint will also be provided to the complainant.

- It helps the investigation if the Headteacher meets the complainant. A Headteacher may wish to have another person present to witness the discussion. A written note should be kept of interviews, telephone conversations and any other action.
- The Headteacher will notify the complainant in writing, of the decision regarding the complaint. This will happen within 15 working days of receipt of the complaint.

19. **Stage 3: Consideration by the Governing Body**

- If a complainant is not satisfied with the outcome of the consideration by the Headteacher, the Governing Body may consider the matter. The complainant should advise the Chair of Governors of his/her dissatisfaction within 10 working days of receipt of the Headteacher's written response.
- The Governing Body will satisfy themselves that stages 1 and 2 have been exhausted before considering the matter.
- The Governing Body will convene a complaints committee.

- **The Governing Body Complaints Committee Hearing**

20. • Membership of the committee will be checked before each hearing.
- To avoid accusations of bias, the committee will not include any person who has a link to the complainant.
  - The Chair of Governors will ask the clerk to the Governing Body to acknowledge receipt of the complaint within 5 working days.
  - The clerk to the Governing Body will make arrangements for the Governing Body Complaints Committee to meet to hear the complaint. This will take place, usually, within 15 working days of the receipt of the complaint.
  - The clerk will find out when the complainant and others entitled to attend the hearing are 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 will 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 evidence
  - The date by which documents must be forwarded to the person complained about
  - The date by which the person complained about must return their response
  - The date the response will be available to the complainant
  - The date of the hearing (if available at this point).
22. • The person being complained about should be given at least 10 working days to consider all the evidence and take advice before providing a

response and before any hearing takes place.

23. • The Chair of the committee will ensure that the complainant and members of the committee are usually given at least 5 days notice of the date of the hearing, in writing. The letter should inform the parties of:
- The time and place of the hearing
  - The grounds of the complaint, with relevant documentation
  - The right of all parties to be accompanied or represented by a person of their choice
  - The 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 an adjournment to the hearing if there is good reason why they cannot attend.
24. • **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 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.

25. • **The decision**

Once all the evidence has been presented the complaints committee should consider its decision in private. It can take advice if it wishes from the LEA or other relevant body.

- Consideration should be given to the evidence, whether the Headteacher or others have complied with the complaints procedure and whether there is substance to the complaint.
- The decision should be based on a majority agreement with the second or casting vote from the chair as necessary.

The decision needs 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 the light of the decision and any recommendations for changes to school policies or procedures to ensure similar problems do not arise in the future.

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

• **Finalisation of a complaint**

26. Once the Governing Body has exhausted its own procedures it should attempt closure of the complaint. If the complaint is not upheld (after stage 3) 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 they will be treated as a new complaint but only if they are demonstrable different from matters raised under a previous complaint.

**APPENDICES:**

27.
  - There follows a series of flow diagrams explaining the procedures for dealing with specific complaint scenarios.

**APPENDIX 2**

**Cowbridge Comprehensive School Complaints Procedure**

Nature of Complaint: .....

.....

People involved: .....

Date: .....

Lead Member of Staff/Governor: .....

LEA/Welsh Assembly Government Contact Name and Number: .....

**A. Brief Overview of Complaint:**

**B. Complaint withdrawn**     Y     N    If N, go on to stage C + D

**C. Process undertaken to resolve complaint:**

**D. Action:**

**E. Outcome:**

Date of Outcome: .....

Signature of Lead Member: .....

Copy to Complaints File