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## GUIDANCE

# School complaints procedures: guidance

Guidance for governing bodies on how to deal with complaints.

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Signed:  
**Chair of Governing Body**

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# Audience

Governing bodies and headteachers of all maintained schools in Wales, local authorities, diocesan authorities, and the Children's Commissioner for Wales.

# Overview

This guidance has been refreshed using the combined experience of the Welsh Government, local authorities, and regional education consortia.

It provides guidance for school governing bodies about establishing and publicising a procedure for dealing with complaints about the school, or about any facilities or services the governing body provides for the benefit of pupils, their families, or people who live or work in the school locality. Complaints may come from parents/carers, pupils, members of staff, members of the local community, governors, or any other person with an interest in the school.

This guidance does not apply to complaints for which other statutory procedures exist outside of sections 27 and 29 of the Education Act 2002.

This guidance document includes a model procedure for handling complaints. Although this guidance does not compel a governing body to adopt the model procedure, governing bodies are advised to do so. This guidance document also includes suggested model text to be used in leaflets so that schools can make pupils aware of how to voice concerns.

## Action required

Governing bodies are required by law to establish a complaints procedure. It is recommended that governing bodies review their complaints procedures in the light of this refreshed guidance, which replaces previous guidance. Governing bodies may put in place a complaints procedure of their choice, but it is recommended that they adopt the model complaint procedure in **Annex 1** (<https://gov.wales/annex-1-model-policy-html>).

Governing bodies should seek advice about complaints procedures and complaint handling from their local authority. The Welsh Government does not provide advice about individual cases.

This document replaces:

Complaints procedures for school governing bodies in Wales, Welsh Government circular no: 011/2012 Date of issue: October 2012

Related documents

Education Act 2002

**Whistleblowing in schools guidance** (<https://gov.wales/whistleblowing-schools-guidance>)

**School governors' guide to the law** (<https://gov.wales/school-governors-guide-law>)

Disciplinary and dismissal procedures for school staff Welsh Government Circular No: 002/2020

**Rights, respect, equality guidance** (<https://gov.wales/rights-respect-equality-guidance-schools>)

## About this guidance

This guidance is for governing bodies. It is not written for complainants.

If you wish to make a complaint about a school, you should follow the school's own procedures which you can access on its website, or by request from the school office.

It is recommended that governing bodies adopt the model complaints procedure at **Annex 1** (<https://gov.wales/annex-1-model-policy-html>). Used properly, it should help eliminate common problems that arise from complaints handling. The model complaints procedure was developed in collaboration with a working group experienced in complaints handling.

This guidance is published under section 10 of the Education Act 1996 and section 29(2) of the Education Act 2002, which requires school governing bodies to have regard to any guidance to establish and publicise procedures to deal with complaints relating to the school or to the provision of facilities or services under section 27 of the same Act.

Governing bodies should consider it carefully and evaluate their current complaints procedures against it. If a governing body is challenged about its complaints procedure, or how it has handled a complaint, it will need to demonstrate that it has good reasons for its actions. Further information on the law can be found in **Annex 3** (<https://gov.wales/annex-3-working-law-html>) and also in the **Welsh Government's school governors' guide to the law** (<https://gov.wales/school-governors-guide-law>).

This refreshed guidance replaces previous Welsh Government guidance about complaints, namely Complaints procedures for school governing bodies in Wales Circular No: 011/2012 (2012). It makes no distinction between complaints

from pupils, parents/carers, or other persons.

Governors may seek advice about complaint handling from their local authority governor support officer.

The Welsh Government does not advise on individual complaints cases but may advise on procedures as contained within this guidance.

This guidance is not a substitute for legal advice. Where governors require advice about the law they should seek it from the local authority, or a solicitor.

## **What has changed since the last guidance?**

References to Governors Wales have been removed throughout.

A new section on dealing with complaints about bullying has been included.

A new statement about zero tolerance for bullying and harassment has been included in the model policy.

Additional guidance in the event of independent investigations into complaints about the whole governing body has been provided.

## **Why complaints procedures are important**

Effective complaints processes help schools to maintain good relationships and trust with learners, parents, and the rest of the school community.



Complaints may be about a very wide range of matters, are often sensitive, and the people making them place great importance on them.

Most complainants simply want their concern taken seriously. Usually, a complaint is a simple matter easily dealt with, but unless it is handled purposefully, tactfully, and clearly from the start, even a simple complaint can become very difficult and time-consuming. However, if a complaint is not handled well complainants may lose trust and the matter can become personalised in an unpleasant way. It can then be very difficult to retrieve the situation. At the heart of successful complaints procedures and handling are mutual respect and a willingness to listen to other points of view.

Poorly handled complaints can lead to real problems not being addressed and people losing confidence in schools. If that happens it may damage a school's reputation which in turn can undermine support for it in the community. None of this helps build a successful school at which learners achieve their potential.

Complaints procedures help safeguard children. An effective complaints procedure will solve problems, help schools learn and improve and will build confidence in them. Complaints procedures allow children to exercise their right to participate as laid out in Article 12 of the United Nations Convention on the Rights of the Child (UNCRC). It will also help uphold Article 3 of the UNCRC which means that schools are required to work in the best interests of children.

## **Good complaints handling**

Good complaints handling underpins the model complaints procedure in [Annex 1](https://gov.wales/annex-1-model-policy.html) (<https://gov.wales/annex-1-model-policy.html>). The Welsh Government recommends that governing bodies incorporate these principles into their complaints procedure, even if they decide to adopt a different complaints

procedure. The principles in this document and the format of the model procedure at **Annex 1** (<https://gov.wales/annex-1-model-policy-html>) broadly align with the **Public Service Ombudsman for Wales's guidance** (<https://www.ombudsman.wales/guidance-in-public-bodies-to-wales>) to public bodies in Wales.

Complaints procedures need to be written clearly so that everyone understands them. Treating all complaints seriously and responding to them quickly often means that they can be resolved at an early stage.

Complaints may be made about a wide variety of matters. They may be brought by any interested stakeholder, including parents/carers, learners, members of staff, members of the local community or governors. Complaints will vary in importance and sensitivity, but even complaints which may appear trivial are likely to be very important to the complainant. All complaints need to be handled properly, and the complaints procedure must be applied consistently.

## **What is a complaint?**

For the purpose of this guidance a complaint is 'an expression of dissatisfaction in relation to the school, a governor or a member of its staff that requires a response from the school'. If a complaint raises issues about staff capability, staff grievance, staff discipline or child protection, then action must be taken under those separate procedures, and they should take precedence. The complaints procedure must not take the place of those other procedures.

Separate procedures also be in place to deal with complaints about school admissions or exclusions, additional learning needs provision, school organisation proposals and the delivery of the Curriculum for Wales.

It is important that a complainant is told the outcome of their complaint, although any staff disciplinary or capability related action triggered by a complaint must be kept confidential.

## **Complaints about bullying**

Parents and carers should feel confident that their children are safe at school. Rights, respect, equality statutory guidance for governing bodies describes how the Welsh Government expects bullying to be dealt with in schools, including the reporting of incidents.

Complaints from parents about their children being bullied at school is one of the most common complaints received by Welsh Government. Naturally, this is an emotive and sensitive subject, and it is very important that anti-bullying procedures are followed correctly so that the whole school community understands there is a zero-tolerance policy on bullying in all forms. This will limit the number of complaints received, however governing bodies may wish to specifically address the issue of bullying in their procedures.

A statement on bullying and harassment has been added to the model policy.

Governing bodies should be especially alert to the following common types of bullying and harassment when applying their procedures:

- bullying linked to race, religion, and culture
- homophobic, biphobic and transphobic bullying
- sexist and sexual bullying
- learners with disabilities and/or ALN experiencing bullying

It should be noted that whilst this list of types of incidents is primarily focused on peer-on-peer bullying of pupils, it is also true that school staff, governors and other

adults can be guilty of such forms of harassment – both towards learners and other adults. Complaints about such behaviour should be treated with the utmost importance and be dealt with as described in the model policy.

## **Impartiality and fairness**

Complaints must be handled fairly, openly and without bias. Prior knowledge of a person or situation should not affect handling or decision making. Complaints should be dealt with on the basis of relevant facts. Failure to do this will inevitably cause loss of confidence in the complaints procedure and the school, and it may mean that a genuine problem is not addressed.

