

## 12. Complaints and whistleblowing

### Dealing with complaints

1. Section 29(2A) of the [Education Act 2002](#) gives the Welsh Ministers the power to make regulations establishing procedures in relation to complaints which relate to a maintained school in Wales, or to the provision of certain facilities or services by the governing body of such a school.
2. The governing body of a maintained school in Wales (excluding maintained nursery schools) must adopt and publicise the procedures set out by the Welsh Ministers in such regulations. The governing body must have regard to any guidance given from time to time by the Welsh Ministers
3. Schools should encourage parents, staff, pupils and members of the community to settle complaints quickly by speaking to the relevant person in the school. Complaints should usually go first to the class teacher and then, if necessary to the head teacher. This approach will resolve most concerns and complaints.
4. If the head teacher cannot resolve the complaint, or is the subject of the complaint, a committee convened by the governing body may consider the complaint.

### Guidance documents

5. The Welsh Government has published revised guidance on complaints: [Complaints Procedures for School Governing Bodies in Wales](#) to help schools establish effective complaints procedures.
6. The guidance provides advice for school governing bodies on developing and publishing procedures for dealing with complaints from parents, members of staff, members of the local community, governors, pupils and others. The guidance defines a complaint as '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 procedures and they should take precedence. The complaints procedure must not take the place of those other procedures. Separate procedures also exist to deal with complaints about school admissions or exclusion, special educational needs provision, school organisation proposals, religious worship and the delivery of the curriculum.

The guidance includes:

- a model complaint procedure
- model complaint forms
- advice on handling complaints about bullying

7. School governing bodies must have regard to the Guidance and consider adopting the model complaints procedure. The model procedure recommends a three-stage complaints process in which open communication is key to resolving issues as efficiently and effectively as possible.

8. The Welsh Government's role in the school complaints process is limited to signposting individuals to a school's own procedures or to the LA for further advice.

## **Whistleblowing**

9. Whistleblowing is the means by which an employee can raise concerns with a third party, often with their employer.

10. In a maintained school, all members of staff should feel, and be, able to raise concerns about conduct or practice within the school which is potentially illegal, corrupt, improper, unsafe or unethical or which amounts to malpractice, and that they are able to do so without fear of victimisation and with confidence that their concerns will be taken seriously and dealt with properly.

11. Governing bodies should seek to establish a culture in their schools in which members of staff can express their concerns, confident that such concerns will be taken seriously, investigated and appropriate action taken in response. Governing bodies should demonstrate a commitment to fostering a general climate of openness and co-operation in the school in which there should be opportunity for all school staff to be able to discuss difficulties and problems of all kinds with management. It is equally important for governing bodies to deal with concerns raised by individuals outside of the school staff, i.e. parents, pupils, governors, etc. under its complaints or other relevant procedures in a fair and effective manner.

12. The Welsh Government guidance [Procedures for Whistleblowing in Schools and Model Policy](#) provides guidance for governing bodies on:

- the legal context
- what constitutes whistleblowing
- the aim, scope and context of a whistleblowing procedure, including how a process for raising and handling a concern might best operate
- a model whistleblowing policy.

13. Employees who whistleblow are provided with statutory protection by Part IVA of the Employment Rights Act 1996 (inserted by the [Public Interest Disclosure Act 1998](#), which protects them against victimisation if they make a protected disclosure within the meaning of the Employment Rights Act 1996.

14. The responsibility for establishing a whistleblowing procedure is a matter for each employer. In respect of community, community special, voluntary controlled, voluntary aided, foundation and, foundation special schools, including maintained nursery schools, this is the governing body.

## The Law

[Education Act 2002](#)

[The Staffing of Maintained Schools \(Wales\) Regulations 2006](#)

[Employment Rights Act 1996](#)

[Public Interest Disclosure Act 1998](#)

## Guidance

<https://gov.wales/whistleblowing-schools-guidance-governors>

Circular 036/2007 Procedures for Whistleblowing in Schools and Model Policy -  
Guidance for School Governing Bodies

## Related Documents

[The Clywch Inquiry](#) – Report of the Examination of the Children’s Commissioner for Wales into allegations of child sexual abuse in a school setting, June 2004