Ysgol Tŷ Monmouth Policy

Complaints

POLICY STATEMENT

- Our school prides itself on the quality of the teaching and support provided to our Pupils.
- We appreciate all feedback and strive to improve the quality of education and facilities we provide. Feedback is welcomed from those directly connected to the school (i.e., Pupils, Parent/Carers and professionals) but also the wider community including our neighbours or indeed, previous Pupils.
- We aim to resolve any concerns that are raised as quickly and as informally as possible to the satisfaction of all. Formal complaints will always follow the complaints procedure and are taken very seriously by the school and will be processed in accordance with this procedure.

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1. Scope

1.1 Legislation and Guidance

1.1.1 This policy is informed by the following legislation and statutory guidance:

- Equality Act 2010
- Data Protection Act 2018 and UK GDPR
- Human Rights Act 1998
- Freedom of Information Act 2000
- Public Interest Disclosure Act 1998

1.1.2 It also reflects key sector guidance, including:

- Welsh independent school standards 2024

1.2 Definitions

1.2.1 For the purposes of this policy, 'school days' refer to days when the school is open to Pupils for scheduled teaching and learning. This excludes weekends, public holidays, Team Member development days and holiday periods when the school is closed to Pupils.

2. General Principles of Dealing with Complaints

2.1.1 Formal complaint procedures should be invoked when initial attempts to resolve an issue are unsuccessful and the individual raising the concern remains dissatisfied and wishes to take the matter further.

2.1.2 The responsibility for the operation and management of the school complaints procedure is the Headteacher unless the complaint is related to the Headteacher. In this case the Operations Director for Education will take on the responsibility.

2.1.3 The Headteacher provides details of all complaints as part of the agreed governance and oversight procedures that support the effective delivery of the service. Themes are then discussed, and actions taken where required.

2.2 Framework of Principles

2.2.1 The Complaints procedure strives to:

- Encourage resolution by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial with respect to the duty of candour.
- Allow swift handling with established time limits for action and keeping people informed of progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect an individual's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate resolution where required.
- Provide information to the School's senior management team so that services and education can be improved.

2.3 Investigating Complaints

2.3.1 The following is considered best practice in ensuring that the individual investigating a complaint adequately covers every aspect of the concern.

- Establish what has happened so far and who has been involved.
- Clarify if the complaint is formal or informal.
- Clarify the nature of the complaints and what remains unresolved.
- Consider if there is a need to contact the complainant and potentially meet with them – especially if the investigator is unsure of any information or if further details are required.

- Clarify what the complainant requires to put things right.
- Interview those parties involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Conduct an interview with an open mind and be prepared to persist in questioning.
- Keep notes of the interview or arrange for an independent note taker to record the minutes of the meeting.

2.4 Resolution of Complaints

2.4.1 At each stage of the process an open mind should be kept in which a complaint can be resolved. It is sometimes sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it might be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission of how the situation could have been handled differently or better.
- An assurance that the event complained of will not occur again including an explanation of the steps taken to ensure a similar occurrence should not happen again.
- An undertaking to review polices, where applicable, considering the complaint

2.5 Records and Data Protection

2.5.1 All complaints and related correspondence will be recorded and retained securely in line with the Data Protection Act 2018 and the Retention and Archiving Policies.

3. School Complaints Procedure

3.1 Who Can Make a Complaint?

3.1.1 Each Parent/Carer, Pupil, or any other person (including a member of the public) has the right to make representations by way of comments, compliments, or complaints. This procedure is designed to be used for both informal and formal complaints.

3.1.2 There is no legal obligation to consider complaints from the wider public, although this would typically be seen as best practice, and is therefore part of this policy and in accordance with the Welsh Independent School Standards Regulations 2024 only. However, please note that complaints from stakeholders or members of the public will be handled at the school's discretion and addressed under Stages 1 and 2 only. Please note that concerns relating to safeguarding or regulatory compliance will be subject to a fully review and engagement with the appropriate reporting agencies.

3.2 The Difference Between a Concern and a Complaint

3.2.1 A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

3.2.2 A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

3.2.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

3.2.4 We understand however, that there are occasions when people would like to raise their concerns more formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

3.2.5 If during the investigative stage (or any other stage) it is felt or required that external agencies should be involved, including the police and the Local Authority Designated Officer (LADO), the matter will be referred without delay and these agencies offered every assistance. The complaints procedure may need to be paused at this point and safeguarding processes initiated.

