

Complaints Policy

INTRODUCTION

Rydal Penrhos School has long prided itself on the quality of the teaching and pastoral care provided to its pupils. However, if parents do have a complaint, they can expect it to be treated by the School with care and in accordance with this Complaints Policy. Rydal Penrhos School makes its Complaints Policy available to all parents of pupils and of prospective pupils on the School's website and at Reception of both Sections of the School during the school day, and Rydal Penrhos School will ensure that parents of pupils who request it are made aware that this document is published or available and of the form in which it is published or available. This Policy is not, however, available for use by prospective parents – it may only be used by parents of current pupils.

In accordance with Section 6 (j) to the Independent School Regulations (Wales) 2003, Rydal Penrhos School will make available to parents of pupils and prospective pupils and on request to the Chief Inspector, the National Assembly, or a body approved under section 163(1)(b) of the 2002 Act details of the Complaints Policy set out in accordance with paragraph 7 of the Schedule, and the number of complaints registered under the formal procedure during the preceding school year.

WHAT CONSTITUTES A COMPLAINT?

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the School as a whole, about a specific department or about an individual member of staff, and any matter about which a parent is unhappy and seeks action by the School is within the scope of this Policy. A complaint is likely to arise if a parent believes that the School has done something wrong, failed to do something that it should have done or has acted unfairly.

Parents can be assured that all concerns and complaints will be treated seriously and confidentially. The School is here for your child and you can be assured that your child will not be penalised for a complaint that you (or your child) raises in good faith.

THE THREE-STAGE COMPLAINTS PROCEDURE

Stage 1 – Informal Resolution:

- it is hoped that most complaints and concerns will be resolved quickly and informally;
- if parents have a complaint, they should normally contact their son's or daughter's Pastoral Leader; in many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If Pastoral Leader cannot resolve the matter alone, it may be necessary for him / her to consult the Vice Principal (Pastoral) / the Principal;
- complaints made directly to a Vice Principal / the Principal will usually be referred to the relevant Pastoral Leader unless a Deputy Principal / the Principal deems it appropriate for him / her to deal with the matter personally;
- the Pastoral Leader will make a written record of all concerns and complaints and the date upon which they were received. Acknowledgement of the complaint should be made within 48 hours of it being referred to him / her. Should the matter not be resolved within 10 working days or in the event that the Pastoral Leader and the parent fail to reach a satisfactory resolution, then parents will be advised to proceed with their complaint in accordance with Stage 2 of this Complaints Procedure;

- if, however, the complaint is against a Deputy Principal, parents should make their complaint directly to the Principal;
- if the complaint is against the Principal, parents should make their complaint directly to the Chair of Governors via the Clerk to the Governors (lperry-williams@rydalpenrhos.com).

Stage 2 – Formal Resolution:

- if the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the Principal. The latter will decide, after considering the complaint, the appropriate course of action to take.
- in most cases, the Principal will speak to the parents concerned within 5 working days of receiving the complaint to discuss the matter. The Principal should acknowledge receipt of the complaint within 48 hours. If possible, a resolution will be reached at this stage;
- it may be necessary for the Principal to carry out further investigations;
- the Principal will keep written records of all meetings and interviews held in relation to the complaint;
- once the Principal is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Principal will also give reasons for his / her decision;
- if the complaint is against the Principal, the Chair of Governors will call for a full report from him / her and for all the relevant documents. The Chair may also call for a briefing from members of staff, and will in most cases speak to or meet with the parents to discuss the matter further. Once the Chair is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. The Chair will give reasons for his / her decision;
- if parents are still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

Stage 3 – Panel Hearing:

- if parents seek to invoke Stage 3 (following a failure to reach an earlier resolution), they will be referred to the Chair of Governors who has been appointed by the Governors to call hearings of the Complaints Panel. The Chair will consider whether the complaint merits the convening of a Complaints Panel and, if so, will call a meeting of that Panel. If the Chair considers that the case does not merit the convening of a panel, his / her decision on that will be final;
- the Complaints Panel will consist of three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School. The Chair, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place within 15 working days;
- if the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 5 working days prior to the hearing;
- the parents may attend the hearing and be accompanied to the hearing by one other person, if they wish. This may be a relative, teacher or friend. Legal representation will not normally be appropriate;
- if possible, the Panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out;
- after due consideration of all facts they consider relevant, the Panel will make findings and may make recommendations;
- the Panel will write to the parents, informing them of its decision and the reasons for it, usually within 5 working days of the hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents and, where relevant, the person complained about as well as the Chair of Governors and the Principal. A copy of the Panel's findings and recommendations (if any) will also be made available for inspection on the School premises by the Chair of Governors and the Principal.

