



## School Complaints Procedure

At Ysgol Friars, as in any school, mistakes are occasionally made and we do sometimes get things wrong. The purpose of this procedure is to explain to you how we try to resolve complaints made against the Governing Body or members of staff of the school, or complaints about more general matters such as the management of the school, its curriculum, administration, policies or procedures. The Governors trust that it explains:

- The principles of the procedure and who is responsible for carrying out each part.
- The procedures to be followed.
- Timescales to be followed and how complaints will be recorded and monitored.

The Policy and associated procedure have been developed in compliance with the requirements of Section 29 of the Education Act 2002 and the Welsh Government School complaints procedures: guidance for Governing bodies on how to deal with complaints first published on 02/10/2012 and updated 1/12/2022.

The procedure has three principal stages:

- A – an attempt to secure an informal resolution
- B – formal complaint dealt with by the complaints officer
- C – formal complaint dealt with by the Headteacher or the Chair of the Personnel Committee

### **1. Principles**

We want this procedure to be:-

- Fair.
- Applied consistently.
- Capable of allowing complaints to be resolved as quickly and effectively as possible.

### **2. Use of Information**

- a) The school will respect the rights and feelings of those involved. It is the view of the Governing Body of Ysgol Friars that complaints should be kept confidential with the only the complainant, the person who is the subject of the complaint, and those involved in investigating or making a decision on the complaint being aware of its detail and the content of any correspondence. However, this will not be the case if the complaint is deemed to be vexatious in its nature. The Governors believe that any person who is the subject of any complaint is entitled to know the substance of the accusation made against him/her and its outcome.

- b) At all times, the school will try to keep you and the person(s) you have complained about informed as to the progress of any investigation and any resulting decision.
- c) Anonymous complaints will not be investigated by the school unless the concern raised poses an immediate risk to staff or pupils. Should any anonymous complainant make an allegation that a criminal offence has been committed or that a child is at risk of serious harm, the complainant will be advised to contact the police or Gwynedd Social Services.

### **3. Allegation of Criminal Activity or Child Protection Issues**

Allegations against members of staff which may involve Child Protection matters are covered by nationally agreed guidelines adopted by the Local Authority. If the allegation concerns alleged criminal activity, the person dealing with the complaint should consider whether to refer the matter to the police having taken advice from the Local Authority.

### **4. Procedure for dealing with complaints**

We will try to resolve all complaints **informally (Stage A)** in the first instance. 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 you what steps will be taken. Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.

### **5. Dealing with complaints from persons other than members of staff**

- a) Day to day queries and minor concerns can often be dealt with by ~~the Learning Progress Leader for the relevant key stage~~ Head of Year with the intention of seeking an informal resolution. 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.
- b) Formal complaints should be in writing and should be referred to the School Complaints Officer, Mrs Jackie Street and will be dealt with as **Stage B**. You can do this if you have already tried to resolve the concern informally but are not happy with the outcome.
- c) Parents often try and take complaints directly to the Headteacher. We do not allow this for the following reasons:
  - Any complaint dealt with by the Headteacher is going to seem very serious and may, therefore not be easy to solve informally;
  - There is little point having a complaints officer if she is regularly bypassed;
  - On occasions, members of staff do make errors of judgement. While such incidents are very rare, we do take them seriously and occasionally take disciplinary action against staff. Such action is often taken by the Headteacher. The Welsh Government guidance is very clear – the person who investigates a complaint should not be responsible for making a final judgement on the actions of any member of staff you've complained about.

- d) If you do take a complaint to the Headteacher, he will immediately pass it to the complaints officer and will not deal with it himself. You may find this frustrating at the time but there are good reasons (see above) for treating complaints in this way.
- e) We will give you the opportunity to meet the Complaints Officer if you wish, with the aim of solving your complaint within ten school days. We will try and arrange such a meeting at a time that is convenient for you and us. We will let you bring someone with you if you ask us in advance. If there are particular reasons for it, we will let them speak on your behalf. For example, if you are disabled or hearing impaired, you may have a friend or relative to sign for you who could come with you. Unless there is such a good reason, we will not let other people speak for you. Under no circumstances will we let you make a complaint on someone else's behalf, or, if we've done something which you think is wrong to you or (if you are a parent of a pupil at Friars) your child, let someone else, such as a relative, friend local councillor etc. make the complaint on your behalf.
- f) The member of staff who is the subject of the complaint should be advised to seek advice of his/her trade union/association representative. The Complaints Officer will investigate the complaint and upon completion, make a judgement as to whether the complaint is founded, unfounded or not proven. You should be informed of the outcome of the complaint by the Complaints Officer, who should keep a record, which consists of your name, the date of the receipt of the complaint, a brief description of the complaint, action taken to resolve it and any further issues for action. A copy will be made available to you if you ask for one.
- g) We will expect you to do your best to help us resolve your complaint. You should describe your complaint in detail. You should provide specific information which can be investigated and considered.
- h) Complaints should be made promptly. It is not reasonable for people to make complaints a long time after the event. Preferably you should make your complaint within 10 school days; it is sometimes reasonable to give you longer but in most cases the Welsh Government says schools probably have reasonable grounds to not consider complaints, unless there are exceptional circumstances, brought more than six months from when you first became aware of the event in question. We will be flexible where we think that this is justified. For example, complaints which trigger safeguarding/child protection investigations will still be looked at even if this timescale has been exceeded.
- i) It is reasonable to expect a complainant to attend meetings if reasonable notice is given and the meeting time and location takes reasonable account of your other commitments.
- j) 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.