Complaints are often personal and so need sensitive handling with respect for the rights and feelings of all involved. An empathetic but assertive and clear approach is best. Schools should not tolerate aggressive, abusive, or unreasonable behaviour, nor persistent complaints about the same thing that have no substance. Schools should refer to their local authority's policy on how to deal with vexatious and persistent complainants.

Any members of staff or governors dealing with a complaint must be impartial and not compromised by having an interest in a matter or prior involvement. It is inappropriate for anyone to approach complaints with the attitude that their role is to unthinkingly defend the school, its staff or governors, or the complainant.

If governors are unable to deal with a complaint impartially and fairly due to a conflict of interest, substitute governors should be appointed by the governing body to follow the procedures. Governing bodies may also consider forming joint committees with other governing bodies through the Collaboration Between Maintained Schools (Wales) Regulations 2008 to demonstrate impartiality in dealing with particularly sensitive complaints.

## **Meetings**

Any meetings should, as far as practicable, be at reasonable times and would normally take place on school grounds, unless there are exceptional reasons to hold meetings elsewhere. This may include meetings by video conference or telephone conference, provided all parties agree. Governing bodies should carefully consider the ability of the complainant and the committee to participate fully in meetings when deciding on the format. Reasonable requests for adjournment should always be considered, with the exception of last-minute cancellation or wilful attempts to obstruct the procedure by repeatedly failing to agree to meet.

A complainant may feel more comfortable being accompanied by a friend or family member. It is reasonable to agree to this, but it is also reasonable to expect the complainant to speak and to answer questions; it is not for the companion to do that on their behalf. The exception to this is when the complainant requires additional support because they are disabled or is a learner; in such cases it is reasonable for the companion to speak on their behalf and/or to advise.

## **Timeliness**

Every effort should be made to investigate and make a decision quickly. Delay causes irritation, anxiety, loss of confidence in the school and can mean that a problem goes unaddressed for longer than necessary. Also, delay can lead to memories fading and opinions becoming deep-rooted.

It is important to keep the complainant informed of progress. The model

complaints procedure has a timetable set out in a flow chart. Timescales should be reasonable and flexible; those in the model complaints procedure are suggested timescales and are not mandatory.

Timescales should always take into account the complexity of a complaint and people's availability. A school may make reasonable changes to timescales during a complaint if it judges that necessary. If timescales are changed anyone with an interest in the complaint should be notified in writing of the change and the reasons for it.

When complaints are made before a school holiday other than a half-term it is advisable, if practicable, to resolve the complaint before the school closes.

## **Recording information**

Throughout the complaints procedure governing bodies should keep an accurate record:

- to monitor progress of a complaint
- to be clear about the nature of the complaint
- to document what has been done and what needs to be done
- to provide evidence that the complaint was considered properly (which can be useful if a complainant or a person who is the subject of a complaint is dissatisfied with the way the complaint had been handled)
- for reference, if further complaints arise relating to the original issue
- to identify trends or recurring themes in complaints cases
- to compile reports to governors (and others) on complaints.

Under the Freedom of Information Act 2000, schools are required to maintain a retention schedule and it is best practice to keep a record of all complaints and

their outcomes, including those that are anonymous or are withdrawn.

It is recommended that governing bodies ask the headteacher to include in their reports to governors information about complaints made to the school so that they can monitor complaints and consider how to improve procedures or address issues that generate complaints. It is suggested that the headteacher's report should record the number of complaints, whether made by adults or pupils, and that the headteacher also reports to the governing body any related matters considered by the school council. Records should be kept in school filing systems and reviewed by the governing body after seven years to decide if they need to be kept for longer.

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 the reasons for no action.

Experience has shown the importance of understanding a complaint clearly and fully when it is first made. The model complaints procedure has a form that schools can give to complainants to set out their complaint in writing, or which the school can use itself to record details of a complaint. Particular care should be taken to ensure complainants understand the content of this form especially where that person is a learner.

## **Confidentiality**

Complaints should as a principle be treated confidentially.

If a complaint raises issues about staff discipline, conduct or capability then those procedures apply and take precedence over the complaints procedures.

## **Expectations of the complainant**

The complainant should cooperate by describing their complaint in detail, providing sufficient, specific information which can be investigated and considered.

