



Complaints Policy

This policy should be read in conjunction with the Vale of Glamorgan corporate Health & Safety policy & site risk assessments

Date ratified: 05/07/16

As with all educational establishments, Y Daith wishes to work closely with parent(s)/carer(s) of our pupils. It is essential therefore to have a complaints procedure in place where parent(s)/carer(s) can put forward any complaints they have concerning the PRU and how it operates in relation to its pupils/students.

In developing complaints procedures, the management committee of the PRU, must consult with staff, pupils and parents, and their finalised procedures must be formally adopted and published.

All complainants need to be clear that untruthful allegations can be upsetting and disruptive for all involved.

Complaints Procedure

The PRU takes complaints from parents(s)/carer(s) and pupils very seriously. We aim to solve concerns and complaints as soon as we can, in the interests of all concerned and to learn lessons from complaints made to us.

Principles of the procedure

- The PRU will make every effort to respond quickly in order to solve the complaint at an early stage if possible.
- The PRU will try to provide a fair and consistent approach when dealing with complaints.
- All those involved in dealing with complaints at Stages 2 and 3 must be impartial and have no previous involvement with the complaint, personal links with the person making the complaint (the complainant) or the person against whom the complaint is being heard.

- Everyone involved with a complaint will treat the process and the parties involved with respect.
- Everyone involved with a complaint will treat pupils and adults as having equal rights. Arrangements such as a buddy scheme or an adult to represent or advise the pupil (an advocate) may be needed to help pupil making a complaint.
- The details of the complaint will remain confidential to those investigating.
- A general principle is that an accused person is entitled to know the substance of the accusation unless there are exceptional cases where the management committee may decide to withhold information, e.g. where there is a need to protect the source (or there is a legal reason why the information should not be released) or to meet data protection requirements.
- All people involved with the complaint will be kept informed throughout the process and there will be a clear timetable for the investigation of the complaint. If a complaint is made just before the beginning of a school holiday, other than a half term holiday, the PRU will try to resolve the matter before the school closes but this may not be possible.
- All complaints will be recorded including those where people who complain haven't given their names and where the complaints have later been withdrawn.
- A report summarising key trends and issues relating to complaints will be presented by the teacher-in-charge to the management committee annually.

Investigating Complaints

- What has happened will be established and who was involved, with any witnesses if relevant.
- The nature of the complaint will be clarified.
- A meeting with the complainant or appropriate contact will be arranged if further information is necessary.
- What the complainant feels would put things right will need to be clarified.
- Those involved/those complained about will be interviewed, allowing them to be accompanied if they wish.
- Matters will be approached with an open mind.
- Accurate records will be kept.

Complaints will be resolved using a three stage procedure.

Stage 1

- The complaint may be orally or in writing, and may be made to a member of staff, or teacher-in-charge. Every effort will be made to sort out the complaint at this stage and to maintain confidentiality where possible.
- The complainant should be given the opportunity to meet with member of staff with whom they raised the issue.
- A decision will be reached within 10 school days if possible and the person who is making the complaint will be told the result.
- If the complainant is not satisfied, they must be informed that they can take their complaint to the teacher-in-charge.

Guidance and support will be made available to a pupil who is making complaint e.g. suitable adults to help take the complaint forward and parental support, (but only if the pupil agrees to their parents being involved.)

If the teacher-in-charge was the first person to receive the complaint, he/she can decide whether to delegate to another member of staff under stage 1 or whether to proceed to stage 2.

The following details will be recorded:

- the name of the complainant
- the date of receipt of the complaint
- a brief description of the complaint
- action taken to resolve the complaint and the outcome
- any issues for action by the school

Stage 2 – Consideration by the Teacher-in-charge (TiC)

- The complaint should be put in writing to make it clear at this stage. (N.B. arrangements need to be put in place to help those who cannot write or who have another main language).
- The TiC will acknowledge in writing that the complaint has been received, and enclose a copy of the complaints procedure and provide a date for a response (usually within 10 school days)

The complainant will be given the opportunity to meet the TiC. The complainant can be accompanied by a friend or relative if they wish. Interpretation facilities or assistance if there is a disability issue should be provided if necessary. The TiC may wish to have an observer present.