- the decision will be communicated to the complainant in the form of an adjudication which will cover the facts of the case, the decision and the reasons for the decision. Transcripts of interviews with witnesses will be retained by the School but not included with the adjudication report.

TIMEFRAME FOR DEALING WITH COMPLAINTS

All complaints will be handled seriously and sensitively. They will be acknowledged within 5 working days if received during term time, and as soon as practicable during holiday periods.

It is in everyone's interest to resolve a complaint as speedily as possible; the School's target is to complete the first two stages of the procedure within 20 working days. Stage 3, the Appeal Panel Hearing, will be completed within a further 20 working days.

Please note that, for the purposes of this procedure, working days refers to weekdays (Monday to Friday) during term time, excluding bank holidays.

Complaints should be raised within three months of the incident taking place.

RECORDING COMPLAINTS

Following the resolution of a complaint, the School will keep a written record of all formal complaints, whether they are resolved at the informal stage, the formal stage or proceed to a panel hearing, and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld). At the School's discretion, additional records may be kept which may contain the following information:

- the date when the issue was raised;
- the name of parent;
- the name of pupil;
- a description of the issue;
- records of all the investigations (if appropriate);
- witness statements (if appropriate);
- the name of member(s) of staff handling the issue at each stage;
- copies of all correspondence on the issue (including emails and records of phone conversations).

VEXATIOUS, FRIVOLOUS OR MALICIOUS COMPLAINTS

Whilst it is hoped that this procedure will reduce any dissatisfaction with the School, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the School and the outcomes achieved under the complaints procedure.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure, the Chair of Governors will contact him or her to advise that the matter has already been dealt with and that either that stage of the procedure has been exhausted, or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious, frivolous or malicious, and the School will be under no obligation to respond to that correspondence and may refer the issues to other agencies.

Where a complaint is raised which is considered to be frivolous or malicious, the Principal (or in the case of a complaint against the Principal, the Chair of Governors) may refuse to progress the complaint to the formal / appeal stage. In such circumstances, the Principal or Chair of Governors will write to the complainant informing him or her as to the reason for the decision not to progress the complaint.

DEFINITIONS

Vexatious Complaints:

A complaint may be considered to be vexatious when it may or may not be the latest in a series of requests and it:

- clearly does not have any serious purpose or value;
- is designed to cause disruption or annoyance, or gives rise to disproportionate inconvenience or expense;
- has the effect of harassing the School and / or its staff;
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

Frivolous Complaints:

A complaint may be considered to be frivolous where:

- it is clear that it is not serious or sensible in content, attitude or behaviour;
- there is an absence of clear desire for a sensible or reasonable form of redress.

Malicious Complaints:

A complaint may be considered to be malicious where:

- there is evidence of intention to do harm or mischief;
- it is reasonable to assume that the complainant intended to do harm or mischief;
- malice may be implied, e.g. where it is clear that no redress is sought.

EFFICACY, SUITABILITY & GOOD FAITH

The Chair of Governors at his or her sole discretion may decline to treat a matter raised as a complaint (even if the correspondence asks for the matter to be treated as such) on the following grounds.

Efficacy & Suitability

There will be cases in which the complaints system would not be appropriate or an effective means of dispute resolution. These instances would include but not be restricted to:

- policies and policy made by the Board of Governors;
- 'points of principle';
- decisions made by the Board of Governors.

Good Faith

Where a complainant is seeking to gain an unfair advantage through the action he or she is asking the School to take in order to remedy his or her complaint, then the Chair of Governors may reject the complaint on the grounds of its lacking good faith. Examples of this would be:

- complaints about the wording of the parents' Acceptance Form;
- seeking a discount from the School fees or some other commercial advantage;
- the reassessment or overruling a marking / assessment decision made by a teacher;
- a complaint about the credit control process so as to avoid payment of a legitimate debt.