Complaints should be made promptly. It is not reasonable for people to make complaints a long time after the event. In most cases schools probably have reasonable grounds to not consider complaints, unless there are exceptional circumstances, brought more than six months from the point that the complainant first became aware of the event in question.

Governing bodies should use discretion when considering whether complaints relating to an event some weeks or months past should be investigated and have a flexible approach which can be explained and justified. However, complaints which trigger safeguarding/child protection investigations must still be looked at even if this timescale has been exceeded.

It is reasonable to expect a complainant to attend meetings if reasonable notice is given and the meeting time and location takes reasonable account of the complainant's other commitments. That should mean being prepared to meet at the start or end of the working day if that suits the complainant best. Virtual meetings by video conference or telephone conference may be offered provided this is agreed by all parties and everyone is able to participate fully.

If arrangements are not convenient, an alternative should be offered. Complainants should be given at least one week's notice of meetings.

Aggressive, abusive, or unreasonable behaviour by complainants should not be tolerated. Persistent and vexatious complainants who have no substance for their complaints may be considered to be behaving unreasonably and told, in



writing, that their complaint may not be considered. Governing bodies should adopt proportionate approach to dealing with vexatious complaints. It is not acceptable to just apply a blanket ban on someone raising complaints, but a complainant who is unreasonable should be told that their issue will only be dealt with if it meets the agreed threshold and definition for complaints. It is suggested that schools seek advice and support from their local authority in these circumstances.

If complainants do not meet these expectations at any stage of the complaints procedure, then schools are entitled to not consider their complaints. This should be explained to the complainant in writing and a record kept by the school.

## The three-stage procedure

The model complaints procedure (**Annex 1** (<https://gov.wales/annex-1-model-policy-html>)) is written in a self-explanatory style suitable to give to complainants.

The model complaints procedure has three stages. Appendix A of the procedure is a form to record all complaints, including those brought forward by pupils. Assistance can be offered to complete the form if a complainant requests.

Most complaints can be settled quickly by the complainant speaking to a member of school staff (see Stage A of the procedure). It is recommended that schools make every effort to do this.

If the complaint is not resolved at Stage A, the headteacher will consider it (Stage B of the procedure).

If the complaint is not resolved at Stage B a committee established by the governing body to deal with complaints should consider the complaint (Stage C of the procedure).

Complainants may try to skip stages in the procedure, for instance by going directly to the headteacher or the governing body. It is strongly advised that this is resisted, and the complaint is considered under the appropriate stage of the procedure.

It is important to explain the complaints procedure to complainants and to provide them with a copy. It is recommended that schools publish their complaints procedures on their website where possible. Complainants must understand and accept that complaints must follow the adopted procedure.

Prompt handling is important. Delay usually makes matters worse. The model complaints procedure includes suggested timescales, but these may be changed if there are good reasons. If they are changed the complainant should be told and given reasons why. It is important to keep the complainant informed of progress. Complaints received in writing should be promptly acknowledged in writing.

Schools may choose to have a member of staff who handles all complaints. If so, the individual should be named in the school complaints procedure. If not, the model procedure should be amended accordingly, but a dedicated contact point should be provided.

Procedure is important but it must not be a barrier to complaining. Schools should be pragmatic and use judgement. A complaint may be made to any member of staff. If the headteacher is the first recipient of a complainant, they could delegate it to another member of staff under Stage A. If a governor receives a complaint, they should pass it to the headteacher who should then decide whether to delegate it to another member of staff under Stage A. Governing bodies are strongly advised not to become involved in complaints until Stage C.

Stage C should be rare, but governing bodies must be prepared to deal with complaints when they arise. Before starting Stage C, governing bodies should

be sure that Stages A and B have been completed, or that there are reasons for not following them.

If a complainant is invited to a meeting at Stages B or C the invitation should be written and should make clear:

- the time and place of the meeting, which is usually school premises
- that the complainant can request or suggest another reasonable meeting time and place, including by video or telephone conference if all parties agree
- any written information or documents which the school would like to receive
- that the complainant may be accompanied by a friend or family member (who in the case of a pupil, or person who requires special assistance, making a complaint may speak on the complainant's behalf)
- the names of anyone those attending the meeting and their role
- the school's right to decide the outcome of the complaint if anyone invited does not attend and has not provided a good reason an explanation for their absence.