- k) Aggressive, abusive or unreasonable behaviour by anyone making complaints will not be tolerated. If you act in this manner while on our premises, you may be asked to leave the school site or the decision could be made to ban you from the school site (Section 547 'Education Act 1996). We may tell you that we are not going to take this or any other complaints from you any further if, for example:
- i. You complain repeatedly about the same incident/issue to the same person;
  - ii. It is clear, and you have been told, that there is no substance to your complaint;
  - iii. You refuse to keep to our procedures for investigating complaints while still insisting that the complaint must be resolved;
  - iv. You try to force us to deal with your complaint in a way that is contrary to the complaints procedure;
  - v. You make a complaint that appears to be unfounded against staff dealing with the complaint and ask for them to be removed and for us to get someone else in their place;
  - vi. You change the reason for the complaint while investigations are ongoing;
  - vii. You refuse to accept that to any reasonable person the complaint is obviously trivial and can be resolved informally;
  - viii. You apply a "scattergun" approach, pursuing a complaint or complaints with the school and the Governors and simultaneously raise it with your MP / councillor / ombudsman etc.;
  - ix. You take too much time and resources of staff whilst investigations are being made into a complaint, for example by calling unreasonably often or sending e-mails to a large number of staff, writing letters and long-mails within days of each other and expecting immediate responses;
  - x. You behave, either while on the phone, or in a meeting, in an offensive or aggressive manner to any of our staff;
  - xi. You reach the end of the procedure but refuse to accept the decision.
- l) If you do not meet these expectations at any stage of the complaints procedure, then we are entitled to not consider your complaints. This will be explained to you in writing and a record kept by the school.
- m) Where it is not possible to resolve a complaint with the Complaints Officer or where you remain dissatisfied with the outcome, you should be informed that the complaint can be passed on to the Headteacher. This is **Stage C**. The complaint must be put in writing and you will be given a copy of the School's Complaints Procedure by the Complaints Officer. Upon receipt of the complaint, the Headteacher will acknowledge it in writing and will seek to provide a formal response within ten school days. When this is not possible, you will be informed and given a revised timetable for resolution of the complaint.
- n) In cases where you are still dissatisfied or where complaints are made about the conduct of the Headteacher, these complaints will be dealt with by the Chair of the Personnel Committee.

Upon considering the complaint, the Chair of the Personnel Committee may decide that the matter is capable of being dealt with by him/her alone, or may decide to call a meeting of the Personnel Committee who will act as the school's Complaints Committee. In such case, the Chair will ask the Clerk to acknowledge the complaint within five school days and to arrange a hearing to hear the complaint within fifteen school days of the receipt of the complaint. You and the Headteacher will be entitled to attend and both parties must submit any written evidence which it is intended to present to the meeting at least five school days before the date of the hearing. The Committee will not consider any documentation submitted after this date. The timescale may need to be changed, to allow for the availability of people, the gathering of evidence or seeking advice. In this case, a new meeting date will be arranged with you. 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.

- o) Where a complaint has originated from a pupil, it is expected that his or her parent will be aware of its detail (but see 5J above) and will be able to put the complaint in writing on the child's behalf once Stage C of the procedure has been reached. A pupil may give evidence before the Personnel Committee but will only do so with the parent's consent if under the age of 16. Parents will be informed if and when a pupil over the age of 16 will be giving evidence.
- p) When the Committee has considered all the evidence, it will deliberate and reach a decision in private. If a representative of the LA is present to give advice, he or she will withdraw once the advice has been given.
- q) The Committee's decision will cover:-
  - Whether or not 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 recommendation for changes to school policies or procedures to be considered by the Headteacher or full Governing Body as appropriate.
- r) The Committee's decision should be sent in writing to you within ten school days. The letter will make clear that the complaint has been thoroughly investigated and that the matter will not be reopened. Any subsequent complaint will only be dealt with if it is demonstrably different from matters raised under a previous complaint.

