

Ellesmere Port Catholic High School

Complaints Policy & Procedure Statement

Status

Statutory

Mission

To provide a safe and inclusive learning environment where everyone is valued and encouraged to reach their full potential.

Rationale

Under Section 29 of the Education Act 2002, Governing Bodies are required to have in place a procedure to deal with complaints relating to the school. The law also requires the procedure to be publicised.

There is a difference between a concern and a complaint; taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. Formal procedures will need to be invoked only when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Aims

We will endeavour to be fair, open and honest when dealing with any complaint and will always put the interests of our children above all else. We will give careful consideration to all complaints and we aim to resolve any complaint through dialogue and mutual understanding.

Please note: This procedure does not cover complaints that relate to the matters outlined below, for which there are separate arrangements. Where a complaint is made and subsequently found to fall within the following categories, it will be investigated in accordance with the appropriate procedures, and the complainant will be notified accordingly: Child protection issues; statutory assessment of SEN needs and appeals to SEN tribunals; the curriculum; exclusions; school admissions and admission appeals; Religious Education or collective worship; staff disciplinary and grievance matters.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Assistant Headteacher/SENCO; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Our complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial and non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress;
- provide **information** to the school's senior management team and governors so that

- services can be improved.
- We can receive complaints by letter or email, or alternatively if required during a face to face meeting

The School expects anyone who wishes to raise problems with the school to:

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the school
- Recognise the time constraints under which members of staff in school work and allow the school a reasonable time to respond to your concern

While we recognise that some concerns may relate to serious or distressing incidents, we will not accept threatening or harassing behaviour, and will take steps supported by legal action as appropriate to ensure that the school can continue to work safely and securely.

Guidelines for making a complaint

For a general complaint:

Step 1 If a parent is concerned about anything to do with the education or support that we are providing at our school, they should, in the first instance, discuss the matter with their child's Head of Year; most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.

Step 2 Where a parent feels that a situation has not been resolved through contact with the Head of Year, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the assistant headteacher responsible for behaviour and safety. The assistant headteacher will consider all matters of concern very seriously and investigate each case thoroughly.

Step 3 Where a parent feels that a situation has not been resolved through contact with the assistant Headteacher responsible for behaviour and safety, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the headteacher. The headteacher will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

Step 4 Only when an informal complaint fails to be resolved by the head teacher should a formal complaint be made to the chair of governors. This complaint must be made either on the school complaint form or in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint, marked 'private and confidential' to the chair of governors via the school office.

For a complaint about the head teacher:

Step 1 If a parent is concerned about anything to do with the behaviour, leadership or management of the head teacher, they should, in the first instance, discuss the matter with the head teacher; most matters of concern can be resolved positively in this way.

Step 2 Where a parent feels that a situation has not been resolved through contact with the head teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the chair of the governing body. The chair will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

Step 3 Only when an informal complaint fails to be resolved by the chair should a formal complaint be made to the governing body. This complaint must be made either on the school complaint form or in writing, stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send this written complaint, marked 'private and confidential' to the governing body via the clerk to the governors c/o the school office.

Governing body complaints committee

The governing body must consider all written complaints **within 21 school working days** of receipt.

The chair of governors will nominate a governor to co-ordinate the procedure and will appoint a **complaints panel** consisting of 3 governors who are not employees of the school. The nominated co-ordinator will chair the complaints panel.

The co-ordinator will arrange a meeting of the complaints panel to discuss the complaint and will invite the person making it to attend the meeting so that they can explain the complaint in more detail. The school will give the complainant at least five days' notice of the meeting. If the complainant cannot attend the suggested date, a further date will be set. If the complainant does not attend the second date, a third and final date will be set, at which time the meeting will proceed without the complainant present.

The head teacher will write a report addressing the complaint and ensure that the complaints panel members and the complainant receive a copy 4 days before the meeting. (If it is a complaint about the head teacher, the Chair of Governors will write the report).

The complainant is invited to write a report addressing the issue and must ensure that the complaints panel members and the head teacher (or Chair of Governors) receives a copy 2 days before the meeting. Other written evidence will not be accepted at the meeting, except in exceptional circumstances.

Check list for a panel hearing

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of parent partnership or other advocate if required);
- the panel members and head teacher (or Chair of Governors) may ask questions;
- the head teacher (or Chair of Governors) is then invited to explain the school's actions (with support of DHT, SENCo or other supporter if required);
- the panel members or complainant may ask questions;
- the complainant is then invited to sum up their complaint;
- the head teacher (or Chair of Governors) is then invited to sum up the school's actions and response to the complaint;
- the chair of the panel explains that both parties will hear from the panel within 3 working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the chair of the panel, on behalf of the governing body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Investigating Complaints

At each stage, the person investigating the complaint should make sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure we will look for a way in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It should be noted that an admission that the school could have handled the situation better is not the same as an admission of negligence.

Serial or persistent complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

Unresolved complaints

From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the LA should be addressed to the Secretary of State for Education.

Further information can be obtained by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

What will the Department for Education do?

If a complaint has exhausted the local procedures, The School Complaints Unit will examine if the complaints policy and any other relevant policies were followed; they will also determine whether the policies adhere to education legislation. *The Schools Complaints Unit will not re-investigate the substance of the complaint.* This remains the responsibility of schools.

If legislative or policy breaches are found, the Schools Complaints Unit will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal Direction being issued by the Secretary of State.

Signed on behalf of the Governing Body (Chair)



Date: October 2018

Date for Review: September 2019 or on receipt of updates from CW&C

Ellesmere Port Catholic High School

Complaint Form

Please complete and return to the Clerk of Governors (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

(Please type or complete in black ink)

Your name:
Pupil's name:
Your relationship to the pupil:
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use:

Date form received:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date:

Date of final response: