

CARDIFF HIGH SCHOOL



Complaints Procedure

Policy 1.2

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COMPLAINTS PROCEDURE (General)

Rationale

- Cardiff High School values the good relations it enjoys with its parents and community. These good relations are based on a respect for what the school is achieving, on good communications and the provision of relevant and clear information.
- The school believes that good relations are also supported by straightforward and well-understood procedures for responding to expressions of concerns, and dealing with the minority of such expressions that become formal complaints.
- Treating expressions of concern seriously, and responding to them quickly and effectively, prevents the majority becoming more serious complaints.
- We believe that a school that listens and responds to expressions of concern can learn how to improve its communications and procedures.

Aims

The purpose of our complaints procedure is to provide a framework in which:

- parents are clear about how they can express concerns and how they will be responded to.
- school staff and governors are clear about their roles and responsibilities in responding to concerns.

Principles

- We believe a good complaints procedure creates a process for all involved to express and resolve concerns.
- Most questions that parents might have about the running of the school will be answered in the information that we routinely provide for parents. We also provide a variety of occasions when parents can gather information about the school and learn about the progress of their children.
- Parents have a right to be able to raise questions and concerns that go beyond these matters and to know how they will be dealt with.
- Parents also have a right to know what to do if they are not satisfied with the way in which their concerns have been received, how they can take the matter further and how such matters will then be dealt with.
- Most of the time, concerns from parents can best be settled by talking to the Headteacher or a member of staff. Resolving misunderstandings speedily

and efficiently will significantly reduce the likelihood of these matters becoming formal complaints.

- Procedures should be as speedy as possible, consistent with fairness to all.
- The principles below apply particularly when a concern has not been resolved informally and it takes on the character of a formal complaint:
 - when a concern is not easily and informally resolved and becomes a formal complaint, all those involved in handling the complaint will respect the rights of the complainant and any other person involved.
 - the complaint will be kept confidential and only those people who need to know about the complaint, whether for the purposes of investigating it or deciding on the merits of the complaint, will be made aware of the complaint except where the matter is already in the public domain.
 - any person about whom the complaint is made or who is affected by the complaint will have the right to have relevant information which is sufficient to enable them to respond fully to any matter which concerns them. Information may only be withheld where there is an identified need to protect the source of the information or there is a legal reason why the information should not be released (for example the Data Protection principles).
 - all complaints will be recorded and monitored to allow any lessons to be learned.
 - The governing body will monitor the operation of the complaints procedure and evaluate its implementation annually.

Procedures / Scope

- This Policy is intended to apply to general complaints received by the school.
- It does not apply to the following matters, for which there are separate and specific procedures:
 - complaints about failure to follow the National Curriculum or the provision of R.E. and collective worship.
 - disciplinary/capability complaints about members of staff which should be handled through the specific procedures.
 - grievance procedures for employees.
 - exclusions, admissions and SEN issues where there is a right of appeal to the governing body or to an independent tribunal.
 - matters which are or have been the subject of legal proceedings or are under investigation by the police or some other competent body, for example, child protection issues.

A staged approach

- The procedures described in greater detail in the following pages set out a staged approach. The principle is to deal with as many of the complaints as possible at the earliest stages
- There are four stages at the school level.

Stage One	Formal Notification	Parents must put in writing the nature of the complaint and that they wish to evoke the formal complaints procedure
Stage Two	Informal stage	The intention is that the vast majority of concerns/complaints will be resolved informally. The parents will be invited to the school to discuss the matter with a Senior Member of the Leadership Team
Stage Three	Headteacher's investigation	A formal investigation by the Headteacher upon receipt of a written notification that a complaint has not been satisfactorily resolved informally at Stage 2
Stage Four	Governing body	A formal procedure, invoked following receipt review of a written notification that stages one and two have not satisfied the parent. The Governing Body will then seek to establish the facts of the situation, to resolve the complaint if possible and to recommend action to prevent reoccurrence of the complaint where appropriate

- In addition, there are two further stages available when a complainant is dissatisfied with the outcomes of the governing body review. The purpose of these stages is to review the way in which the complaint has been handled; they are not re-hearings of the substantive complaint.