3.2.6 If a complaint is made, a record is maintained.

3.2.7 Information recorded includes the:

- Log number
- Date
- Name of the complainant
- Type of complaint
- Complainants' relationship to the School
- Lead Manager
- Date completed.

- Outcome
- Complainant's view following the outcome.
- If the appeals process has been initiated
- Lead Manager of the appeal.
- Date that the appeal is completed.
- Outcome of the appeal

3.2.8 Details will be kept whether they were resolved at the preliminary stage, or whether they proceeded to an appeal or referred to an external process.

3.2.9 All correspondence, statements and records of complaints are to be kept confidential. (except where the Welsh Ministers or body conducting an inspection under section 163 of the 2002 Act requests access to any document relating to the complaint).

3.2.10 Each complainant has access to the following procedures:

- The School complaints procedure and the services of an independent representative/advocate
- The complaints procedure of the applicable local authority
- Organisations representing the interests of children being looked after (CLA) (e.g., Childline, Coram Voice)

3.2.11 Any person who is the subject of a formal complaint is precluded from taking any part in the investigation other than as a witness.

3.2.12 Any Pupil or Parent/Carer/Advocate supporting in meetings to establish facts may be accompanied if they wish.

3.2.13 It is explicit within this procedure that any reprisals against a Pupil will not be tolerated and will be an act of gross misconduct.

3.2.14 This procedure is designed to allow a complaint to be fully addressed and where possible without delay. The complaint will be responded to within a maximum of 28 school days. The complainant will be kept informed throughout the process. The complainant and/or Parents/Carers can be accompanied to a hearing if they wish.

3.3 How to Raise a Concern or Make a Complaint

3.3.1 A complaint must be raised within three months of the incident/event or, where a series of associated incidents have occurred, within three months of the last of these incidents. We may choose to consider complaints made outside of this time frame if we feel there are exceptional circumstances.

3.3.2 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. Initial concerns should be raised with a member of the School Management Team. If the issue remains unresolved, the next step is to make a formal complaint.

3.3.3 We will usually consider complaints made outside of term time to have been received on the first school day following the holiday period.

3.4 Withdrawal of a Complaint

3.4.1 Where a complainant wishes to withdraw their complaint, we will request that this is formally put in writing.

4. Complaint Process

4.1 Informal Complaint – Stage 1

4.1.1 It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate.

4.1.2 Team Members will endeavour to deal with the matter of concern in an informal manner, through discussion, as soon as possible after receiving the complaint, helping the complainant to negotiate a positive outcome. Where the complainant indicates, or due to the nature of the complaint, it would be inappropriate for the individual Team Member to discuss it then the complaint should be handled by a more senior Team Member or the Headteacher.

4.1.3 Similarly, if the individual Team Member considers that they are compromised in handling the initial complaint the complainant should be referred to a more senior Team Member based on their ability to consider the complaint objectively and impartially.

4.1.4 If the first approach is made to the Senior Management Team by the complainant, the team should refer the complainant to the appropriate person and advise the complainant about the procedure. The Senior Management Team (SMT) should refrain from acting unilaterally on an individual complaint outside the formal procedure or be involved at early stages in case they are needed to sit on a panel at a later stage of the procedure.

4.2 Formal Complaint – Stage 2

4.2.1 If the complaint cannot be resolved informally, then a formal complaint must be made to the Headteacher (unless they are about the Headteacher themselves). This may be done in person, in writing, via email or by telephone.

4.2.2 It is helpful at this stage if the Complaint can be put in writing (Annex A). The Complainant will be helped if necessary to put in writing details of their concern.

4.2.3 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

4.2.4 Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The SMT can consider whether a face-to-face meeting is the most appropriate way of doing this.

4.2.5 The Headteacher may nominate members of the Senior Management Team to lead on the investigation process, but will remain accountable for its oversight and outcome.

4.2.6 During the investigation, the Headteacher or investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- keep a written record of any meetings/interviews in relation to their investigation.

4.2.7 At the conclusion of their investigation, the Headteacher will provide a formal written response within 28 school days of the date of receipt of the complaint.

4.2.8 If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

4.2.9 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

4.2.10 If the complaint is about the Headteacher then it should be escalated directly to the Operations Director for Education who will appoint someone appropriate to complete all the actions at Stage 2.

4.3 Formal Complaint - Stage 3

4.3.1 If the complaint could not be resolved at Stage 2, then the complainant must notify the Operations Director for Education within 7 school days.

4.3.2 The complaint appeal will then be heard by the Operations Director for Education.

4.3.3 The Operations Director for Education will then follow the complaints process flowchart as outlined in Annex B.

4.3.4 The Operations Director for Education will lead on the appeal process but may choose to nominate a number of senior colleagues from outside of the school with delegated powers to hear complaints at Stage 3 and set out any terms of reference which may include:

- Drawing up procedures
- Hearing individual appeals
- Making policy recommendations because of complaints

4.3.5 The Operations Director for Education may also choose to convene a panel to assist them with reaching an outcome, and or refer the complaint to the associated Local Authority.

4.3.6 Any panel meeting convened will consist of at least three people who were not directly involved in the matters detailed in the complaint, including one panel member that is independent of the management and running of the school

4.3.7 Any Parent/Carer or Pupil requested to also attend appeal meeting may be accompanied if required.

4.3.8 During such occasions, the appeal manager will attempt to obtain an outcome within 28 school days. (Annex C) If the complaint is received out of term time or over the weekend the initial timescales may be extended, however once the complaint has been received and acknowledged the process will continue and communication will be maintained to update the complainant of the associated time scales.

4.3.9 The Operations Director for Education will record their findings and make any necessary recommendations. The complainant, Headteacher, and Board/Proprietor (where relevant) will be given a copy of any findings and recommendations. This will be stored securely together with supporting evidence in accordance with Data Protection Policy.

4.4 Next Steps

4.4.1 If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the relevant Local Authority directly.

4.5 The Remit of a Complaints Appeal

4.5.1 The appeal may result in:

- Dismissal of the complaint in whole or in part
- Uphold the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur.

4.5.2 All senior members allocated to hear the on the complaints appeal should remember:

- The importance that the appeal is independent and impartial and seen to be so. No person may hear the appeal if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- That the aim of the appeal, which must always be held in private, will always be to resolve the complaint and achieve reconciliation between the school and complainant. It should be recognised that the complainant might not be satisfied with the outcome if the appeal does not find in the complainant's favour. It may only be possible to establish the facts and make recommendations which will satisfy the complaint that their complaint has been taken seriously.
- An effective appeal will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents/Carers might feel emotional when discussing issues that affect their child. The Operations Director for Education will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complaint is a Pupil. Careful consideration of the atmosphere and proceedings will ensure that the Pupil is supported to feel as comfortable as possible. The appeal manager needs to be aware of the views of the Pupil and give them equal consideration to those of any another complainant. Where the Pupil's Parent/Carer is the complainant, it would be helpful to give the Parent/Carer the opportunity to say which parts of the appeal, if any, the Pupil needs to attend.
- The Team Members involved need to be fully aware of the agreed Complaints procedure.

4.6 Dealing with Serial and Unreasonable Complainants

4.6.1 We are committed to dealing with all complaints fairly, openly, and with respect. We aim to provide a high-quality service to anyone who raises a concern. However, we will not tolerate behaviour that is abusive, persistent, or unreasonable, and we will take proportionate action to protect our school community.

4.6.2 Unreasonable or serial complainants are those whose behaviour or approach hinders our consideration of their complaint. This includes situations where a complainant, for example:

- refuses to clearly state the nature of their complaint, the grounds for it, or the desired outcome.
- refuses to co-operate with the investigation process.
- makes repeated complaints about the same issue despite it having been fully investigated and responded to.
- raises trivial or irrelevant matters or changes the basis of the complaint during the investigation.
- makes excessive demands on school time through frequent, lengthy, or complex contact, including repeated calls, emails, or letters.
- refuses to accept findings reached through the school's proper complaints procedure, including escalation to the Local Authority.
- seeks outcomes that are unrealistic or disproportionate.
- uses aggressive, abusive, discriminatory, or threatening behaviour towards Team Members, Pupils or other members of the school community.
- knowingly provides false or misleading information.
- publishes unacceptable information about the school, Team Members or Pupils on social media or other public forums.

