

Powys County Council

School Complaints Guidance

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Policy History			
Policy Date	Summary of change	Officer	Review Date
13.06.2024	Initial draft – previous guidance obsolete due to change in Welsh Government guidance.	Michael Gedrim / Sarah Quibell	
01.11.24	Final Document approved.	Education Leadership Team	01.11.26

1.0 Introduction

- 1.1 The Local Authority (LA) works in partnership with Powys schools and diocesan authorities to monitor and address a wide range of complaints. The following document provides guidance on the roles and responsibilities of schools, diocesan authorities and the LA. It includes links to key national guidance.

2.0 Legal Frameworks

- 2.1 Governing bodies are required by law to establish a complaints procedure¹.

¹ Education Act 2002, Section 29(1). Available at <https://www.legislation.gov.uk/ukpga/2002/32/section/29>
Accessed on 13 June 2024.

- 2.2 The Welsh Government has produced non-statutory guidance¹ for schools to enable them to meet their statutory duty to establish a complaints procedure.
- 2.3 The legal requirement to establish a complaints procedure does not include a legal framework for that procedure. Schools are able to put in place a complaints procedure of their own devising. Diocesan authorities may also produce a model complaints procedure which they recommend to schools within their diocese. However, the Welsh Government guidance recommends that schools adopt the model complaints procedure included in their guidance.
- 2.4 Certain complaints must not be dealt with through the school's complaints procedure. This is because there are separate legal frameworks to address those complaints. The complaints procedure must not be used to address complaints about:
- a. Staff capability
 - b. Staff grievance
 - c. Staff discipline/conduct matters
 - d. Professional safeguarding concerns
 - e. School admissions
 - f. Exclusion from school
 - g. Additional Learning Needs provision
 - h. School organisation, such as class structure, deployment of teaching and other staff, etc
 - i. Potential criminal activity

3.0 Key principles

- 3.1 There are a number of key principles which schools should adhere to in order to address a complaint:
- Complainants should be supported to make a complaint, particularly where a parent has additional needs which impair their ability to put forward a complaint coherently. This may include talking with a complainant to understand and clarify with them what their complaint is about.
 - Schools cannot insist on complaints being raised in a particular way or format.
 - Complaints must be recognised as such even if the complainant does not use the word "complaint". Schools should not rely on a complainant's use, or lack of use, of specific terminology.

¹ School complaints procedures: guidance. Guidance for governors on how to deal with complaints. Available at <https://www.gov.wales/school-complaints-procedures-guidance> Accessed on 13 June 2024.

- On receiving a complaint, care must be taken to understand what the complaint is about, and whether it can be taken forward as a complaint, or whether it must be handled under a different process.
- Schools are advised that it is common for different elements of a complaint to be taken forward under different processes. Where a school is presented with a complex complaint, it is advised that they review all elements of the complaint in detail and determine which process applies to each element. The local authority can provide advice and guidance in such complex cases.

3.2 When handling any complaint, complex or otherwise, schools are able to ask for advice and guidance from the local authority. Diocesan authorities may also offer advice and guidance.

4.0 Role of the local authority

- 4.1 In respect of complaints, the local authority and maintained schools are separate organisations in law. The local authority cannot deal with school complaints, except in limited circumstances. Those circumstances are referenced in the Welsh Government guidance, and below.
- 4.2 Should a complainant raise concerns that a complaint has not been handled correctly, the local authority will review the process with the school. If it is identified that the appropriate processes have not been followed, the local authority will advise the governing body that the complaint needs to be reheard using correct procedures. The local authority will not investigate the complaint itself. Should a school fail to follow the advice given, this may be grounds for a complaint against the whole school/governing body (see 4.3, below) or for other action.
- 4.3 As outlined in the guidance, complaints about the school as a corporate body – that is to say a complaint about the entire governing body – will be handled by the local authority in line with the procedures outlined in the Welsh Government guidance.
- 4.4 In cases whereby the school's complaints procedure is inoperable, the local authority may agree to investigate the complaint on behalf of the school.
- 4.5 In extreme situations, the local authority may use powers of intervention where there is evidence that the handling of complaints by a school is so deficient as to call into question the good governance or management of the school.
- 4.6 The local authority can provide advice and guidance on how to handle vexatious complainants on a case-by-case basis.
- 4.7 The local authority does not offer the option for schools to include a stage after Stage C.

