



## **AUDIT – 10TH DECEMBER 2014**

**SUBJECT: PROCEDURE RELATING TO SCHOOL BASED COMPLAINTS**

**REPORT BY: CUSTOMER SERVICES/COMPLAINTS OFFICER (CSCO), EDUCATION  
& LIFELONG LEARNING**

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### **1. PURPOSE OF REPORT**

1.1 To provide Members with information on the Complaints Process within Education relating to Schools.

### **2. SUMMARY**

2.1 Section 29 of the Education Act 2002 requires the governing bodies of all maintained schools in Wales, including nursery schools, to establish and implement and publish procedures for dealing with complaints from parents, pupils, members of staff, governors, members of the local community and others. The provisions of Section 29 came into force on 1 September 2003.

2.2 The Local Authority (LA) is able to choose what advice it provides to governing bodies. In the case of CCBC, the Customer Services/ Complaints Officers provide advice, support and training to school governors, head teachers and school staff in dealing with complaints

2.3 The LA is able to consider if there is any evidence that suggests a governing body is failing in its statutory duty.

### **3. LINKS TO STRATEGY**

3.1 Monitoring of school complaints assists the LA in providing targeted support to schools in terms of advice and monitoring

### **4. THE REPORT**

#### Background

4.1 In 2002 the Local Education Authority assisted schools by producing a model policy called "How to get it right". The majority of schools within the Borough adopted this model. It was based on the provisions of Section 39 of the Schools Standards and Framework Act 1998 which covered the establishment of complaints procedures in schools.

4.2 In May 2004 the Welsh Assembly Government issued Guidance to Schools in Wales in the form of Circular 03/2004, School Governing Complaints Process. Caerphilly Council produced a model policy for schools to consider and the majority adopted it.

4.3 In October 2012, Welsh Government (WG) updated its guidance to schools on complaints procedures and published Circular 011/2012 Complaints procedures for school governing bodies in Wales. This guidance replaced the circulars above and included a model complaint procedure, which was recommended to schools to adopt. The complaints process is accessible to all including pupils, who have the right to make a complaint themselves. Schools have an age appropriate version for pupils that they can use.

#### 4.4 **Why do schools need a complaints procedure?**

4.4.1 Schools like other organisations need a structure or process that allows for anyone with an interest in the school to raise a concern, with the confidence that it will be heard and if well founded, addressed in an appropriate and timely fashion.

4.4.2 It is very important that governing bodies have a clear and comprehensive policy on how complaints will be dealt with. This allows everyone to understand the process from the start. Treating complaints seriously and responding to them quickly often means that they can be resolved at an early stage.

4.4.3 In essence, it provides a framework that allows:  
Anyone with an interest in the school is clear how they can express complaints and how they will be responded to at each stage.  
School staff and governors to be clear about their roles and responsibilities in responding to complaints.

4.4.4 Schools to learn lessons and improve procedures as a result of the cases it deals with and monitor long-term trends.

4.4.5 All parties to be assured of a consistent, documented approach.

#### 4.5 **The A, B, C. Approach to Complaints Resolution**

4.5.1 WG recommends that governing bodies establish a 3-stage procedure:

- Stage A – Informal Stage - Complaint raised with (and usually resolved) by first recipient within the school.
- Stage B – Formal Stage - Matter referred to Headteacher for investigation, decision and resolution.
- Stage C – Complaints hearing - Matter referred to the Governing Body Complaints Committee for consideration, decision and resolution.

#### 4.6 **Roles and Responsibilities**

4.6.1 The governing body is responsible as a corporate body to ensure that the school has a published complaints process. To ensure that personnel at each stage of the process are aware of their roles and responsibilities.

4.6.2 The governing body has a strategic role in monitoring complaints presented to them as an overview in the Annual Report. This allows for the identification of long-term trends and recurring themes.

4.6.3 The individuals at the respective stages have roles in investigating, documenting (keeping appropriate records) and resolving complaints.

4.6.4 All parties must behave reasonably and treat the process and parties involved with respect.

4.6.5 Complainants must allow the school to try to resolve the complaint at each stage, and not try to circumvent stages, and to co-operate with the school in providing information so that a complainant can be investigated and heard.

#### 4.6.6 **Local Authority (LA)**

The LA has a role in satisfying itself that schools have a complaints process and that it is published. The complaints policy is one of the schools statutory policies and was scheduled by the Education Achievement Service for South East Wales (EAS) on all governing body agendas following the production of the revised guidance from WG in October 2012.

The LA is able to choose what advice it provides to governing bodies. In the case of CCBC, the Customer Services/ Complaints Officers provide advice, support and training to school governors, head teachers and school staff in dealing with complaints.

The LA is able to consider if there is any evidence that suggests a governing body does not have a complaints procedure, has inadequate procedures or fails to follow its published procedure.

The LA may arrange, with the agreement of the governing body, for a panel of independent persons to consider a complaint where a school complaint procedure is inoperable or if there are grounds to cast doubt on its independence.

The LA may use its powers of intervention under the Schools Standards and Framework Act 1998 if the governance or management of a school is inadequate.

#### 4.6.7 **Welsh Government (WG), Public Services Ombudsman for Wales (PSOW), Children's Commissioner for Wales (CCfW).**

If WG receives a complaint about a school it will advise that the complaint should be addressed to the school for consideration under the schools complaints process.

The PSOW has no role with respect to school complaints.

The CCfW provides an advice and support service for children and young people. The CCfW does not take the place of governors or of governing body complaints procedures. However the Commissioner may examine individual cases and in the course of that action may require information, explanations and assistance from governors, LA officers and members, and school staff. The Commissioner may produce reports with recommendations but does not have the power to require their implementation, although can publicise any failure to do so.

#### 4.7 **Review of Data**

4.7.1 The data below relates to the period **01 April 2013 – 31 March 2014**.

4.7.2 In total **629** requests for service were received that were related to schools and include not only parents contacting the CSCO direct but Headteachers and governors requiring support in dealing with the complexities of the complaints, as well as general enquires. In accordance with WG Guidance, this authority has due regard to the governing body's statutory duty for dealing with school complaints.

4.7.3 Target times for responses are: correspondence should be acknowledged within 5 working days and a full substantive response within 20 working days. **99.7%** were acknowledged within timescales and **100%** were responded to within timescales.

4.7.4 Types of complaints are wide ranging, for example: bullying, head lice, split year groups, failure to educate, outdoor play, school trips, unauthorised absence.

4.7.5 The CSCO monitors correspondence and where there are trends or areas of particular concern, these are shared with relevant officers and acted upon as appropriate.

4.7.6 Monitoring also informs trends for the CSCO to develop appropriate training programmes for Headteachers, school staff and governors in managing school complaints

## **5. EQUALITIES IMPLICATIONS**

- 5.1 Monitoring of school complaints is one tool that provides the Local Authority with an alert into cases of alleged discrimination under the Equalities Act 2010 directed at schools.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no direct financial implications associated with this report

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications associated with this report.

## **8. CONSULTATIONS**

- 8.1 All comments received have been recorded in the report.

## **9. RECOMMENDATIONS**

- 9.1 It is recommended that the Audit Committee note the contents of this report and related documentation.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To monitor the complaints process as it relates to schools.

## **11. STATUTORY POWER**

- 11.1 School Standards and Framework Act 1998.

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Background papers:

Corporate Complaints Report presented to Audit Committee 10<sup>th</sup> September 2014

Report to All Governing Bodies on Revised Complaints Procedures

A Revised Model Complaints Process- October 2012