Record keeping will include the following:

- the name of the complainant
- the date of receipt of the complaint
- a brief description of the complaint
- action taken to solve the complaint and the outcome
- any issues for action by the PRU
- a written record of discussions, interviews, and evidence collated
- the date the complainant was informed of the outcome

The complainant may make their complaint to the Management Committee if they are not satisfied with the outcome.

Stage 3 – Consideration by the Management Committee

Complaints considered by the management committee should be rare and members must check that Stages 1 and 2 have been exhausted before considering the matter. The complaint will be heard a Complaints Committee which will be constituted from the Management Committee.

Complaints Committee

- The chair of the management committee should ask the clerk to acknowledge the complaint usually within 5 school days. The letter of acknowledgement should set out a timetable and make clear:
 - All parties involved are able to provide evidence/written documentation;
 - The date by which this written evidence should be given in;
 - The date by which documents will be sent to the person complained about;
 - The date by which the person complained about must forward their reply;
 - The date that the reply will be made available to the complainant;
 - The date of the hearing (if available at this point).

- The Complaints Committee will meet to hear the complaint, usually within 15 school days of receipt of the complaint. The meeting will be arranged at a time when everyone is able to attend.

The person against whom a complaint is made will be given enough time (usually 10 school days, however this can be extended in exceptional circumstances with mutual agreement between parties) to consider all the evidence and take advice before providing a reply and before any hearing takes place.

Everyone concerned will be told in writing at least 5 days before the date of the hearing:

- The time and place of the hearing;
- The reason for the complaint with copies of all relevant documentation;
- The right of all parties to be accompanied;
- Details of those who will be present and their role in the hearing;
- The Complaints Committee's right to hear the complaint in the absence of one or both parties if there is good reason;
- That those involved in the complaint can ask for the hearing to be stopped and held on another day if there is a good reason that they are unable to attend.

The Hearing

The purpose of the hearing is to look at the facts and find out if the complaint should be supported.

Proceedings

- The hearing will be conducted in an informal manner with each party treating the other with courtesy and respect.
- Each party will have the opportunity to put their case without undue interruption.
- There will be no cross examination and the hearing should not become confrontational.
- Witnesses should only be required to give their evidence and only stay after this if both parties agree.
- The committee can ask questions of any person.
- After introductions the complainant or the representative will be invited by the chair to explain their complaint and be followed by any witnesses.
- The complainant will then sum up their complaint.
- The TiC or other witness will then explain the PRU's actions followed by any witnesses for the PRU.
- The TiC will then sum up.

- Both parties leave while the committee discusses and decides. The committee can take advice from the LA or any other relevant body. Advisers leave once advice has been given.
- The chair of the committee will inform both parties of the result of the hearing, usually within 5 school days. The decision letter should make clear that the complaint has been thoroughly investigated and will not be re-opened. If new issues arise these will be treated as a new complaint but only if they are demonstrably different from the matters raised under the previous complaint.

Right of Appeal

- The complaint will be given the right to appeal if they remain dissatisfied and informed of the date by which they should lodge an appeal – usually 15 school days after the day on which the notice in writing was given of the committee's decision.
- Complainant's letter of appeal should set out the grounds of the appeal.
- An appeal will be heard by members of the management committee who are on the appeals committee and have not been involved in the original hearing.
- All relevant documentation will be given to all parties usually 5 school days before the hearing. This will include:
 - The decision of the Complaints Committee;
 - Notice of appeal, and the reasons why they wish to appeal;
 - Any written representation from any party;
 - Documentation presented to the Complaints Committee.

Finalisation of a Complaint

Complainants should be informed:

- That the complaint has been thoroughly investigated
- The decision is final
- If new issues arise they will be treated as a new complaint as long as they are clearly different from matters raised under a previous complaint

Record

At Stage 3 the record will include the following:

- A full record of the proceedings of the Complaints Committee and Appeal Committee.
- Evidence and other relevant documentation.
- The decision reached and any action to be taken by the PRU, TiC, management committee or staff.
- The date of the decision with a copy of the decision letter sent to the complainant.

There will be occasions when the three stage approach will need to be adapted:

Complaint against the Teacher-in-Charge

This will be referred to the Chair of the Management Committee who will decide whether to delegate investigation to the Vice Chair or to a designated member. Whoever investigates the complaint will not be a member of any committee hearing the complaint.

