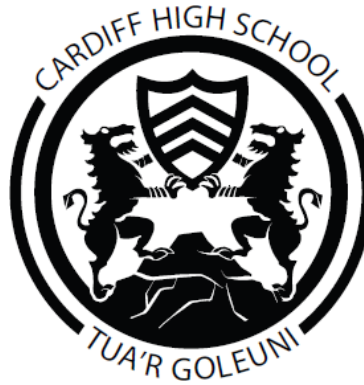


CARDIFF HIGH SCHOOL



Complaints Policy

Policy 1.2

CARDIFF HIGH SCHOOL

COMPLAINTS POLICY AND PROCEDURE

1. Introduction

- 1.1 Cardiff High School values the good relations it enjoys with its parents and carers and the wider school 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.
- 1.2 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.
- 1.3 Cardiff High School is committed to dealing effectively with complaints and this policy is based on the recommended Welsh Government model policy. We aim to clarify any issues about which you are not sure. If possible, we will put right any mistakes we have made and we will apologise. We aim to learn from mistakes and use that experience to improve what we do.
- 1.4 This procedure supports our commitment and 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 manner.
- 1.5 Our definition of a complaint is 'an expression of dissatisfaction in relation to the school or a member of its staff that requires a response from the school.' If a complaint raises issues about staff capability, staff grievance, staff discipline or child protection, then action must be taken under those separate procedures, and they should take precedence. The complaints procedure must not take the place of those other procedures.
- 1.6 We have a zero tolerance approach to all forms of bullying and harassment and promote respectful relationships between learners, parents, carers, staff and governors.

2. When to use this procedure

- 2.1 When you have a concern or make a complaint, we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by the school, in which case we will tell you who to complain to. If your concern or complaint is about another body as well as the school (for example the local authority) we will work with them to decide how to handle your concern. At other times you may be concerned about matters that

are handled by other procedures, in which case we will explain to you how your concern will be dealt with.

- 2.2 If you are approaching us for the first time you should give us a chance to respond. Most complaints can be dealt with in an informal manner by simply contacting the school and by speaking to the relevant member of staff. This, in most cases, is the quickest and most efficient way to reach a resolution and resolve any issues. There is no need in most cases to use the formal procedure.
- 2.3 When a concern is of a serious nature or one that has not been resolved informally, then a formal complaint should be made.

3. What we expect from you

- 3.1 We believe that all complainants have a right to be heard, understood and respected. But school staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behavior. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious/malicious complaining – ***please see Appendix 1 “Vexatious/Malicious/Habitual Complaints Policy”***.
- 3.2 Formal complaints will be heard in person in a meeting with the complainant and a member of the school. A complainant may want to be accompanied by a companion, however, it is the expectation that the complainant will speak and answer questions.
- 3.3 Complaints should be made promptly. It is not reasonable for the school to respond to a complaint a long time after the event and, unless there are exceptional circumstances, the school will be unable to hear this complaint.
- 3.4 All complaints will be dealt with in a staged manner set out in this policy.

4. Our approach to answering your concern or complaint

- 4.1 We will consider all concerns and complaints in an open and fair way.
- 4.2 At all times the school will respect the rights and feelings of those involved and make every effort to protect confidential information.
- 4.3 Timescales for dealing with concerns or complaints may need to be extended following discussion with the complainant.
- 4.4 We may ask for advice from the local authority where appropriate.
- 4.5 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than this complaints policy), in which case we will explain why this is so, and will tell the complainant what steps will be taken.
- 4.6 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the school depending on the nature of the complaint.

- 4.7 Where complaints are considered to have been made only to cause harm or offence to individuals or the school, the governing body will ensure that records are kept of the investigations that are made and what actions are taken, including the reasons for 'no action'.