## **Governing body complaints committees at Stage C**

Governing bodies should establish a committee to deal with complaints to make complaint handling more manageable. The model complaints procedure is written on the assumption that governing bodies will establish a complaints committee with a clerk in attendance.

The committee should have at least three members. It is strongly recommended that committee membership is an odd number to ensure that there is always a majority for any vote on a decision. A majority vote is better than a committee

chair having a casting vote. The full governing body should appoint members and should also identify other governors as reserves who can step in if a committee member is unavailable.

Committee membership should be checked to rule out any conflicts of interest, including the committee members from other schools, if used. It is important to avoid any perception or accusation of bias or conflict of interest, including personal links with the complainant or with any person against whom a complaint is made. Substitute members can be appointed to the committee at any time by the full governing body. Committee membership, terms of reference and the committee's delegated powers should be reviewed annually by the full governing body.

The headteacher should not be a member of the complaints committee because of prior involvement in Stage B. It is recommended that school staff and teacher governors are also not members of the complaints committee to avoid any suggestion of bias or conflict of interest.

A governing body may appoint someone to a complaints committee who is not a member of the governing body as long as the majority of committee members are governors. Local authorities should help with this process to ensure impartiality. The governing body should decide whether the person appointed has voting rights. This independent person can help avoid unintentional bias and also counter any perceptions about the committee's neutrality.

It is recommended that governing bodies consider forming joint committees with other schools to handle complaints. Two or more governing bodies may do this using The Collaboration Between Maintained Schools (Wales) Regulations 2008. Again, this is a way to demonstrably bring independence into complaints procedures.

When governing bodies do this the terms of reference of the joint committee should make clear the complaints procedure to be used for each school.

The governing body or its complaints committee must meet at Stage C to make a final decision about whether a complaint is upheld or dismissed. It is usual practice to invite the complainant to the meeting. The committee should consider whether it is better to have everyone with an interest in the complaint at the meeting or whether it is better to meet them separately. Where relationships are strained or have broken down it may be better to have separate meetings.

At any meeting, whoever is chairing should ensure that:

- plain English/Welsh needs to be used to ensure the complainant understands what is being said throughout the meeting
- everyone is introduced
- it is understood that a decision will be made on the facts – and that decision will be final (unless there are procedural errors which would impact on the outcome)
- all relevant issues are addressed
- people attending are put at ease
- the meeting is conducted with respect and courtesy
- everyone has the opportunity to speak and ask questions without interruption
- the meeting does not become confrontational – if there is serious risk that this may happen, or the relationship between the complainant and others involved in the complaint has broken down, the committee should meet people separately.

During the meeting:

- the committee members may ask questions of any person
- the chair will ask the complainant to explain their complaint
- the chair will ask the headteacher or whoever is representing the school, if they are present at the meeting, to explain findings of fact and any actions taken by the school. If not present at the meeting the Chair will establish facts/actions subsequent to the meeting
- the chair will ask any witnesses to speak.

The intention is that:

- the committee understands the complaint, so it is able to make a decision based on the facts
- the complainant feels that they have said everything they want to say.

It is recommended that the committee considers the complaint and makes a decision in private. Having other persons present may influence matters. A committee may seek advice from its local or diocesan authority, and it is recommended that they do so if the complaint is complex.

It is good practice to make a decision the same day, unless the meeting has revealed issues which require further investigation and consideration. The model complaints procedure suggests that the committee will then write to the complainant about its decision within 10 school days. The letter should explain the reasons for the decision and any action to be taken by the school.

If the complaint is not upheld the letter should make clear:

- that the complaint has been thoroughly considered
- the school will not reconsider the complaint
- new issues will only be considered if they are clearly different from matters complained about already
- concerns about procedural errors should be addressed to the Director of Education

If the committee cannot make a unanimous decision it may vote with a decision being made by majority.

The decision needs to cover whether or not the complaint is upheld and if any action needs to be taken by the governing body, headteacher and/or members of staff.

The committee should also make any recommendations to the full governing

body for changes to school policies or procedures to ensure similar problems do not happen again.