The procedure to be followed is as described at Stage 2 (with the member of the management committee taking role of the TiC).

Following this process, if the complainant is still not happy he/she will be advised to write to the Chair or Vice Chair of the Management Committee (whoever has not investigated the complaint) who will forward the complaint for consideration by the Complaints Committee (Stage 3).

Complaint against the Complaints Officer

These complaints should be referred to the teacher-in-charge who can decide to delegate investigation to another senior member of staff under Stage 1 of the procedures or investigate it him/herself under Stage 2.

If the complainant is not satisfied, he/she should be advised to write to the Chair of the Management Committee who will forward the complaint for consideration by the Complaints Committee (Stage 3).

Complaint against the Chair of the Management Committee

Any complaints about the Chair of the Management Committee should be sent to the Vice Chair who will immediately inform the head and the LA.

The Vice Chair may consider investigating the complaint or delegating this to another designated member of the Management Committee. This would follow Stage 2 of the procedures. Alternatively the Vice Chair could refer the matter directly to the Complaints committee (Stage 3).

Complaint against the Teacher-in-Charge and the Chair of the Management Committee

This complaint should be sent to the Vice Chair of the Management Committee who should inform the LA.

The Vice Chair may investigate or delegate this task to another designated member of the Management Committee under Stage 2 of the procedures. Alternatively the matter could be referred directly to the Complaints Committee – under Stage 3.

Complaint against the Chair and Vice Chair

This complaint should be sent to the Clerk to the Management Committee (A. Another who will refer it to the Chair of the Complaints Committee. The Committee Chair will refer to the LA for advice and arrange for the Complaints Committee to consider the complaint (Stage 3).

Complaint against a member or members of the Management Committee (including the Vice Chair).

This complaint should be referred to the Chair of the Management Committee (provided the Chair is not one of the group being complained about) and it should be dealt with in the same way as a complaint against the Teacher-in-

Charge. If the Chair is part of the group being complained about, the complaint should be sent to the Vice Chair. If both the Chair and Vice Chair are part of the group of being complained about, the complaint should be referred to the Clerk to the Management Committee who should refer the matter to the Chair of the Complaints Committee. **If the Committee Chair is the Chair or Vice Chair of the Management Committee, the Chair of the Appeals Committee should become Chair of the Complaints Committee and the Complaints Appeal Committee would need to have a different Chair.**

If the matter proceeds to consideration by the management committee at stage 3 and if too few members remain to fulfil the requirements of the complaints procedures in terms of constituting a complaints committee, then the procedures for the whole management committee should be used.

Complaint concerning the whole Management Committee

Any complaints about the actions of the whole management committee should be sent to the Clerk to the Management Committee, who should immediately inform the TiC and the LA.

On receipt of a complaint about the actions of a Management Committee, the LA should consider whether the matter is one to be considered in accordance with Section 15 of the School Standards and Framework Act 1998 as amended by Section 55 of the Education Act 2002. This provides that where a school is causing concern the LA can issue a warning notice to the Management Committee in accordance with its powers of intervention.

If no action is appropriate under these provisions the LA may wish to secure the agreement of the Management Committee that the complaint be heard by a committee independent of the management committee and specially constituted for that purpose.

If the LA decides not to pursue any action, the clerk to the management committee may inform the complainant that the matter will be raised at the

next meeting of the management committee. If the next planned meeting is some time away, the Chair and the Clerk may consider arranging a separate meeting to consider the complaint. The complainant should be informed of this proposal and the date of the management committee meeting. The complainant may be afforded the same opportunity to give written and oral evidence as he/she would have been given if the matter were being dealt with by the management committee's complaints committee. This will mean following similar administrative procedures to those followed when there is a complaint made under stage 3 except that the whole management committee is involved in the hearing the complaint not the complaints committee.

The management committee may look at the evidence and arrive at a decision in the same way that its complaints committee would. The clerk to the management committee will send the complainant;

- The decision and an explanation of the reasons for the decision;
- An explanation that if the complainant is dissatisfied, the LA or Welsh Assembly Government can be asked to review the procedure used by the governing body but not the decision itself.

Role of the Local Authority

The Management Committee can ask the LA for assistance to investigate a complaint, for advice on handling the complaint or advice on the response.