SECTION 5 – The Complaints Process

- 5.1 There are up to four Stages: A, B, C and D. Most complaints can be resolved at Stages A or B. You can bring a relative or companion to support you at any time during the process, but you will be expected to speak for yourself, unless you require special assistance. We also recognise that when the complainant is a pupil it is reasonable for the companion to speak on their behalf and/or to advise the pupil.
- 5.2 As far as possible, your concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with your concern or complaint will need to consider whether anyone else within the school needs to know about your concern or complaint, so as to address it appropriately.
- 5.3 If you are a pupil under 16 and wish to raise a concern or bring a complaint, we will ask for your permission before we involve your parent(s) or carer(s). If you are a pupil under 16 and are involved in a complaint in any other way, we may ask your parent(s) or carer(s) to become involved and attend any discussion or interview with you.

Stage A - NOTIFICATION

- 5.4 If you have a concern, you can often resolve it quickly by contacting the school and speaking to the most appropriate member of staff. You should raise your concern as soon as you can; normally we would expect you to raise your issue within 10 school days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.
- 5.5 If you are a pupil, you can raise your concerns with your school council representative, form tutor or a teacher chosen to deal with pupil. This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly.
- 5.6 We will try to let you know what we have done or are doing about your concern normally within 10 school days, but if this is not possible, we will talk to you and agree a revised timescale with you. The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the concern for future reference
- 5.7 If the complaint is not resolved through informal dialogue, then the complainant must formally write to the Headteacher, stating that they wish to make a formal complaint and commence the formal complaints process. At this stage, the complainant should express, in writing, the full nature of the complaint. The school can identify someone to support you to put your

complaint in writing if necessary

- 5.8 The Headteacher will then appoint a senior member of staff who will be responsible for contacting the complainant and hearing the complaint.
- 5.9 If the complaint is about the headteacher, the complaint should be put in writing to the chair of governors, addressed to the school, to ask for the complaint to be investigated.

Stage B – SENIOR STAFF INVESTIGATION

- 5.10 A senior member of staff will invite the complainant to attend a meeting to discuss the complaint. Timescales for dealing with the complaint will be agreed with the complainant. We will aim to have a meeting with the complainant and to explain what will happen, normally within 10 school days of receiving the formal complaint in Stage A.
- 5.11 Concerns will be heard sensitively and fully with the aim of resolving the complaint at this stage. Depending on the nature of the complaint, the member of staff may need time following the meeting to fully investigate the issues raised. If this is the case, the complainant will be notified of how long this is likely to take.
- 5.12 If the complaint is about the Headteacher, a governor appointed by the Chair of Governors will carry out this stage of the process.

Stage C – HEADTEACHER INVESTIGATION

- 5.13 Complainants can only proceed to Stage C following the completion of Stage B
- 5.14 Complainants who wish to pursue a complaint to this stage will be asked to put the complaint in writing to the school, no later than 5 working days following the completion of Stage B.
- 5.15 The Headteacher will acknowledge the complaint in writing within five working days of receipt, giving a brief explanation of the complaints procedures and provide a date for meeting with the complainant.
- 5.16 The Headteacher will 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.
- 5.17 Following the meeting, the Headteacher may need additional time to investigate and/or interview any witnesses and take statements from those involved. If the complaint centers on a pupil, the pupil may also be interviewed.
- 5.18 Once all the relevant facts have been established through an investigation, the Headteacher will arrange a meeting with the complainant to discuss the findings and resolve the matter. This meeting will be followed up with a letter

setting out the outcome of the meeting.

- 5.19 It is rare that a complaint will progress any further. However, if the complainant still feels that the complaint has not been dealt with fairly, they should write, through the school's address, to the chair of governors setting out the reasons for asking the governing body's complaints committee to consider the complaint.