## **Appeals after Stage C**

It is not recommended that governing bodies have an appeals committee that a complainant could go to if not satisfied at Stage C. Complaints can almost always be resolved before or at Stage C if the school procedure is robust and the persons handling the complaint act objectively. Should there be evidence that a complaint has not been considered properly at Stage C and therefore that standards of governance are not good enough, then a local authority may consider using its powers of intervention. This power provides sufficient safeguards against bad practice in schools. A complainant may ask the authority/diocese to review the handling of the complaint but not the decision. Such reviews may lead to improved handling of complaints.

## **Publicising a complaints procedure**

The law requires governing bodies to publicise their procedure and a governing body must have regard to this guidance in relation to publicising its procedure. The following applies to all complaints procedures and not just the model complaints procedure contained within this document.

The procedure must be given to anyone who asks for it. All staff should be given a copy. All staff need to understand the procedure and what is expected of them.

It is recommended that schools publicise the procedure through:

- the school website
- the prospectus
- the governors' annual report to parents/carers
- school newsletters

## **Additional points about complaints from learners**

A complaint made by a learner should be treated as seriously as one made by an adult. The model complaints procedure makes no distinction about who makes a complaint.

It is the Welsh Government's policy that all children and young people should be listened to and treated with respect. **Annex 2** (<https://gov.wales/annex-2-model-leaflets-schools-html>) provides suggested text for use in primary and secondary schools which schools can use to raise learners' awareness about complaints.

In line with the UNCRC, learners need to be aware of their right to complain if they are dissatisfied or unhappy. **MEIC** (<https://www.meiccymru.org/>) is a national advocacy and advice helpline for children and young people (**MEIC** (<https://www.meiccymru.org/>) may be contacted by freephone: 080880 23456, or text: 84001. This service is operated 24 hours a day).

The Welsh Government is committed to all children and young people having access advocates who can help a learners put across their point of view, advise them, or speak on their behalf (Providing Effective Advocacy Services for Children and Young People Making a Representation or Complaint under the Children Act 1989). The term 'advocate' is not used by the Welsh Government to mean a legally trained person. It ought not to be necessary for a complainant to be accompanied by someone who is legally qualified - the complaints procedure is not a forum for a debate on the law.



Learner complaints should follow the same procedure as other complaints. Learners should put complaints to their form tutor, or a member of staff chosen by the school to deal specifically with learner concerns. These persons should then handle the complaint using Stage A of the model complaints procedure. It is important that school staff are sensitive and empathetic and avoid seeming defensive or dismissive. It is essential that they understand the complaints procedure.

It is recommended that if a learner under the age of 16 brings a complaint or is involved in any other way, the school should bring the matter to the attention of the learner's parents or carers having discussed this course of action with the learner beforehand and preferably having sought the learner's consent. Those persons should be invited to attend any discussion or interview with the learner. Should a learner be involved in a complaint at Stages B or C the learner may want to be accompanied by a person of the learner's choice. The school should make sure that the learner understands this so that they can make an informed decision.

Any Stage C committee should be sensitive to a learner's maturity, as well as taking care to ensure the learner's view is properly heard and that the learner understands what happens at Stage C.

Schools should make it easy for learners to raise matters with the school council. A complaint may relate to an issue that is not personal to the complainant but concerns many learners. In this case the complainants should be encouraged to seek the views of learners through the school council. A member of staff might help the learners raise the issue at the next school council meeting by ensuring that the issue is put on the agenda, or help the learner contact their school council representative.

Schools should raise learner awareness of how to raise concerns or make a complaint:

- through the form tutor or pastoral sessions, Health and Well-being Area of Learning and Experience (Area) or assemblies
- through the school council
- in homework diaries
- through an information booklet for pupils
- in leaflets or small wallet-/purse-sized cards that include contact details for help
- in information posters around the school
- through the school website / Hwb or SharePoint site
- through peer mediation and mentoring schemes.

The model complaints procedure needs to be adapted if a complaint is made about the headteacher, a governor or group of governors, the chair or vice chair of governors, or the whole governing body.

## **Complaints about the headteacher**

Any complaint about the headteacher should be given to the chair of governors who may delegate it to another governor who will investigate it.