4.6.3 Wherever possible, the Headteacher will seek to resolve concerns informally by discussing them directly with the complainant before considering dismissal of a complaint as unreasonable. This decision will ordinarily be made in consultation with the Director of Operations.

4.6.4 If the behaviour persists, the school will issue a written notice to the complainant, explaining why the behaviour is considered unreasonable and requesting that it be rectified.

4.6.5 In cases where a complainant makes excessive contact with the School, resulting in significant disruption, the School may implement a Communication Plan. This plan may:

- Specify acceptable methods of communication (e.g., email only),
- Limit the frequency of contact,
- Be reviewed on a termly basis.

4.6.6 In response to any serious incident involving aggression or violence, the School reserves the right to:

- Notify the police,
- Consider banning the individuals involved from the School premises.

4.6.7 In the event of aggression, violence, or serious harassment, we will contact the police and may ban the individual from the school site.

4.6.8 This policy is designed to ensure that the school can focus on resolving complaints in a fair and timely manner, while protecting the school community from behaviour that is unreasonable or abusive.

5. Annex A: Complaint Form

5.1.1 Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Complaint Form			
Your Name:		Date:	
Pupil's Name:			
Your relationship to the Pupil or the School:			
Address:			
Day time telephone number:			
Evening telephone number:			
Nature of the Complaint:			
What action, if any, have you already taken to try and resolve your complaint: (Dates, Who did you speak to and what was the response?)			
What actions do you feel might resolve the problem at this stage:			

Supporting evidence: (Please attach any specific supportive documentation/information required)			
Signature:		Date:	

Official Use:			
Log number		Lead Manager	
Date acknowledgement sent:		By whom:	
Complaint referred to:		Date referred:	
Action Taken:			
Outcome of the complaint:			

6. Annex B: 28-Day Complaints Procedure

6.1.1 The school will follow the complaints process set out below. Depending on the nature of the complaint these times scales may be completed sooner. If the complaint is received out of term time or over the weekend the initial timescales may be extended, however once the complaint has been received and acknowledged the process will continue and communication will be maintained to update the complainant of the associated time scales.

Time frame from the complaint being submitted (School Days)	Actions
By Day 2	• Complaint will be acknowledged and Headteacher informed (via email)
By day 3	• Complaint will be reviewed. • Lead manager for the complaint will be identified
By day 7	• Lead manager will contact complainant to discuss process and establish if the complainant wishes this to be an informal or formal process. • Operations Director for Education will be informed of the complaint. • Lead manager will update complaints tracking document • Initial plan for establishing facts will be completed. • All required notifications will be completed
By day 14	• All meetings to establish facts will be completed
By day 21	• Review of all investigations • Lessons learnt established. • Outcome to be shared with Operations Director for Education
By day 28	• Outcome of complaint sent to complainant. • Process for appeals to be sent to complainant

7. Annex C: Appeals Process

7.1.1 The school will follow the appeals process set out below. Depending on the nature of the complaint these times scales may be completed sooner. If the complaint is received out of term time or over the weekend the initial timescales may be extended, however once the complaint has been received and acknowledged the process will continue and communication will be maintained to update the complainant of the associated time scales.

Time frame from the appeals being submitted (School Days)	Actions
By Day 2	• Appeal will be acknowledged (via email) • Appeal will be reviewed. • Lead manager for the Appeal will be identified
By day 3	• Appeal Lead manager will contact complainant to discuss process. • Operations Director for Education will be informed of the Appeal. • Lead manager will update complaints tracking document to reflect that the complaint has been referred to the appeals process
By day 10	• Review of the complaint and supplementary documentation from initial meetings will be completed
By day 14	• All further meetings to establish information will be completed
By day 21	• Review of all additional investigations • Lessons learnt established. • Outcome to be shared with Operations Director for Education
By day 28	• Outcome of Appeal sent to complainant. • Process for further appeals to be sent to complainant

8. Annex D: Establishing Facts – Planning Document

Date	Actions to establish facts	Key questions to ask to establish facts	Completed by	Outcome / key information