

# **FITZALAN HIGH SCHOOL**

## **POLICY STATEMENT FOR COMPLAINTS PROCEDURE**

**STATUTORY LEGISLATION:** School Standards and Framework Act 1998.  
Education Act 2002, Section 29.  
School Governing Body Complaints  
Procedures NafW Circular 03/2004.

### **RATIONALE**

The complaints procedure ensures 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.

### **OBJECTIVES**

This policy will be applied when a complaint is made by a pupil attending Fitzalan and/or his/her parents. Exceptions to this are when the complaint relates to a possible child protection issue, a criminal activity or an assessment outcome in relation to a public examination. These circumstances will be dealt with under their own separate procedures.

If the complainant is a pupil at the school, National Assembly Circular No: 39/2006 "Guidance for School Governing Bodies on Procedures for Complaints involving Pupils" will be followed. A copy of this guidance is available on request.

### **GUIDELINES**

Complainants will allow the school to try to resolve the complaint at each stage and not try to circumvent stages. In addition, complainants will co-operate with the school in providing information so that the complaint can be investigated and heard.

All parties will behave reasonably and treat the process and the parties involved with respect. It is reasonable to request an adjournment of a meeting or a hearing if the timing is inconvenient but it is not reasonable for any party to seek last minute cancellation or to thwart the process by repeatedly failing to agree dates.

The complainant and the person(s) against whom a complaint is made can be accompanied by a friend, advocate, union representative, colleague, parent or other person at each stage.

### **PROCESS**

All complaints will be dealt with quickly and with impartiality. The person dealing with the complaint will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with or contact the complainant for further information if necessary;
- clarify what the complainant feels would put things right;
- talk to those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;

- approach matters with an open mind and:
- keep records.

## **TIMING**

### **The 3 Stage Approach to Complaint Resolution**

- Stage 1:** Complaint raised with (and resolved) by first recipient within the school. (Appendix 1).
- Stage 2:** Matter referred to Headteacher for investigation, decision and resolution. (Appendix 1).
- Stage 3:** Matter referred to the Governors for investigation, decision and resolution. (Appendix 3).

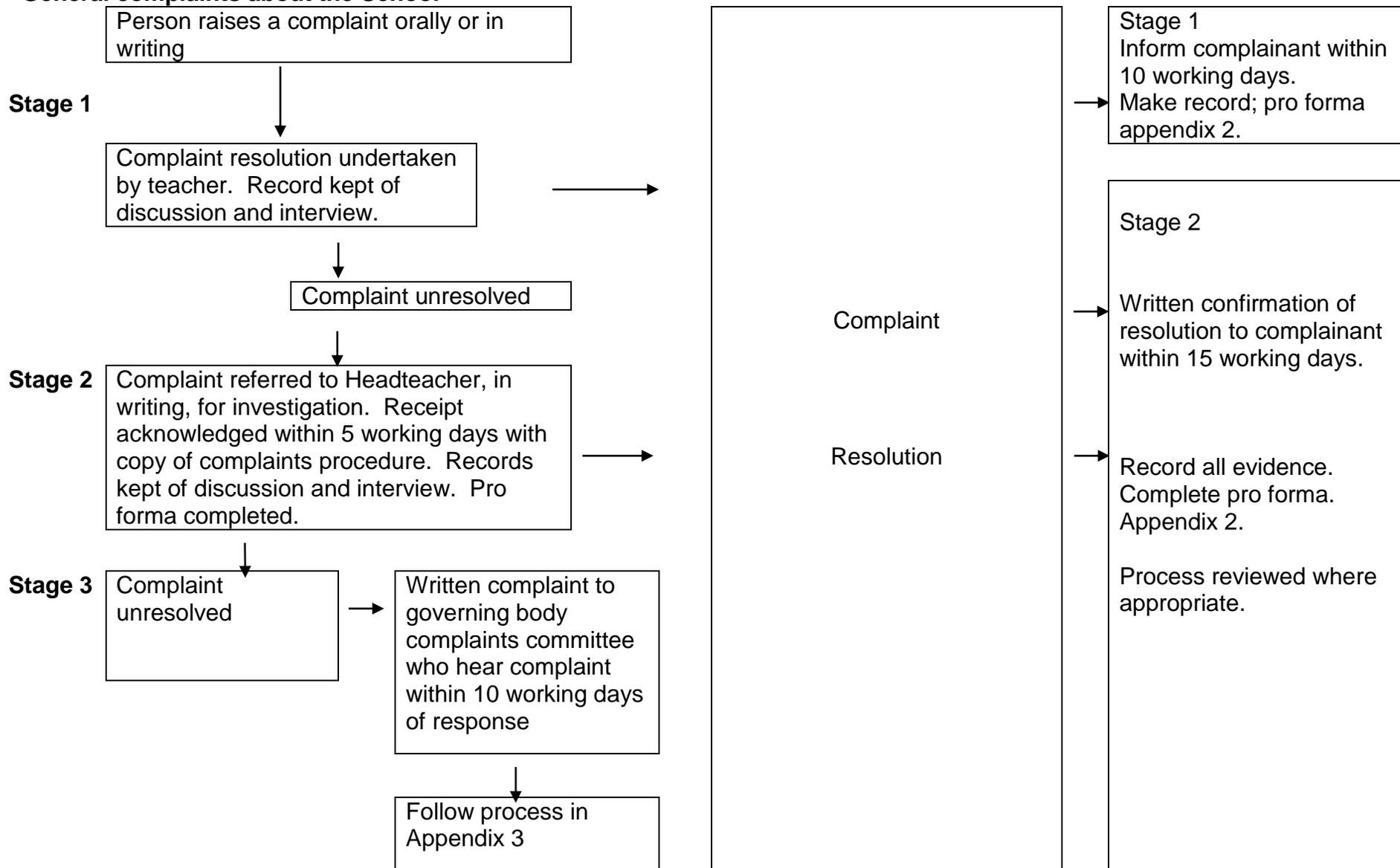
(A complaint about the Headteacher, Chair of Governors or Vice Chair of Governors will follow the process outlined in Appendix 4).

