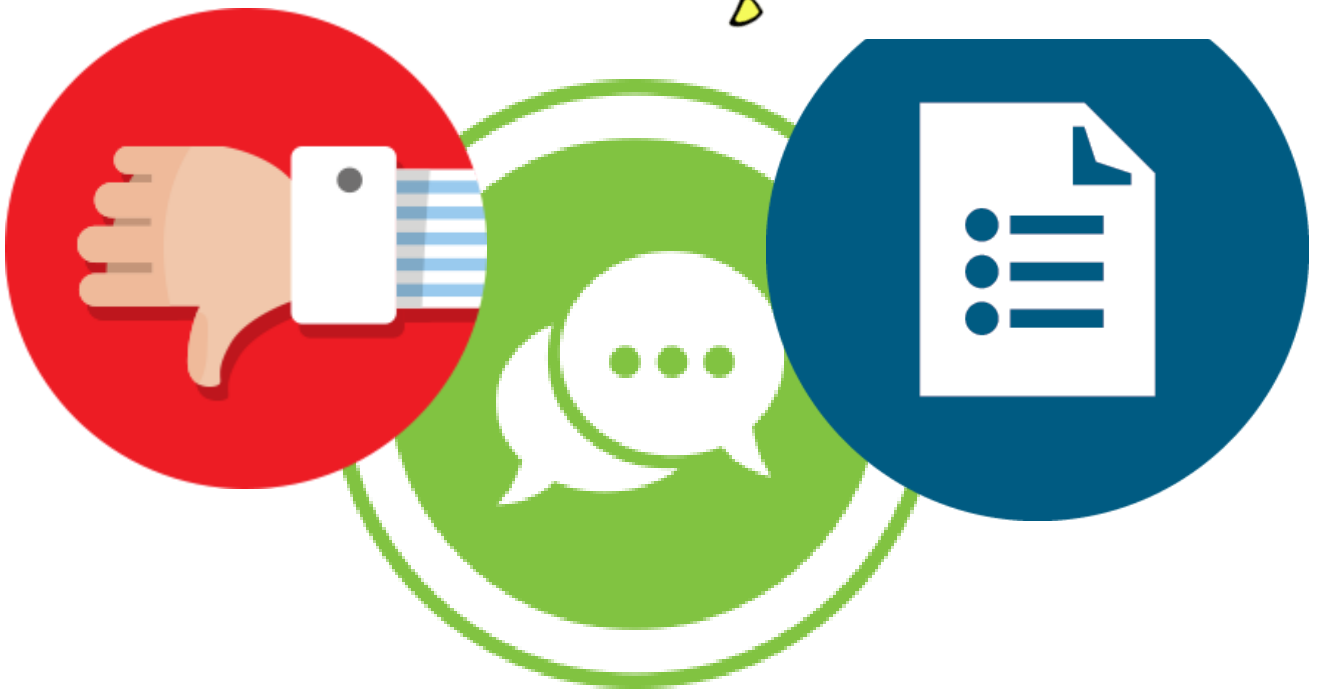
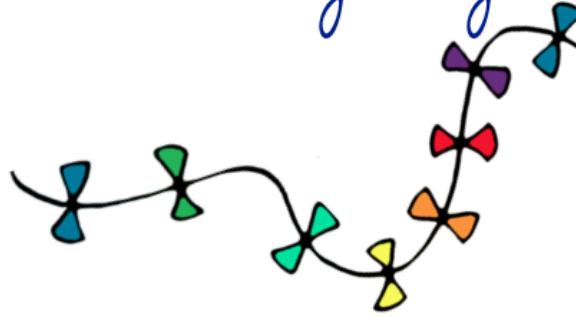


# Rhydypenau Primary School

*"Aiming High"*



# Complaints Policy

## DEVELOPMENT, MONITORING & REVIEW OF THIS POLICY

### SCHEDULE FOR DEVELOPMENT, MONITORING & REVIEW

This policy was agreed by teachers:	
This policy was agreed and adopted by the Governing Body:	Autumn 2021
The implementation of this policy will be reviewed by:	Nicola Hammond
This policy will be reviewed:	3 years
This policy was last reviewed:	Autumn Term 2024
This policy is due to be reviewed:	Autumn Term 2027
Chair of Governors' Signature:	
Headteacher's Signature:	

# Complaints Policy

## Guidance for governors on how to deal with complaints.

### Contents

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### Introduction

Rhydypenau 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. We have a zero-tolerance approach to all forms of bullying and harassment and promote respectful relationships between learners, parents, staff, and governors.