Stage Five	County Council review	Review of procedures
Stage Six	National Assembly review	Review of procedures

The role of the County Council (Schools Service)

- When the Schools Service receives a general complaint concerning the conduct of a school, the complainant will be referred to the school and advised to pursue the complaint through the school's complaints procedure. (The exceptions to this are where the complaint concerns one of the areas covered by statutory requirements or is obviously concerned with child protection or staff disciplinary matters.)
- The complainant will be advised to contact the Headteacher to take the matter further. If the complaint has already involved the Headteacher, but has not been resolved to the satisfaction of the complainant, the complainant will be referred to the next stage of the school's complaints procedure and advised to contact the Chair of Governors. □ The Schools Service will provide advice to complainants on schools' complaints procedures and how they can access them.
- The Schools Service will give advice to Headteachers and schools on the use of complaints procedures at Stages One, Two and Three.
- If a school requests it, Officers from the Schools Service can be available during each stage of the process to offer information and advice, to carry out

investigations on behalf of the school where an independent view will be helpful and to attempt mediation between parties.

- The County Council will also provide a fourth review stage (see Appendix B). Upon receipt of a letter from a complainant expressing dissatisfaction with the outcomes of a governing body review, the Chief Schools Officer will designate an appropriate officer who will review the procedures followed by the school in order to establish whether the original complaint has been fairly and fully investigated.

Stages of the complaints process

Stage One – Formal Notification

The parents/guardians must formally write to the Headteacher, stating that they wish to make a formal complaint and commence the formal complaints procedure. At this stage, the parents should express in writing the full nature of the complaint

Stage Two – the informal stage

The vast majority of concerns and complaints can be resolved informally and speedily by a Senior Member of the School Leadership team with whom the parent makes first contact:

- The school will invite the parents to attend a meeting with the designated member of staff
- If a Governor, including the Chair of Governors, is approached by a parent directly with a complaint at this stage, the Governor should refer the matter to the Headteacher, who will then ensure the full complaints procedure is adhered to
- Concerns and complaints in many cases may be resolved following the initial contact. The principle should be to listen, investigate and ensure that the outcome is reported back. The Headteacher should be kept informed of any developments.
- In all cases, members of staff dealing with a complaint should make a note of the date and details of the complaint and the outcomes of the contact and inform the Headteacher.
- If the concern or complaint is not immediately resolved, the staff member dealing with the matter should make sure that the complainant is clear about what will happen next. This should be put in writing if it seems the best way of making the outcome clear and of giving evidence of an attempt at resolution.
- If it appears that the discussions are not going to lead to resolution and/or the complainant indicates that they are dissatisfied with the response, the staff member should inform the complainant of the next stage of the procedure.
- **If the complaint is about the action of the Headteacher, the matter must be referred to the Chair of Governors.**

Stage Three - Headteacher's Investigation

- Parents can only proceed to Stage Three following the completion of Stage Two
- Parents who wish to pursue a complaint to Stage Three should be asked to put the complaint in writing to the school, no later than 5 working days following the completion of Stage Two. The Headteacher should acknowledge the complaint in writing within **five working days** of receipt, giving a brief explanation of the complaints procedures and a target date for providing a response.
- The Headteacher should provide an opportunity for the complainant to meet him/her. The complainant should, if he/she wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities may be made available if required.
- If necessary, the Headteacher should interview any witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil may also be interviewed, normally with his/her parent/guardian present. In some circumstances this may not be possible and a senior member of staff with whom the pupil feels comfortable should attend with him/her. If a member of staff is complained against, they need to be made aware of the complaint, have an opportunity to respond and be accompanied by a representative if required.
- The Headteacher should ensure that written records of meetings, telephone conversations and other documentation are kept.
- Once all the relevant facts have been established, the Headteacher should arrange a meeting with the complainant to discuss or resolve the matter. This meeting should be followed up with a letter setting out the outcome of the meeting. The complainant should be advised in this letter that if they wish to take the complaint further he/she should notify the Chair of Governors within **five working days** of receiving the letter detailing the outcome of the complaint.
- **If the complaint is against the action of the Headteacher, the Chair of Governors (or designated Governor) should carry out all the Stage Three procedures.**

Stage 4 - Review by Governing Body

- Complaints only rarely reach this formal stage, but it is important that governing bodies are prepared to deal with them when necessary. It should be noted that Stages 1, 2 and 3 must be completed before this stage is reached.
- Formal complaints to the Governing Body should be made in writing to the Chair of Governors, within 5 days of the completion of Stage 3. The Chair of Governors will ask the Clerk to the Governing Body to acknowledge the complaint **within 5 working days** and to make arrangements for a meeting of the committee of the Governing Body charged with dealing with complaints within 15 working days of receipt. Complaints that may lead to disciplinary

action should be handled in accordance with the school's appropriate procedures.