5.0 Diocesan authorities

- 5.1 Diocesan authorities may provide advice and guidance on complaints procedures.
- 5.2 Schools with a religious character may seek advice from the diocese on a particular complaint.
- 5.3 Dioceses and schools can agree for the diocese to investigate a complaint, or for the diocese to arrange investigation by a third party.

6.0 Welsh Government

- 6.1 The Welsh Government has no role in considering complaints about a school.
- 6.2 If it appears that a school is failing to address a complaint, the Welsh Government will liaise with the local authority. In such cases, the local authority will provide advice and guidance in line with section 4, above.

7.0 Other organisations

- 7.1 The Children's Commissioner for Wales provides advice, guidance and advocacy support to children and their parents. The Commissioner cannot investigate and decide on complaints but may – in certain circumstances – review a case and produce a report with recommendations. The Commissioner does not have the power to require the implementation of recommendations but can publicise a failure to do so.
- 7.2 Other bodies, including but not limited to:
 - The Public Service Ombudsman for Wales
 - The Education Workforce Council
 - Estyn

do not have a remit to investigate complaints about a school. However, they will liaise with the local authority and/or the school if it appears that a school is not addressing a complaint.

8.0 Model policy

- 8.1 Schools are strongly advised to adopt the policy provided in the Welsh Government guidance, which has been reproduced here as Appendix 2.
- 8.2 Schools may have cause to adopt a policy on vexatious complainants which sits alongside the school's complaints procedure. It is advised that schools

seek advice from the local authority on how best to draft and implement such a policy.

9.0 Vexatious complaints

- 9.1 Schools are not required to deal with vexatious complaints. However, the topic of vexatious complainants is not straightforward, and schools are strongly advised to seek support from the local authority if they believe that complaints and/or a complainant are vexatious.
- 9.2 The local authority will provide advice – including Legal advice – on how to address an individual case. This will include advice on whether the complaints and/or complainant can be considered to be vexatious.
- 9.3 The local authority can also provide advice on whether the school should invoke the procedures in the vexatious complaints policy.

Appendices

Appendix 1 – Links to Welsh Government guidance

- **Welsh Government school complaints webpage:**
School complaints procedures: guidance. Guidance for governors on how to deal with complaints. <https://www.gov.wales/school-complaints-procedures-guidance>
- **Welsh Government guidance to schools:**
School complaint procedures: guidance. <https://www.gov.wales/school-complaints-procedures-guidance-html>
- **Model policy for schools:** Annex 1: Model policy
<https://www.gov.wales/annex-1-model-policy-html>
- **Model leaflets for schools:** Annex 2: Model leaflets for schools
<https://www.gov.wales/annex-2-model-leaflets-schools-html>
- **Further guidance on complaints and the law:**
Annex 3: Working with the law
<https://www.gov.wales/annex-3-working-law-html>
- **Appendix to model policy: model complaint form:**
Appendix 1: Model complaint form
<https://www.gov.wales/appendix-model-complaint-form-html>

Appendix 2 – Model policy for schools

Clyro Church in Wales Primary School



COMPLAINTS POLICY

1.0 Introduction

- 1.1 Clyro Church in Wales Primary School is committed to dealing effectively with complaints. 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.
- 1.2 We have a zero-tolerance approach to all forms of bullying and harassment and promote respectful relationships between learners, parents, staff, and governors.
- 1.3 Our definition of a complaint is 'an expression of dissatisfaction in relation to the school, a member of its staff or the governing body that requires a response from the school.'
- 1.4 This complaints 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 fashion.

2.0 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. 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 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.

3.0 Have you asked us yet?

- 3.1 If you are approaching us for the first time you should give us a chance to respond. If you are not happy with our response, then you may make your complaint using the procedure we describe below. Most concerns can be settled quickly just by speaking to the relevant person in school, without the need to use a formal procedure.

4.0 What we expect from you

- 4.1 We believe that all complainants have a right to be heard, understood, and respected. School staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive, or unreasonable behaviour.
- 4.2 Nor will we tolerate unreasonable demands, unreasonable persistence nor vexatious complaining. We have a separate policy to manage situations where we find that someone's actions are unacceptable.