Stage D – GOVERNOR HEARING

- 5.20 Complainants can only proceed to Stage D following the completion of Stage C
- 5.21 Complainants who wish to pursue a complaint to this stage will be asked to put the complaint in writing to the chair of governors through the school's address, no later than 5 working days following the completion of Stage C.
- 5.22 The Clerk to the Governors will arrange for a meeting between a panel of governors and the complainant. This will normally be within 15 working days.
- 5.23 This letter will also inform the complainant when all the evidence and documentation to be considered by the complaints committee must be received. Everyone involved will see the evidence and documentation before the meeting, while ensuring that people's rights to privacy of information are protected. The letter will also record what has been agreed with the complainant about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, the person dealing with the complaint will agree a new meeting date with the complainant.
- 5.24 Normally, in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If the complainant asks to reschedule the meeting more than once, the committee may think it reasonable to make a decision on the complaint in the absence of the complainant to avoid unnecessary delays.
- 5.25 A letter will be sent to the complainant within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.
- 5.26 The governing body's complaints committee is the final arbiter of complaints.

6. Special circumstances

- 6.1 Where a complaint is made about any of the following the complaints procedure will be applied differently.

i. **A governor or group of governors**

The concern or complaint will be referred to the chair of governors for investigation. The chair may alternatively delegate the matter to

another governor for investigation. Stage B onwards of the complaint's procedure will apply.

ii. **The chair of governors or headteacher and chair of governors**

The vice chair of governors will be informed and will investigate it or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.

iii. **Both the chair of governors and vice chair of governors**

The complaint will be referred to the clerk to the governing body who will inform the chair of the complaints committee. Stage C of the complaint procedure will then apply.

iv. **The whole governing body**

The complaint will be referred to the clerk to the governing body who will inform the headteacher, chair of governors, and local authority. The authorities will usually agree arrangements with the governing body for independent investigation of the complaint.

v. **The headteacher**

The concern or complaint will be referred to the chair of governors who will undertake the investigation or may delegate it to another governor. Stage B onwards of the complaints procedure will apply.

7. Our commitment to you

7.1 In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open and fair way.

7.2 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.

7.3 If you need help to make your concerns known, we will try and assist you. If you are a young person and need extra assistance you may want to contact MEIC which is a national advocacy and advice helpline for children and young people. Advice and support can also be accessed from the Children's Commissioner for Wales

MEIC may be contacted by freephone: 0808 802 3456, or text: 84001. This service is operated 24 hours a day.

The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday to Friday 9a.m. to 5p.m.), text: 80 800 (start your message with COM) or e-mail: advice@childcomwales.org.uk (<mailto:advice@childcomwales.org.uk>).

Signed by chair of governors on behalf of the governing body:

Adopted by Full Governing Body -- ST

Date approved:
(by full governing body)

Date of review:

Date sent to the local authority:

VEXATIOUS/MALICIOUS/PERSISTENT COMPLAINTS POLICY**1. Introduction**

The appendix applies to all complainants, and identifies situations where a complainant either individually or as part of a group, or a group of complainants, may be considered to be “vexatious/malicious or persistent” and identifies how this may be responded to.

2. When this Policy may be used

- 2.1 The headteacher and staff deal with complaints as part of the day-to-day management of the school, in accordance with the School’s Complaints Policy and Procedure.
- 2.2 The majority of complaints are handled in an informal manner, and are resolved quickly, sensitively, and to the satisfaction of the complainant.
- 2.3 However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing complaints. The consequences are that the actions of the complainant begin to impact negatively on the day-to-day running of the school and directly or indirectly on the wellbeing of the pupils and/or staff in the school. In these exceptional circumstances, the school may act in accordance with this policy.

3. Aims

- 3.1 To uphold the standards of courtesy and reasonableness that should characterize all communication between the school and any interested party or complainant.
- 3.2 To support the wellbeing of the pupils, staff and headteacher, and any other interested party, including governors and parents.
- 3.3 To deal fairly, honestly, openly and transparently with those who make vexatious/malicious or persistent complaints, and those who harass members of staff in school whilst ensuring that no other stakeholders suffer any detriment.
- 3.4 Neither this policy nor the corresponding complaints policy and procedure will address complaints relating to Child Protection or staff discipline for which specific procedures are in place.

4. What to Expect from the School

- 4.1. Parents/carers or other interested parties who raise an informal or formal complaint with the school can expect the school to:
 - a) Publicise how and when complaints can be raised with the school.