It is important to try and establish whether the complaint should be dealt with under a procedure for staff capability, staff grievance, staff disciplinary or child protection. If it does, then those procedures take precedence. If not, the complaint should proceed under Stage B of the model complaints procedure. If the complaint is not resolved, the complainant may take it to Stage C. Any governor involved at Stage B cannot be a committee member at Stage C.

## **Complaints about the chair of governors**

The vice chair should deal with a complaint about the chair of governors or delegate it to another governor. Stage B onwards of the model complaints procedure should apply. Depending on the nature of the complaint the vice chair should inform the local authority (and if appropriate the diocesan authority) that a complaint has been made and what action will be taken by whom.

If the complaint is upheld, then the complaints committee should consider whether it needs to recommend to the full governing body that the chair should be removed, and another governor appointed to that role.

## **Complaints about the chair of governors and the headteacher**

The complaint should be dealt with in the same way as a complaint about the chair of governors or headteacher, by the vice chair or their delegate.

## **Complaints about the chair and vice chair of governors**

Any complaint about the chair and the vice chair of governors should be referred to the clerk to the governing body who will inform the chair of the complaints committee. The chair of the complaints committee should arrange for a complaints committee hearing in accordance with Stage C. If the chair of the

complaints committee is the chair or vice chair of governors, then the complaint should be referred to another member of the complaints committee and another governor must take the place of the chair and/or vice chair on the complaints committee.

## **Complaints about a governor or group of governors**

If a complaint is made against a governor or group of governors, it should be referred to the chair of governors (provided that the chair is not a subject of the complaint). The chair or a governor chosen by the chair should investigate (Stage B onwards of the model complaints procedure should apply). If the complaint is upheld, it should be referred to the complaints committee to consider whether to recommend to the governing body that some or all of the governors subject to the complaint should resign or be removed from the governing body.

Care should be taken to ensure that no governors implicated in the complaint take part in investigating it, are members of the complaints committee or take part in any governing body discussion and decisions about governors resigning or being removed.

If the chair and vice chair are part of the group of governors subject to the complaint, the complaint should be referred to the clerk of the governing body who should proceed as described previously for complaints about the chair and vice chair of governors.

If so many governors are the subject of a complaint that too few remain to make up a complaints committee, or to provide a quorum for any subsequent decisions that the whole governing body might need to take, then the whole

governing body procedure described below should be used.

## **Complaints against the whole governing body**

If a complaint is made about the whole governing body, it should be referred to the clerk who should inform the local authority and, if appropriate, the diocesan authority, the chair of governors and the headteacher.

It is recommended that the local and/or diocesan authorities agree arrangements with the governing body for investigation and consideration of the complaint. There may be grounds for independent investigation; the local authority should advise, and governing bodies are strongly advised to act on that advice. The local authority could investigate the complaint or arrange for investigation by a third party. The clerk or school staff should not undertake investigation.

If investigation suggests that there are grounds for the complaints, the local authority should secure the agreement of the governing body to establish an external complaints panel.

If investigation suggests there are no grounds for the complaints, the local authority should corroborate these findings with an independent committee. This will ensure impartiality at each stage and give the complainant confidence that the matter has been dealt with effectively.

An independent committee should act as a complaints committee would act at Stage C of the model complaints procedure.

If the governing body does not cooperate with the authority or a committee established by the authority to consider the complaint or acts against or fails to act on reasonable advice, then the local authority would be justified in may

consider using its regulatory powers of intervention. If a complaint provides evidence that a governing body is performing poorly, is acting unreasonably, or is in breach of the law, then a local authority may use its powers of intervention (advisably, in consultation with diocesan authorities in the case of schools with religious character).

## **Complaints about members of school staff, including any designated complaints officer**

Any complaint about a member of staff should be passed to the headteacher. The headteacher may decide to delegate investigation to another senior member of staff under Stage A of the procedure, or to investigate it themselves under Stage B.

If the complainant is not happy with the outcome, they may proceed through the complaints procedure until Stage C is completed.

If there are matters of a staff disciplinary or capability nature those procedures must be followed.

## **Anonymous complaints**

It is recommended that anonymous complaints are recorded but are not investigated unless there is a suggestion of criminal conduct or concerns about child safeguarding in which case the local authority/police, as appropriate, should be informed. In deciding whether to investigate or just to record a complaint, consideration should be given to whether the complainant could be

afraid of being identified; this may be particularly pertinent in the case of complaints made by learners who may fear being labelled troublemakers.