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.' 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.

### When to use this procedure

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. 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.

### Have you asked us yet?

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.

### What we expect from you

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. Nor will we tolerate unreasonable demands, unreasonable persistence nor vexatious complaining. There is an annex to this policy to manage situations where we find that someone's actions are unacceptable.

**Our approach to answering your concern or complaint** We will consider your concerns and complaints in an open and fair way. At all times, the school will respect the rights and feelings of

those involved and make every effort to protect confidential information. Timescales for dealing with your concerns or complaints may need to be extended and we will notify you. We may ask for advice from the local authority or diocesan authority where appropriate. 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. 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.

### **Answering your concern or complaint**

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. 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. 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**

If you have a concern, you can often resolve it quickly by talking to a teacher 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. The longer you leave it the harder it might be for those involved to deal with it effectively. 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 concerns. 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. 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.

### **Stage B**

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. 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. 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. In all cases, the Headteacher can support you to put your complaint in writing if necessary. If you are involved in any way with a complaint, the Headteacher will explain what will happen and the support that is available to you. The Headteacher 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.

### **Stage C**

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. If you need assistance instead of sending a letter or e-mail, you can talk to the chair of governors or the Headteacher 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. 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. 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. 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. The governing body's complaints committee is the final arbiter of complaints.

### **Special circumstances**

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

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.

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.

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.

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.

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.

### **Our commitment to you**

In all cases the school and governing body will ensure that complaints are dealt with in an unbiased, open, and fair way. 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 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 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) (<mailto:advice@childcomwales.org.uk>). This document may not be fully accessible. For more information refer to our accessibility statement (<https://gov.wales/accessibility-statement-govwales>)

## **Appendix A: Model complaint form**

The person who experienced the problem should normally fill in this form. If you are making a complaint on behalf of someone else, please fill in Section B also. Please note that before taking forward the complaint we will need to be satisfied that you have the authority to act on behalf of the person concerned. If you are a pupil the school will help you complete this form, will explain it to you and will give you a copy of it when it is completed.

Your details:

Surname

Forename(s)

Title: Mr/Mrs/Ms/other

Address and postcode

Daytime phone number

Mobile phone number

Email address

How would you prefer us to contact you?

If you are making a complaint on behalf of someone else, what are their details?

Their name in full

Address and postcode

What is your relationship to them?

Why are you making a complaint on their behalf?

About your complaint (continue your answers on separate sheets of paper if necessary)

Name of the school you are complaining about.

What do you think they did wrong or did not do?

Describe how you have been affected.

When did you first become aware of the problem?

If it is more than three months since you first became aware of the problem, please give the reason why you have not complained before.

What do you think should be done to put matters right?

Have you already put your complaint to a member of staff?

If so, please give brief details about how and when you did so.

Signature of complainant:

Date:

Signature if you are making a complaint on behalf of someone else

Signature:

Date:

Please send this form and any documents to support your complaint to:

Nicola Hammond

Rhydypenau Primary School

Fidlas Ave

Llanishen

Cardiff

Official Use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

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## **Appendix to School Complaints Policy**

### **Unreasonable behaviour or Vexatious Complaints**

**This policy is to be read in conjunction with the school's complaints procedure.**

The Head Teacher and Staff deal with Complaints as part of their day-to-day management of the school, in accordance with the School's Complaints Policy and Complaints Procedure.

The majority of complaints are handled in an informal manner, and are resolved quickly, sensitively, and to the satisfaction of the complainant.

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 children and/or staff in the school. In these exceptional circumstances, the school may act in accordance with this policy.

The school will always undertake to address complaints made in good faith in a genuine spirit of partnership and problem solving with respect and integrity. This section in no way undermines that basic intention on the part of the school and this section of the policy will only be invoked if evidence can be presented that the school has exhausted every avenue to satisfy the request of complainants.

Habitual and/or vexatious complainants can be a problem for all members of the school community. The difficulty in handling such complaints inevitably places a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants, there are times when nothing further can reasonably be done to assist or rectify a real or perceived situation.

The school is under a duty of care to protect its staff and governors from bullying and harassment. It is recognised that on rare occasions habitual and vexatious complaining can be used as a tool to bully and harass staff. Abuse of the policy in this way will not be tolerated. The school reserves the right to identify complainants who might be considered to be 'habitual or vexatious' and ways of responding to these situations. In this context 'habitual' means 'done constantly or as a habit and without cause'. The term 'vexatious' is recognised in law and in this context means 'denoting an action or the bringing of an action without sufficient grounds for success, purely to cause annoyance to the respondent'.

The terms 'habitual' and 'vexatious' are used in this section to clarify that the school reserves the right in exceptional circumstances to deal with persons who seek to be disruptive or whose requests cause unreasonable, disproportionate and repeated workload, despite the best efforts by school staff and governors.

Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and on deciding on the appropriate choice of action to be taken.

The Vexatious and habitual section of the policy will only be invoked following careful consideration of all the issues by the Headteacher and after authorisation has been provided by the Chair of Governors. The decision must be reported to the full Governing Body and to the LA. See criteria to determine Habitual or Vexations complaints

## **Criteria to Determine Unreasonable behaviour or Vexatious Complaining**

Each case will be viewed individually on its own merit and we will never refuse to consider a complaint merely because the complainant has caused problems in the past. We will ensure that the focus is on the complaint itself rather than the person raising the complaint. However, -a complainant and/or anyone acting on their behalf may be deemed to be behaving unreasonably or a vexatious complainant if having utilised all procedures and none remain outstanding, previous or current contact with them shows that they may meet one or more of the following criteria, depending on degree.

- Continuing pursuing a complaint where the school's complaint procedures have been fully completed;
- Refusing to follow the school complaints procedures;
- Habitually changing the substance of a complaint and raising new issues in order to prolong the process, where there is no new evidence to support the substance of the complaint. Care will be taken not to discard new issues which are significantly different from the original complaints; Such issues need to be addressed separately;
- Persistently approaching the school through different routes to obtain a different outcome;
- Refusal to accept service of documented evidence relating to a complaint.

- Refusal to accept that the Governing Body has reached a final decision on completion of the school's complaint process.
- Denying receipt of documents relating to a complaint despite evidence of delivery of those papers
- Misuse or abuse of procedure as a substitute for other procedures.
- Not identifying the precise issues which they wish to be investigated despite reasonable efforts to help them specify their concerns.
- Continuing to pursue a complaint with the Governing Body where the concerns identified are not within the remit or the capacity of the Governing Body to investigate or resolve.
- Continuing to raise a minor issue when the matter in question has already been addressed.
- Excessive contact with the school thus placing unreasonable demands on staff time despite the procedure within the school's policy having been followed. A contact may be in person, by telephone, letter, email etc. Discretion must be used in determining the point at which contacts become 'excessive' contacts using careful judgement.
- Threatening or using physical violence towards staff at any time will, in and of itself, be defined as vexatious complaining and will lead to personal contact with the complainant and/or their representative to be discontinued and pursued thereafter only through written communication. Where necessary the Police will be informed.
- Harassing, being personally abusive or verbally aggressive towards staff dealing with the complaint, either face to face or by other means, will result in contact being discontinued. Police may be contacted. The Local Authority will be asked to address the matter in these circumstances.
- Recording meetings or conversations without the prior knowledge and consent of parties present.
- Making unreasonable demands on the school/complainant relationship such as insisting on responses to complaints or enquiries being provided more urgently than is reasonable as set out in the policy of the school.

### **Strategy for Dealing with Habitual or Vexatious Complainants**

If a complainant has been identified as habitual or vexatious under the scope of this section of the policy, the Headteacher and Chair of Governors will decide which of the actions set out below will be taken. They will implement the action and will notify the complainant, in writing, of the reasons why they have been classified as habitual or

vexatious and what action will be taken. They will also be notified of the review procedure and their rights. This notification may be copied for the information of others already involved in the complaint or matters closely related e.g. staff, LA officers, local councillors etc. A record will be kept for future reference.

## **Possible Actions**

Possible actions include but are not limited to the following:

- Withdrawal of contact either in person, by telephone, by email, letter or any combination provided that at least one option of contact is maintained. If staff or governors, are to withdraw from a telephone conversation immediately.
- Restriction of contact via a designated person
- Notification to the complainant in writing that the complaint has been completed; a resolution has been attempted and that there is nothing further to add with continuing contact on the matter serving no useful purpose. This notification will include confirmation that further complaint on the same matter or similar issues will be acknowledged but not addressed.
- Temporarily suspend, for a period to be specified, all contact with the complainant (provided that the Governing Body will not withdraw any services to which the complainant has a legal entitlement to receive).
- In extreme circumstances, informing the complainant that the school reserves the right to pass unreasonable or vexatious complaints to the school's legal advisers and that this may result in further action.
- Withdrawal of permission to enter school premises where verbal aggression, bullying or harassing behaviour or threats and/or attempts at physical violence have been used against staff, governors, other pupils or their parents.

## **Review of the Decision**

The decision will be reviewed every half term by the HT and/or Chair of Governors. The complainant will be informed of the review process in advance on each occasion and will be invited to submit written correspondence.

## **Annex 2: Model leaflets for schools Guidance for governors on how to deal with complaints.**

### **Contents**

Have your say (#section-110787)

Privacy (#section-110789)

School council (#section-110791)

The suggested model text below is written for use in schools to ensure pupils are aware of how to voice concerns. It can be adapted for posters, leaflets, letters or school websites or intranets.

### **Have your say**

Do you have a suggestion, concern, or complaint?

By working together, we can make a difference.

We want you to feel safe and happy at school, but sometimes you may feel worried, have a concern, or want to make a suggestion. We also want to hear about areas of school life that you enjoy and value. If you are worried about something, please tell a member of staff straight away so that we can look into it. We will take your concerns and any issues that you raise very seriously. If you don't want to raise the concern yourself, you can ask a member of the school council, a member of staff or someone else you trust to take the matter up on your behalf. Normally your class teacher will do this.

When you raise a suggestion, concern, or complaint:

- we will listen to everything you say
- we will ask you questions to help make things clear
- we will treat you fairly
- someone can help you, such as a parent/carer, friend, relative or someone else
- the person dealing with your concern will tell you what is happening.

### **Privacy**

Usually, we will not tell anyone about what you say unless they are involved in dealing with your concern. Sometimes we will tell other people, for instance, if you or someone else is in danger of being hurt or upset. If this is the case, we will explain it to you. When you have a

concern or complaint against another person, then that person will normally have a right to be made aware of the concern or complaint and be allowed to give their side of the story.

### **School council**

If your concern or suggestion affects the whole school or a group of pupils, we might suggest that the school council considers it, or you might want to ask the school council yourself.

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# Annex 3: Working with the Law

## The legal framework

### Education Act 2002

Section 29(1) of the Education Act 2002 ('the Act') requires governing bodies of all maintained schools to establish procedures for dealing with complaints relating to the school or to the provision of facilities or services. Under section 27 of the Act (Section 27 provides the governing body of a maintained school with the power to provide any facilities or services whose provision furthers any charitable purpose for the benefit of pupils at the school, their families and people who live and work in the locality of the school), governing bodies must also publicise their complaints procedures.

There are separate statutory processes for complaints and appeals relating to the curriculum for Wales, additional learning needs (ALN), admissions, exclusions, staff grievance, teacher capability and staff discipline. You can find guidance on these topics at [Hwb](#) and [Gov.Wales](#).

Section 29(2) requires a governing body to have regard to guidance issued by the Welsh Ministers in establishing and publishing complaints procedures relating to the school or to the provision of facilities or services under section 27 of the Act.

This circular is published under section 29(2) in relation to the establishing and publicising of procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27 of the Act. Governing bodies must have regard to the statutory guidance with respect to these matters and follow it unless there are compelling reasons for concluding that, in the particular

circumstances of the school or the complaint, the guidance is not relevant or is outweighed by other considerations.

## **Education Act 1996**

The model procedure and the remainder of this circular are published under section 10 of the Education Act 1996, under which the Welsh Ministers shall promote the education of the people of Wales.