Complaints Policy 2020-21

The Bishop Wilkinson Catholic Education Trust is an exempt charity. It is a company limited by guarantee registered in England and Wales under company registration number 07890590. Registered office address: Cardinal Hume Catholic School, Old Durham Rd, Gateshead NE9 6RZ

Introduction

In a caring school, such as ours, we wish to resolve any complaints, issues, disputes or problems, as informally as possible and in ways that are; fair, impartial, simple, confidential, non-adversarial, fast, effective and appropriate.

As a school which continually wishes to improve, we encourage constructive feedback. Only if the complaint cannot be resolved to everyone's satisfaction will more formal action be required.

Stage 1 (Informal)

All complaints in relation to the day to day running of the school, the treatment of an individual pupil, or the implementation of school policies, should initially be made to the Head of House. The Head of House will discuss the matter with the complainant and may invite them in for a face to face meeting.

If the problem is not resolved after these initial meetings with the Head of House/Year then the matter will be referred to either the Senior Assistant Head or Deputy Head who will convene a meeting with the Parent/Guardian to discuss the issue.

If the complaint is about the Head Teacher, the complainant should proceed straight to Stage 2b.

Stage 2a (Formal)

If the complainant does not feel that their concern has been dealt with as they would like, are unhappy with the outcome of the informal meeting, or feel that the issue is serious enough that it warrants it, the complainant can make a formal complaint in writing or by email to the Head Teacher. The Head Teacher should be contacted through his PA via the school address.

The Head Teacher should respond to the complaint within 15 school days. He/she may already be aware of the situation. He/she will outline their investigation, findings and decision and any action to be taken as a result of the complaint.

The Head Teacher may call the complainant in for a meeting to discuss the issue, possible solutions, or to explain what has or will happen as a result of the complaint.

The Head Teacher will keep a record of all interactions with the complainant and other staff, meetings and decisions made in reference to the complaint.

Stage 2b (Formal)

If the matter is not fully resolved, it may be referred to the Chair of Governors for their consideration. Please note that the Chair of Governors may refer complaints that are taken straight to them back to the appropriate member of staff if they do not warrant the Governing Body's involvement at that point.

You may contact the Chair of Governors by putting your complaint in writing and sending it to the school addressed to the Clerk to the Governing Body, stating:

- the name of the pupil involved
- the class or group to which the pupil belongs
- the nature of the complaint.

The Chair of Governors will investigate the complaint and will respond to the complainant in writing within 20 school days outlining their investigation, findings and decision, and any action that has or will be taken. If the Chair has decided not to take any further action on the issue, the Chair will explain what he/she has decided, how the decision has been reached, and will outline the complainant's right of appeal.

Stage 3 (Appeal)

If the complainant remains dissatisfied following the Chair's investigation, they may appeal to the Complaints Committee of the Governing Body.

The Complaints Committee

The Complaints Committee will be made up of members of the Governing Body. One member of the panel must be independent of the management and running of the school. No member of the Governing Body can sit on the Committee if they have had any former knowledge or involvement in the case that is being dealt with at that time.

The Committee will give careful consideration to how the complainant can be made to feel most comfortable presenting to the Committee, especially in the case of a young child having to present or explain information. The complainant must lodge an appeal in writing (addressed to Governing Body Complaints Committee at the school address), within 10 school days following receipt of the Chair's response, explaining their concern and the steps that have led up to them taking this course of action, including the reasons why they disagree with the Stage 1 / Stage 2 findings.

A meeting of the Complaints Committee should be convened within 25 school days following receipt of complainant's letter of appeal.

The Clerk should make all such information available to the Committee, complainant and Head Teacher at least 5 school days before the date of the hearing.

Hearing procedure (The procedure for an appeal hearing is attached as Appendix 1.)

The role of the Clerk

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties, including witnesses, in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Make a written record of the proceedings; • Notify all parties in writing of the Committee's decision.