## **Complaints that are withdrawn**

A complainant may withdraw a complaint at any time.

It is recommended that a record is kept, and a letter sent to the complainant stating that because the complaint is withdrawn the complaints procedure will not be used. These actions are recommended in order to have a record and also to manage potentially vexatious complainants.

## **Criminal activity**

Should a complainant in the first instance allege criminal activity then they should be advised to refer their allegation directly to the police. It is not within the powers of a governing body to investigate criminal activity. Suggestion of criminal activity should be referred to the headteacher or, if it involves the headteacher, to the chair of governors. The headteacher or chair (as appropriate) should bring the complaint to the attention of the police and the local authority (and if applicable the diocesan authority). If the headteacher and the chair are both subjects of the complaint, then the vice chair should inform the police and the local authority.

## The local authority

A local authority should satisfy itself that all the schools it maintains have adequate complaints procedures that are publicised.

A local authority may provide whatever advice it deems appropriate to governing bodies. It may also provide guidance documents in addition to this publication.

A governing body may seek advice from a local authority about its complaints procedure or how to handle a complaint or for assistance to investigate a complaint. However, the statutory responsibility for dealing with complaints remains with the governing body.

A governing body complaints procedure may, with the agreement of the local authority, include a stage after Stage C for the local authority to consider the complaint.

A local authority should consider any evidence that suggests that a governing body does not have a complaints procedure, has an inadequate procedure, has not followed its procedure, or has a procedure that is inoperable because persons who are subjects of the complaint investigate it or make decisions about it.

If a school complaints procedure is inoperable, if there are grounds to cast doubt on its independence, or in other reasonable circumstances, a local authority may arrange, with the agreement of the governing body, for a panel of independent persons to consider a complaint.

A local authority may use its powers of intervention under the School Standards and Organisation (Wales) Act 2013 if the governance or management of a school is inadequate.



## **The diocesan authorities**

Diocesan authorities may provide advice to schools to which they appoint governors, and such schools may seek advice from the diocesan authorities. Schools with religious character may agree to the diocesan authority investigating a complaint or arranging for a third party to do so.

## **The Welsh Government**

If the Welsh Government receives a complaint about a school, it will advise that the complaint should be addressed to the school for consideration under the school's complaints procedure. If it appears that the governing body is failing to deal with the complaint, the Welsh Government will advise the complaint is brought to the attention of the local authority to provide support or take action.

## **The Children's Commissioner for Wales**

The Children's Commissioner for Wales has an advice and support service for children and young people, and the people who care for them. Children and young people and their carers can go to the Children's Commissioner when they need advice and support. The Children's Commissioner's officers are not counsellors but work with children, young people, and adults to find a solution. The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday to Friday 9a.m. to 5p.m.) text: 80 800 (start your message with COM) or e-mail: [advice@childcomwales.org.uk](mailto:advice@childcomwales.org.uk)

<mailto:advice@childcomwales.org.uk>).

The Children's Commissioner does not take the place of governors or of governing body complaints procedures. The Commissioner may, under certain circumstances, examine individual cases, and to do so may require information, explanations and assistance from governors, local authority officers and members, and school staff. The Commissioner may also, for the purposes of reviewing and monitoring arrangements made for dealing with complaints, whistleblowing and advocacy, or the absence of such arrangements, require information from governors, local authority officers and members, and school staff. The Commissioner may produce reports with recommendations but does not have power to require their implementation, although can publicise any failure to do so.

## **The Public Services Ombudsman for Wales**

The Public Services Ombudsman for Wales (PSOW) has no role with respect to complaints which come within the scope of complaints procedures described in this guidance.

However, guidance is available on the [PSOW website](https://www.ombudsman.wales/how-to-complain/) (<https://www.ombudsman.wales/how-to-complain/>) for complainants who feel their complaint to a public body has not been dealt with effectively.

# The Education Workforce Council

The Education Workforce Council (ECW) has no role regarding governing body complaints procedures described in this guidance.

This document may not be fully accessible.

For more information refer to our [accessibility statement](https://gov.wales/accessibility-statement-govwales) (https://gov.wales/accessibility-statement-govwales).