The above do not preclude complaints about the application of the School's policies (rather than the policies themselves), nor complaints about unfair treatment specifically.

Where the Chair of Governors decides that the complaints process is not suitable or effective, then he or she should look for alternative means of resolving the dispute.

The Chair, at his or her discretion, may reject the complaint with no suggested resolution mechanism where he or she feels that the complaint is not made in good faith.

CONFIDENTIALITY

Correspondence, statements and records relating to individual complaints will be kept confidential except in the instance that the Welsh Government or a body conducting an Inspection under section 7(k) of the Independent Schools (Wales) Regulations 2003 requests access to them.

Rydal Penrhos will provide Estyn / CIW, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept for at least 3 years.

PRE-SCHOOL

Parents may complain directly to CIW or to Estyn if they believe that the School is not meeting the Welsh Foundation Stage requirements.

	CIW Contact Details	ESTYN Contact Details
Telephone	0300 7900 126	029 2044 6446
Email	ciw@gov.wales	enquiries@estyn.gov.wales
Post	CIW National Office, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.	Estyn, Anchor Court, Keen Road, Cardiff, CF24 5JW.

This Policy is subject to review on a triennial basis; however, it may require earlier revision in the light of any regulatory change which comes into force in the interim.

APPENDIX 1: INDEPENDENT SCHOOLS STANDARDS (WALES) REGULATIONS 2003

Regulation 6

(1) The provision of information by the school meets the standard if the requirements in sub-paragraphs (2) to (9) are met.

(2) Subject to sub-paragraph (10), the school must provide to parents of pupils and prospective pupils and on request to the Chief Inspector, the National Assembly, or a body approved under section 163(1)(b) of the 2002 Act —

- (a) the school's address, e-mail address and telephone number, and the name of the head teacher;
- (b) either—
 - (i) where the proprietor is an individual, his or her full name, usual residential address and appropriate e-mail address and telephone number, or
 - (ii) where the proprietor is a corporation, a Scottish firm or a body of persons, the address and telephone number of its registered or principal office;
- (c) where the school has a governing body, the name and contact details of the Chairperson of that body;
- (d) a statement of the school's ethos (including any religious ethos) and aims;
- (e) particulars of the school's policy on and arrangements for admissions, discipline and exclusions;
- (f) particulars of educational and welfare provision for pupils with statements and for pupils for whom English or Welsh is an additional language;
- (g) particulars of the policies prepared under paragraph 1(2) of this Schedule;
- (h) particulars of the policies prepared under paragraph 3(2) of this Schedule;
- (i) particulars of academic performance, including the results of any public examinations;
- (j) details of the complaints procedure set out in accordance with paragraph 7 of this Schedule, and the number of complaints registered under the formal procedure during the preceding school year; and
- (k) the number of staff employed at the school, including temporary staff, and a summary of their qualifications.

Regulation 7 - The manner in which complaints are to be handled

7. The manner in which the school handles complaints meets the standard if it has a complaints procedure which—
- (a) is in writing;
 - (b) is available on request in appropriate format to pupils, to the parents of pupils and of prospective pupils at the school;
 - (c) sets out clear time scales for the management of a complaint;
 - (d) provides an opportunity for a complaint to be made and considered on an informal basis;
 - (e) where the parents are not satisfied with the response made in accordance with paragraph (d) or wish to pursue a formal complaint establishes a procedure for the complaint to be made in writing;
 - (f) where the parents are not satisfied with the response to the complaint made in accordance with paragraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
 - (g) stipulates that, where there is a panel hearing of a complaint, one person will be independent of the management and running of the school;
 - (h) allows for the parents to attend and to be accompanied at a panel hearing if they wish;
 - (i) provides for the panel to make findings and recommendations and stipulates that the complainant, proprietor and head teacher, and where relevant the person complained about, are each given a copy of any findings and recommendations;
 - (j) provides for written records to be kept of all complaints, including whether they are resolved at the preliminary stage or proceed to a panel hearing;
 - (k) provides that, subject to paragraph 6(2)(j) of this Schedule, correspondence, statements and records of complaints are to be kept confidential except where the National Assembly or a body conducting an inspection under section 163 of the 2002 Act requests access to any documents relating to the complaint.