## **CONCLUSION**

LEA support will be requested where appropriate during the investigation of complaints. The outcomes of complaints will be used to review school policy where appropriate.

Reviewed: July 2020  
Next Review date: July 2021

**Appendix 1  
General complaints about the School**



**Appendix 2**  
**Fitzalan High School Complaints Procedure**

Name of Complainant: .....

Nature of Complaint: .....

.....

People involved: .....

Date: .....

Lead Member of Staff/Governor: .....

LEA/Welsh Assembly Government Contact Name and Number: .....

**A. Brief Overview of Complaint:**

**B. Complaint withdrawn**     Y             N    If N, go on to stage C + D

**C. Process undertaken to resolve complaint:**

**D. Action**

**E. Outcome**

Date of Outcome: .....

Signature of Lead Member: .....

Copy to Complaints File

## **Appendix 3**

### **Written Complaints to the Governing Body (Stage 3)**

The complainant should advise the Chair of Governors of his/her dissatisfaction of Stage 2 within 10 working days of receipt of the headteacher's written response.

The Governing Body will satisfy themselves that stages 1 and 2 have been exhausted before considering the matter.

#### **The Governing Body Complaints Committee Hearing**

- Membership of the complaints committee will be checked before convening.
- To avoid accusations of bias, the committee will not include any person who has a link to the complainant.
- The Chair of Governors will ask the clerk to the Governing Body to acknowledge receipt of the complaint within 5 working days.
- The clerk to the Governing Body will make arrangements for the Governing Body Complaints Committee to meet to hear the complaint. This will take place, usually, within 15 working days of the receipt of the complaint.
- The letter of acknowledgement will set out a timetable and make clear:
  - All parties involved in the complaint are entitled to provide evidence/written documentation that they wish the committee to consider
  - The date by which parties must provide such evidence
  - The date by which documents must be forwarded to the person complained about
  - The date by which the person complained about must return their response
  - The date the response will be available to the complainant
  - The date of the hearing (if available at this point)
- The person being complained about should be given at least 10 working days to consider all the evidence and take advice before providing a response and before any hearing takes place.
- The Chair of the committee will ensure that the complainant and members of the committee are usually given at least 5 days notice of the date of the hearing, in writing. The letter should form the parties of:
  - The time and place of the hearing
  - The grounds of the complaint, with the relevant documentation
  - The right of all parties to be accompanied or represented by a person of their choice
  - The details of those attending and their role
  - The committee's right to proceed with an oral hearing in the absence of either or both parties if no good reason is given why they should not do so.
  - The entitlement of the parties to seek an adjournment to the hearing if there is good reason why they cannot attend.

#### **At the conclusion of the hearing all parties should**

- Have understood the nature of the proceedings
- Have been given proper opportunity to speak, put evidence forward and take questions
- Feel that they have said everything they wished

- Feel the complaints committee has listened to and understood all the points made
- Be clear as to when they will be informed of the committee's decision.

□ **The decision**

Once all the evidence has been presented the complaints committee should consider its decision in private. It can take advice if it wishes from the LEA.

- Consideration should be given to the evidence, whether the Headteacher or others have complied with the complaints procedure and whether there is substance to the complaint.
- The decision should be based on a majority agreement with the second or casting vote from the chair as necessary.

The decision needs to cover whether or not the complaint is upheld, any action to be taken by the Governing Body, Headteacher and/or members of staff in the light of the decision and any recommendations for changes to school policies or procedures to ensure similar problems do not arise in the future.

- The committee's decision should be sent in writing to the complainant within 5 working days of the hearing, setting out the reasons for the decision and any remedial action to be taken by the school.

□ **Finalisation of the complaint**

Once the Governing Body has exhausted its own procedures it should attempt closure of the complaint. If the complaint is not upheld (after stage 3) the decision letter should make clear:

- that the complaint has been thoroughly investigated
- the Governing Body and the Headteacher will not re-open the matter
- any new issues will not mean re-opening an already determined complaint
- if new issues arise they will be treated as a new complaint but only if they are demonstrable different from matters raised under a previous complaint

## Appendix 4

### Complaints about the Headteacher and/or Chair of Governors and/or Vice Chair of Governors