## **6. Complaints from staff**

Members of staff with a complaint should in the first instance seek to resolve the matter informally, if necessary with the assistance of their Head of Department or Faculty etc. When an informal resolution is not possible or where the complaint is against the Head of Department or Faculty etc., it should be raised with the Complaints Officer who will again seek to deal with the matter informally in the first instance. Where the subject of

the complaint and the complainant are members of staff, it is likely that the Grievance Procedure will be followed.

### **7. Investigating complaints**

When a complaint is referred from any source, the matter will be investigated. The Governors believe it is important that any decision, particularly which may lead to disciplinary action against a member of staff, should be undertaken by a person other than the one who has undertaken the investigation, in order to avoid any conflict between the Headteacher acting as judge and jury. Where the complaint is against the Headteacher, it will be investigated by the Chair of the Personnel Committee and where the complaint is against the Chair of Governors, it will be investigated by the Vice Chair. Complaints against the whole Governing Body will be forwarded to the Local Education Authority by the Clerk.

### **8. Appeals Against Internal Assessment of Work Leading to External Qualifications**

- a) Ysgol Friars is committed to ensuring that when students' work is assessed for external qualifications (e.g. coursework), this is done fairly, consistently and in accordance with the specification for the qualification concerned. Assessment should be conducted by staff with appropriate knowledge, understanding and skills and who are familiar with the relevant specifications. Students' work should be authenticated according to the requirements of the Examination Board.
- b) If a student feels that this may not have happened, he or she or his or her parents may make use of the Complaints Procedure. A complaint may only be made concerning the process and not against the mark or grade given.
- c) Complaints should be made in accordance with the following:-
  - The complaint should be lodged with the Complaints Officer as per the school's Complaint Procedure.
  - The complaint must be made in writing, giving details of the complaint and it must be lodged at least two weeks before the closing date for submission of work to the school. It is important to note that the school's submission date is earlier than the final date for submission of work to the Examination Board.
  - The Complaints Officer will provide a copy of the complaint to the teacher who is responsible for assessing the work, the relevant Head of Department or Faculty and the school's Examination Officer. The teacher will be asked to respond in writing and the Complaints Officer will confirm that the information outlined in the response is in accordance with departmental policy and the rules of the Examination Board through consultation with the Head of Department or Faculty and the Examination Officer.
  - The complainant will be informed in writing of the outcome of the complaint and of any changes made to the assessment of the work.
  - Should the complainant remain dissatisfied, a complaint may be lodged with the Headteacher in accordance with the school's Complaint Procedure.

- d) A written record will be retained in the event of any complaint to the Examination Board.
- e) Internal moderation and standardisation arrangements are outside the scope of this Appeal Procedure.

### **9. Withdrawal of complaints.**

Where a complaint has been submitted in writing, if the complainant decides to withdraw it, then the withdrawal must be in writing as well.

### **10. Local Authority Role**

The Governing Body's complaints Committee is the final arbiter of complaints and there is no further right of appeal. If you believe the procedures were not followed correctly or that the decision was reached without proper regard to relevant policies or legislation you have the right to ask the Local Authority to review how we dealt with your complaint. In such cases, the Local Authority will expect you to contact them within 15 School days of receiving the Complaints Committee's response.

**The Local Authority cannot alter a decision**, only request that the complaint be reinvestigated if it believes that the relevant policy or procedures were not followed. The reinvestigation of the complaint will take place using individuals not previously involved.

### **11. Special Circumstances**

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 complaints 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 complaints 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.

In all cases the school and Governing Body will ensure that complaints are dealt with in an unbiased, open and fair way. Under certain circumstances this may include an external investigator investigating a complaint.

**12. Record keeping**

Records of all complaints will be kept for seven years from the date of receipt. 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.

Where complaints are considered to have been made maliciously or vexatiously, 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'.

**13. Monitoring**

The Governors may require the Headteacher and/or the Chair of the Personnel Committee to report to them periodically on the number of written complaints received, how many were dealt with within the timescales specified, how many were resolved by the Headteacher, how many by the Chair of the Personnel commit and how many proceeded to hearing.

**14. Our Commitment to You**

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

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 the Welsh Government has established 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)

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