- b) Publicise the school's Complaints Policy and Procedure on the school website.
- c) Publicise the school's policy for dealing with vexatious/malicious and/or persistent complaints.
- d) Respond within a reasonable time.
- e) Be available for consultation within reasonable time limits, bearing in mind the needs of the pupils and staff within the school, and the nature of the complaint.
- f) Respond with courtesy and respect.
- g) Attempt to resolve problems using reasonable means in line with the schools' Complaints Policy and Procedure.
- h) Keep complainants informed of progress towards a resolution of the complaints raised.

5. What the School Expects from Complainants

- 5.1 The school understands that raising a complaint can be a stressful time, and are sympathetic to that. However, whilst the school believes that all complainants have a right to be heard, understood and respected, we also believe that school staff and governors have the same right.
- 5.2 The school expects a complainant to be polite and courteous. The school will not tolerate aggressive, abusive or unreasonable behavior.
- 5.3 The School will not tolerate unreasonable demands or unreasonable persistence or vexatious/malicious complaining.

6. Definition of Vexatious/Malicious or Persistent Complaints and Harassment

- 6.1 The school maintains this policy in respect of vexatious/malicious and/or persistent complaints, and may choose to exercise it if appropriate.
- 6.2 For the purposes of this Policy, a vexatious/malicious or persistent complainant is any interested party who raises complaints (either informally or formally) or who frequently raises issues that the complainant considers to be within the remit of the school, and/or whose behavior is unreasonable. Such behavior may be characterised by:
 - a. Actions which are obsessive, persistent, harassing, prolific or repetitive.
 - b. Prolific correspondence or excessive email or telephone contact about a complaint.
 - c. Use of Freedom of Information requests excessively and unreasonably.

- d. An insistence upon pursuing insubstantial complaints, and/or unrealistic or unreasonable outcomes.
 - e. An insistence upon pursuing complaints in an unreasonable manner.
 - f. An insistence upon only dealing with the headteacher on all occasions, irrespective of the issue and/or the level of delegation in the school to deal with such matters.
 - g. An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example: if the desired outcome is beyond the remit of the school because it is unlawful.
- 6.3 For the purposes of this policy, Harassment is the unreasonable pursuit of such actions as above in such a way that they:
- a. Appear to be targeted over a significant period of time, at one or more members of staff; and/or
 - b. Cause ongoing stress to individual member(s) of staff; and/or
 - c. Have a significantly adverse effect on the whole/parts of the school; and/or
 - d. Are pursued in a manner which could be perceived as intimidating and/or oppressive by the recipient(s). This could include situations where persistent demands or criticism, whilst not especially taxing or serious when viewed in isolation, have the cumulative effect over time of undermining confidence, well-being and health.

7. Dealing with Vexatious/Malicious and/or Persistent Complaints and Harrassment

- 7.1 In the first instance, the school will verbally inform the complainant that his/her behavior is considered to be approaching unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing by the Head Teacher or their delegated member of Staff [ML1].
- 7.2 If the complainant's behavior is not modified, the school will take some or all of the following actions as necessary, having regard for the complainant's behavior, and the effect of this behavior on the school:
- a. Inform the complainant in writing [ML2] that his/her behavior is now considered by the school to have been unreasonable/unacceptable and, therefore to fall within the terms of this policy.
 - b. Inform the complainant in writing [ML2] that all meetings with any member(s) of staff will be conducted with a third person present, and that notes of meetings may be taken in the interests of all parties.