5.0 Our approach to answering your concern or complaint

- 5.1 We will consider your concerns and complaints in an open and fair way.
- 5.2 At all times, the school will respect the rights and feelings of those involved and make every effort to protect confidential information.
- 5.3 Timescales for dealing with your concerns or complaints may need to be extended and we will notify you.
- 5.4 We may ask for advice from the local authority or diocesan authority where appropriate.
- 5.5 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, and tell you what steps will be taken.
- 5.6 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.

6.0 Answering your concern or complaint

- 6.1 There are up to three Stages: A, B and C. 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.

- 6.2 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.
- 6.3 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.

7.0 Stage A

- 7.1 If you have a concern, you can often resolve it quickly by talking to a teacher, the deputy headteacher or the headteacher. 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.
- 7.2 The longer you leave it the harder it might be for those involved to deal with it effectively.
- 7.3 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.
- 7.4 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.
- 7.5 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.

8.0 Stage B

- 8.1 In most cases, we would expect that your concern is resolved informally. If you feel that your initial concern has not been dealt with appropriately you should put your complaint in writing to the headteacher.
- 8.2 We would expect you to aim to do this within five school days of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible. The form at Appendix A you may find useful. If you are a

pupil we will explain the form to you, help you complete it and give you a copy.

- 8.3 If your complaint is about the headteacher, you should put your complaint in writing to the chair of governors, addressed to the school, to ask for your complaint to be investigated.
- 8.4 In all cases, a senior member of staff or a member of the Governing body can support you to put your complaint in writing if necessary.
- 8.5 If you are involved in any way with a complaint, a member of the senior leadership team or governing body will explain what will happen and the support that is available to you.
- 8.6 A member of the senior leadership team or governing body, will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. We will aim to have a meeting with you and to explain what will happen, normally within 10 school days of receiving your letter. The school's designated person will complete the investigation and will let you know the outcome in writing within 10 school days of completion.

9.0 Stage C

- 9.1 If you still feel that your complaint has not been dealt with fairly, you should write, through the school's address, to the chair of governors setting out your reasons for asking the governing body's complaints committee to consider your complaint. You do not have to write down details of your whole complaint again.
- 9.2 If you need assistance instead of sending a letter or e-mail, you can talk to the chair of governors or a member of the senior leadership team, who will write down what is discussed and what, in your own words, would resolve the problem and then be asked to sign them as a true record of what was said. We would normally expect you to do this within five school days of receiving the school's response. We will let you know how the complaint will be dealt with and will send a letter to confirm this. The complaints committee will normally have a meeting with you within 15 school days of receiving your letter.
- 9.3 The letter will also tell you when all the documentation to be considered by the complaints committee must be received. Everyone involved will see the documentation before the meeting, while ensuring that people's rights to privacy of information are protected. The letter will also record what we have agreed with you 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 information or seeking advice. In this

case, the person dealing with the complaint will agree a new meeting date with you.

- 9.4 Normally, in order to deal with the complaint as quickly as possible, the complaints committee will not reschedule the meeting more than once. If you ask to reschedule the meeting more than once, the committee may think it reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.
- 9.5 We aim to write to you within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.
- 9.6 The governing body's complaints committee is the final arbiter of complaints.

10.0 Special circumstances

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

10.1.1 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 complaints procedure will apply.

10.1.2 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.

10.1.3 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 complaints procedure will then apply.

10.1.4 The whole governing body:

The complaint will be referred to the clerk to the governing body who will inform the headteacher, chair of governors, local authority and, where appropriate, the diocesan authority.

The authorities will agree arrangements with the governing body for independent investigation and consideration of the complaint.

10.1.5 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.

11.0 Our commitment to you

- 11.1 In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open, and fair way.
- 11.2 We will take your concerns and complaints seriously and, where we have made mistakes, will try to learn from them.
- 11.3 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.

The governing body has reviewed this policy on 27.11.24

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

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Date approved:

(by full governing body)

Date of review:

Date sent to the local authority:

[there is no statutory requirement to do this, but it is good practice]

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.