The role of the Chair of the Committee

To ensure that:

- The remit of the Committee is explained to the parties (i.e. a fresh rehearing of the evidence submitted) and each party has the opportunity of putting their case forward and ask questions;
- The issues are dealt with by the Committee;
- Key findings of fact are made;

- Parents and others who may not be used to speaking at such a hearing are put at ease; • The hearing is conducted in an informal manner with each party treating each other with respect and courtesy;
- The hearing is conducted fairly, with each party having had the opportunity to hear all of the available evidence and comment on it;
- The Committee is open minded and acting independently;
- No member of the Committee has a vested interest or has had any involvement in an earlier stage of the procedure; • Written material is seen by all parties. If substantial new issues are raised for the first time at the hearing an adjournment may be necessary to allow the Committee and the other parties to consider the issues.

The Complaints Committee can:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- Evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

The Chair of the Committee should ensure that the both parties are notified of the Committee's decision and its reasons for its decision, in writing, within 5 schools days of the hearing. The letter should explain any further rights of appeal, and to whom they need to be addressed.

The Committee's decision is final.

St Robert of Newminster Catholic School will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.

Complaints about the Governing Body to the Secretary of State

The Secretary of State may hear a complaint and intervene if:

- the complaint relates to a failure by the Governing Body to carry out its statutory duties
- The complainant believes the Governing Body has or is acting unreasonably in the exercise or performance of its functions under certain legislation. The test for this is that no reasonable authority or governing body, acting with due regard to its statutory duties, would have reached that decision
- Intervention is expedient (i.e. there is an instruction the Secretary of State can give to one or other party that would put matters right).

The complainant should set out fully the concerns and reasons why the complaint is being submitted, enclosing all previous correspondence relevant to the complaint.

If a parent's complaint regarding an individual child is not resolved at school level, parents can make a written complaint to the Secretary of State. The Secretary of State for Education has the power to resolve disputes or complaints if he is satisfied that a Governing Body is acting or proposing to act "unreasonably" in the exercise of a power or the performance of a duty under the Education Acts or have not carried out a statutory duty at all.

Role of Local Government Ombudsman (LGO)

The LGO is able to investigate a variety of matters related to schools including:

- School admissions and allocations
- School transport • Some aspects of special education needs
- School exclusions
- Complaints about tuition at home

Staff Complaints

Staff who have a concern about a colleague or a volunteer should refer to our whistleblowing policy and staff discipline, conduct and grievance policies.

Other Matters

Vexatious Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body should inform them in writing that the procedure has been exhausted and that the matter is now closed.

Anonymous Complaints

The Governing Body will not consider anonymous complaints. Any anonymous complaints will be retained and the number reported to Governors to enable Governors to monitor any patterns of complaints.

APPENDIX

Procedure for Complaints Hearing

1. Both parties enter the hearing together and introductions are made. (Note: The Committee may ask questions at any point).

2. Complainant(s) requested to state their complaint to the Committee including the calling of witnesses, if any. The complainant(s) may wish to be accompanied at the meeting by a relative or family friend or other person of their choice.

3. The Chair of Governors may question both the complainant and the witnesses after each has spoken.

4. The Committee will request the Chair of Governors to respond to the complaint including the calling of witnesses, if any.

5. The complainant may question both the Chair of Governors and the witnesses after each has spoken.

6. The complainant is invited to sum up their complaint.

7. The Chair of Governors is invited to sum up the school's response to the complaint.

8. Both parties shall withdraw from the meeting.

9. The Committee should consider the complaint and the evidence presented and should:
    - Decide, on the basis of the information presented at the meeting, whether the complaint is justified, in whole or in part
    - Decide on any appropriate action to be taken

10. The complainant(s) and Chair of Governors will be informed in writing of the outcome of the meeting.

At no point will one party be allowed to remain in the hearing without the other party being present.

Witnesses

Both parties are entitled to invite those witnesses that they consider to be relevant in supporting their case. Each witness should bring material facts that other witnesses called by the party have not presented, to ensure that the Committee has a clear understanding of the party's case. The Chair of the Committee has discretion to reduce the number of witnesses where the number is disproportionate to the issue and where witness statements indicate repetitive information. The Chair of the Committee may also ask either party to provide additional witnesses where further clarification is required.

The Committee will decide whether any witnesses should remain in the meeting after they have given their evidence.

Approved: September 2020
Next Review Date: September 2021