The Governing Body should take care that no Governor can be accused of prejudice by ensuring that:

- an individual Governor does not deal with the complaint;
 - the complaint is quickly referred to a committee charged with dealing with complaints or to the Headteacher, if complaint procedures at that level have not been exhausted;
 - the complaint is not reported to the whole Governing Body until it is resolved, and then not in detail;
- The Governing Body will ensure that all parties to the complaint are given a fair hearing (See Appendix A)
 - The decision of the committee should be given in writing to the complainant and any person against whom the complaint is made within **five working days** of the committee's meeting.
 - The letter should also advise the complainant that if they are dissatisfied with the outcome of the procedure they may write to the Chief Schools Officer who will carry out a further review. This further review will however only consider whether the complaint has been fully and fairly considered according to the school's complaints procedures; it will not rehear the substantive complaint.

Stage 5 - Review by County Council

- If the complainant is dissatisfied with the outcome of the school's complaints process, they may write to the Chief Schools Officer. The Chief Schools Officer will designate an appropriate officer to carry out a review of the procedures that have been followed in order to confirm that the complaint has been fully and fairly considered.

6 - Review by National Assembly for Wales

- Similarly, the complainant may approach the National Assembly for Wales for a review of the process undertaken.

APPENDIX A

The following procedure should be followed upon receipt of a written request from the complainant for the complaint to proceed to Stage Four.

1. The Clerk to the Governing Body should within 5 working days, write acknowledging receipt of the written request and informing the complainant that it will be heard by a committee of the governing body within **fifteen working days** of receipt. The letter should also inform the complainant that they have the right to submit any further documents relevant to their complaint and that these must be received in order for the committee members to be sent copies at least **five working days** prior to the meeting.

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)
2. The Clerk to the Governing Body should convene a meeting of the complaints committee. In establishing the committee 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 of interest to constitute the committee when required. The committee should elect its chair.
 3. The committee members should have had no prior involvement with the complaint. Generally, it would not be appropriate for the Headteacher to have a place on the committee. Governing bodies should have regard to the advantages of having a mix of different type of governor on the committee and be sensitive to issues of equal opportunity in the composition of the committee.
 4. All relevant correspondence and documentation should be given to each committee member. The chairperson of the committee should ensure that the complainant, Headteacher and any other witnesses are given **five working days** notice in writing of:
 - (i) the time and place of the committee meeting, and

- (ii) the grounds of the complaint together with copies of all documents relied upon by either the complainant or Headteacher, and
 - (iii) the right of both parties to be accompanied or represented by a person of their choice, and
 - (iv) the committee's option to proceed in the absence of the complainant/Headteacher or their representative if no good reason is given why they should not do so.
5. The chairperson of the committee should ensure that the meeting is properly minuted.
6. The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action that will satisfy the complainant that their complaint has been taken seriously.
7. The chairperson of the committee should try and ensure that the proceedings are as informal as possible and that the complainant feels at ease.
8. The committee will conduct the meeting having regard to the following principal steps. It shall be a rule that the committee shall not see one party in the absence of the other except in a case where the committee has resolved to proceed in the absence of the complainant/ Headteacher in circumstances outlined in paragraph 4.(iv) above :
- (i) The complainant/representative will open by outlining the complaint and present any documentary evidence and/or call witness(es) as appropriate.
 - (ii) The Headteacher/representative may ask questions of the complainant/representative or of any witness called by him/her. (N.B. This opportunity is reserved for asking questions to clarify matters not for making statements.)
 - (iii) Members of the committee may ask questions similarly.
 - (iv) The Headteacher/representative will respond to the complaint, present the documentary evidence and/or call witness(es).
 - (v) The complainant/representative may ask questions of the Headteacher/representative or of any witness called by him/her. (N.B. This opportunity is reserved for asking questions to clarify matters not for making statements.)
 - (vi) Members of the committee may ask questions similarly.

- (vii) Both parties, or their respective representative, shall be given the opportunity to sum up if they wish, the complainant/representative going last. Neither may introduce any new matter or issue that has not been raised before in the proceedings
9. At the conclusion of the meeting, the chairperson of the committee should explain that the committee will consider its decision and write to both parties with the outcome within **five working days**.
10. The Headteacher and any witnesses should then withdraw and the committee should consider its decision. This should include:
- (i) a decision on the complaint
 - (ii) appropriate action to be taken by the school, and where appropriate,
 - (iii) recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
11. The school should ensure that a copy of all correspondence and notes is kept on file in the school. This should be held separately from pupils' personal records.