- c. Inform the complainant in writing [ML2] that, except in emergencies, all routine communication between the complainant and the school should be by letter only.
 - d. In the case of physical or verbal aggression take advice from Local Authority and/or Legal Services, and consider warning the complainant about being banned from the School site; or proceed immediately to a temporary ban.
 - e. Consider taking advice from the Local Authority on pursuing a case under Anti-Harassment legislation.
 - f. Consider taking advice from Local Authority /Legal Services about implementing specific procedures for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the headteacher. Instead they communicate with a third party to be identified by the Governing Body of the school who will investigate to determine whether or not the complaint is reasonable or vexatious/malicious, and then advise the headteacher accordingly.
- 7.3 Based upon (7.2.f) above, legitimate new complaints may still be considered, even if the person making them is, or has been, subject to the terms of this policy. In such matters, the school may be additionally advised by the Local Authority and/or Legal Services.
- 7.4 If a complainant's persistent complaining/harassing behavior is modified and is then resumed at a later date, within a reasonable period of time, then the school may resume the process identified above, at an appropriate level. In these circumstances, the School may be advised by the Local Authority and/or Legal Services.

Model Letter 1 (ML1)
Initial letter concerning unreasonable/unacceptable behaviour

[Date]

RECORDED DELIVERY

Dear *[insert name of complainant]*

This letter is to inform you that the school considers your actions *[describe actions, dates & behavior]* on when you, to be unreasonable/unacceptable *[delete as appropriate]*.

We would ask you to bear in mind the fact that such behavior on the school site can be disruptive and distressing to pupils, staff and parents/carers. *[Delete this paragraph if the behavior in question did not physically occur on the School site]*

We are aware that you have raised concerns/complaints, and would advise you that these are being dealt with most effectively through the school's Complaints Policy and Procedure.

At the moment, we are dealing with these issues by *[describe actions being taken to resolve concern]*.

Please note that the school's policy for dealing with Vexatious/Malicious or Persistent Complaints/Harassment sets out the standards of behavior expected of all people in their dealings with the school. These include:

- Behaving reasonably
- Treating others with courtesy and respect
- Resolving complaints using the Schools' Complaints Policy and Procedure
- Avoiding physical and verbal aggression at all times.

The Policy also details the steps that we may take if these standards are breached. These steps include:

- Making special arrangements for meetings and communication between you and the School
- Considering banning you from the School premises
- Considering Legal action

I would ask you to allow the school time to investigate and resolve your complaint in accordance with the Complaints Policy and Procedure or other procedure as appropriate. I would assure you that we shall take every step to move this investigation and its resolution forward as quickly as possible.

Yours sincerely

Headteacher

Model Letter 2 (ML2)
Secondary letter concerning unreasonable/unacceptable behavior now falling under the terms of this policy.

[Date]

RECORDED DELIVERY

Dear [insert name of complainant]

You will recall that I wrote to you on [insert date] telling you that I felt your behavior was unreasonable/unacceptable [delete as applicable].

I am now writing to inform you that in view of your behavior on [Date], when you [describe actions/behavior] it has been decided that the schools' policy for dealing with Vexatious/Malicious or Persistent Complaints/Harassment will apply from the date of this letter.

With consideration for the circumstances, I have made the following arrangements for your future contact with the school:

[*Delete A or B as applicable]

***A:** For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- All routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to [insert as applicable] at the school address; please note that there will be no response to email correspondence;
- An appointment will be arranged and confirmed in writing as soon as possible;
- A third party from the school will be present throughout the meeting;
- In the interest of all parties, formal notes of the meeting may be made.

***B:** For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by [insert name] who will represent the school. I would ask you to note:

- All routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to [insert as applicable] at the School address; please note that there will be no response to email correspondence;
- please note that email correspondence will not be responded to;
- An appointment will be arranged and confirmed in writing as soon as possible;
- A third party from the School will be present throughout the meeting;
- In the interest of all parties, formal notes of the meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of pupil] – in which case you should contact the school in the usual way.

Please note that information normally provided on parents' evening(s) will be

delivered in a summary written report whilst these arrangements are in place.

The arrangements described above take effect immediately. If you wish to make a representation about the content of this letter, you can do so by writing to me at the school within **ten school days** of the date of this letter. If you wish to express any regret on your part, and/or are prepared to give assurances about your future good conduct, you can do so by writing to me at the school. If, upon receipt of your comments, I consider that the arrangements outlined above should continue, you will be provided with details of how to review the circumstances of your case.

I hope that the difficulties that we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher