

Ysgol Aberconwy



Complaints Procedure

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THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY

Signed:

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School Governing Body Complaints Procedures

Background Information

Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales to establish procedures for dealing with complaints from parents, pupils, members of staff, governors, members of the local community and others. The law also requires governing bodies to publish their complaints procedures. The provision of section 29 came into force on 1st September 2003. In October 2012 the Assembly issued guidance (Circular No: 011/2012) on the establishment and publication of procedures.

These complaints procedures do not include those relating to the curriculum, SEN, religious worship, admissions, exclusions, staff grievance, teacher capability and staff disciplinary. There are other statutory processes for complaints and appeals relating to these matters.

Ysgol Aberconwy Complaints Procedure

The Principles underpinning the complaints procedure

The Governing Body will have regard to Assembly guidance circular 011/2012 (published October 2012) in relation to all complaint procedures. All processes will follow the procedures set out in the document.

The basic principles of the procedures are:

- Fair to all parties and applied consistently
- Quick and effective resolution (especially at stage A)
- Meet timescales recommended by the guidance
- Thorough investigation
- Confidentiality
- Appropriate support for pupils making complaints
- All parties kept informed throughout process
- Treat anonymous complaints in same way as any other if it involves an allegation of criminal matter or child protection (all other at discretion of Headteacher or Chair of Complaints Committee)
- Any withdrawal of complaint to be recorded and acknowledged by letter
- Clear roles and responsibilities for all those involved
- All complaints to be recorded and retained for three years
- The governing body to receive twice yearly reports summarising key trends and issues on complaints

Most questions that parents and young people might have about the running of the school will be answered in the information that the school routinely provides. The school welcomes the raising of any questions or concerns, which go beyond these matters.

The schools procedure for the raising of concerns, expressions of dissatisfaction or complaints will be published in the school prospectus and the annual report to parents. A copy will be made available to all parents, pupils, staff, governors, the LEA, diocesan authority (where appropriate) and all those who request a copy.

School staff and members of the governing body will be reminded annually about their roles and responsibilities in responding to complaints.

The school recognises that lessons can be learnt and procedures improved as a result of individual complaint cases and the monitoring of long-term trends.

The procedures allow for a consistent and documented approach within the school.

Any third party using the school premises or offering activities and services on the school premises will be asked to have their own complaints procedures in place.

The Roles and Responsibilities Of All Those Involved

1. The Staff

On receipt of a complaint staff will discuss the content with the Headteacher. If appropriate the staff member will respond to the complainant within the recommended timescales.

2. The Headteacher (designated School Complaints Officer)

The Headteacher will ensure all staff are aware of their role and responsibilities within the complaints procedure. The Headteacher will take appropriate steps to resolve complaints at Stages 1 and 2. The Headteacher will record all complaints and present appropriate reports and recommendations to the governing body.

3. The Governing Body

The governing body has the statutory and ultimate responsibility for hearing complaints, adjudicating and deciding on action to be taken. Accordingly, the Governing Body has established a Complaints Committee and an Appeals Committee to deal with complaints under Section 29 (1) of the Education Act 2002.

4. The LEA

The LEA and diocesan authorities do not have a statutory role in resolving complaints about schools – the statutory responsibility rests with the governing body. The governing body may ask for assistance to investigate a complaint; advice on handling; or advice on the response. The Assembly is of the view that complainants may contact the LEA/Diocesan Authority after Stage 3 is complete for the purpose of reviewing the procedure used to reach a decision, not to review the decision itself or to act as an appeal mechanism.

5. The Welsh Assembly Government

If the complainant is dissatisfied about the procedures used by the governing body to address a complaint, he or she can ask the Assembly Government to consider its actions. The Assembly Government will not normally investigate an issue until the complainant has first pursued it under the schools published procedures.

Paras. 12-22 of the guidance outline the roles of Children's Commissioner, Commissioner for Local Administration in Wales, General Teaching Council for Wales and other parties referred to.

6. The Complainant

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 behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining.

The school's approach to answering a concern or complaint

- The school and its Governing Body will consider all 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 concerns or complaints may need to be extended following discussion with the complainant.
- The school and Governing body may ask for advice from the local 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 the school will explain why this is so, and will inform the complainant what steps will be taken.
- The governing body and headteacher will keep records of documents used to investigate a concern or complaint for seven years after it has been dealt with. Records will be kept in school and reviewed by the governing body after seven years to decide if they need to be kept for longer.

- 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 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 any reasons for 'no action'.

Answering your concern or complaint

The chart in Appendix A shows what may happen when a complaint is made or a concern is raised. There are up to three Stages A, B and C. Most complaints can be resolved at Stages A or B. Individuals can bring a companion for support at any time during the process but they will be expected to speak for themselves. However, we 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, a concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person dealing with the concern or complaint will need to consider whether anyone else within the school needs to know about the concern or complaint, so as to address it appropriately.

If the complainant is a pupil under 16 and wishes to raise a concern or bring a complaint the school will ask for their permission before we involve their parent(s) or carer(s). If a pupil under 16 is involved in a complaint in any other way, the school may ask their parent(s) or carer(s) to become involved and attend any discussion or interview.

Stage A

1. Concerns can often be resolved quickly by talking to a teacher, a line manager or the headteacher. Concerns should be raised as soon as is possible, and the school would normally expect complainants to raise issues within 10 school days of any incident. It should be recognised that the longer issues are left unreported, the harder it might be for those involved to deal with it effectively.
2. Pupils can raise concerns with school council representatives, guidance mentors, form tutors or other appropriate member of staff. This will not stop pupils, at a later date, from raising a complaint if they feel that the issue(s) raised have not been dealt with properly.
3. The school will try to let you know what has been done or what is being done about a concern normally within 10 school days, but if this is not possible, we agree a revised timescale with the complainant.
4. The person overseeing a concern or complaint will keep the complainant informed of the progress being made. This person will also keep a log of the concern for future reference.

Stage B

1. In most cases, we would expect concerns to be resolved informally. If the complainant feels that the initial concern has not been dealt with appropriately they should put their complaint in writing to the headteacher.
2. We would expect this to be done within five school days of receiving a response to the initial concern as it is in everyone's interest to resolve a complaint as soon as possible.
3. If the complaint is about the headteacher, then the complaint should be made in writing to the chair of governors, addressed to the school.
4. In all cases, the school can help you to put your complaint in writing if necessary.
5. The headteacher, or designated representative, will explain what will happen and the sort of help that is available to everyone involved in a complaint.
6. Timescales for dealing with complaints will be agreed with the complainant. The headteacher or designated representative will invite complainants to discuss a complaint at a meeting, or over the telephone is that is more convenient and mutually agreed, which we will aim to have normally within 10 school days of receiving the complaint in writing. The school's designated person will then complete an investigation and inform the complainant of the outcome in writing within 10 school days of completion.

Stage C

1. It is rare that a complaint will progress any further. However, if the complainant feels that the complaint has not been dealt with fairly, then 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. It is not necessary for the complainant to write down details of the whole complaint again.
2. Instead of sending a letter or e-mail, the school accepts that a complainant can talk to the chair of governors or designated representative who will write down what is discussed and what, in the words of the complainant, would resolve the problem. The school expects a complainant to do this within five school days of receiving the school's response. The complainant will be asked to read any notes taken, or will have the notes read back to them, and will then be asked to sign them as a true record of what was said. The school will inform the complainant how the complaint will be dealt with and will send a letter to confirm this. The complaints committee will normally have a meeting with the complainant within 15 school days of receiving their letter.
3. The letter will also tell 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 the school has 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.

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 a complainant asks to reschedule the meeting more than once, the committee may think it reasonable to make a decision on the complaint in their absence to avoid unnecessary delays.
5. The clerk to the committee will write to the complainant within 10 school days of the meeting explaining the outcome of the governing body's complaints committee's consideration.
6. The school will keep records of all conversations and discussions for the purpose of future reference and review by the full governing body. These records will be kept for a minimum of seven years.
7. 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.

- 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 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.

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

Our commitment to the complainant

- We will take concerns and complaints seriously and, where we have made mistakes, will try to learn from them.
- If help is needed to make concerns known we will try and assist complainants. If young people 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.
- The governing body has consulted with staff and pupils on this policy and will consult further if any amendments are made in the future.

Complaints and examinations/assessments procedures

Purpose of the policy

The purpose of this policy is to confirm the arrangements for complaints about examinations at Ysgol Aberconwy and confirms compliance with JCQ's *General Regulations for Approved Centres* (sections 5.3, 5.8) in drawing to the attention of candidates and their parents/carers its written complaints and appeals procedure which covers general complaints regarding the centre's delivery or administration of a qualification.

Grounds for complaint

A candidate (or his/her/parent/carer) at Ysgol Aberconwy may make a complaint on the grounds below (This is not an exhaustive list).

Teaching and Learning

- Quality of teaching and learning, for example:
- Non-subject specialist teacher without adequate training/subject matter expertise utilised on a long-term basis
- Teacher lacking knowledge of new specification/incorrect core content studied/taught
- Core content not adequately covered
- Inadequate feedback for a candidate following assessment(s)
- Pre-release/advance material/set task issued by the awarding body not provided on time to an examination candidate
- The taking of an assessment, which contributes to the final grade of the qualification, not conducted according to the JCQ/awarding body instructions
- Candidate not informed of their centre assessed mark prior to marks being submitted to the awarding body
- Candidate not informed of their centre assessed mark in sufficient time to request/appeal a review of marking prior to marks being submitted to the awarding body
- Candidate not given sufficient time to review materials to make a decision whether to request a review of the centre assessed mark
- Candidate unhappy with internal assessment decision (complainant to refer to the centre's **internal appeals procedure**)
- Centre fails to adhere to its internal appeals procedure

Access arrangements and special consideration

- Candidate not assessed by the centre's appointed assessor
- Candidate not involved in decisions made regarding their access arrangements
- Candidate did not consent to record their personal data online (by the non-acquisition of a completed **candidate personal data consent form**)
- Candidate not informed/adequately informed of the arrangement(s) in place and the subjects or components of subjects where the arrangement(s) would not apply
- Examination information not appropriately adapted for a disabled candidate to access it
- Adapted equipment/assistive technology put in place failed during examination/assessment
- Approved access arrangement(s) not put in place at the time of an examination/assessment
- Appropriate arrangement(s) not put in place at the time of an examination/assessment as a consequence of a temporary injury or impairment
- Candidate unhappy with centre decision relating to access arrangements or special consideration (complainant to refer to the centre's **internal appeals procedure**)

- Centre fails to adhere to its internal appeals procedure

Entries

- Failure to clearly explain a decision of early entry for a qualification to candidate (or parent/carer)
- Candidate not entered/entered late (incurring a late entry fee) for a required examination/assessment
- Candidate entered for a wrong examination/assessment
- Candidate entered for a wrong tier of entry

Conducting examinations

- Failure to adequately brief candidate on examination timetable/regulations prior to examination/assessment taking place
- Room in which assessment held did not provide candidate with appropriate conditions for taking the examination
- Inadequate invigilation in examination room
- Failure to conduct the examination according to the regulations
- Online system failed during (on-screen) examination/assessment
- Disruption during the examination/assessment
- Alleged, suspected or actual malpractice incident not investigated/reported
- Failure to inform/update candidate on the accepted/rejected outcome of a special consideration application if provided by awarding body

Results and Post-Results

- Before examinations, candidate not made aware of the arrangements for post-results services and the availability of senior members of centre staff after the publication of results.
- Candidate not having access to a member of senior staff after the publication of results to discuss / make a decision on the submission of a results review/enquiry
- Candidate request for return of work after moderation and work not available/disposed of earlier than allowed in the regulations
- Candidate (or parent/carer) unhappy with a result (complainant to refer via exams officer to awarding body **post result-services**)
- Candidate (or parent/carer) unhappy with a centre decision not to support a clerical re-check, a review of marking, a review of moderation or an appeal (complainant to refer to the centre's **internal appeals procedure**)
- Centre fails to adhere to its internal appeals procedure
- Centre applied for the wrong post-results service/for the wrong script for a candidate
- Centre missed awarding body deadline to apply for a post-results service
- Centre applied for a post-results service for a candidate without gaining required candidate consent/permission

Raising a concern/complaint about examinations/assessments.

See Appendix A

Appendix A : Summary of dealing with concerns or complaints

