

# ST BERNARD'S HIGH SCHOOL



## FORMAL COMPLAINTS PROCEDURE

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**Chair of Governors**

Next Review: July 2019

# FORMAL COMPLAINTS PROCEDURE

St Bernard's is a school community, which aims to live by Jesus' commandment, "Love one another as I have loved you."

We are a Catholic learning community committed to the ongoing development of every person, achieved through a broad, balanced and relevant curriculum.

We care for each other as individuals of equal worth, regardless of status, sex, race or religion and thus actively seek to promote safeguarding, justice and fairness.

We provide an atmosphere in which all can grow in our Faith, and encourage this faith by a lively relevant liturgy.

We work with parents, parishes, local communities and industry to prepare our students for the opportunities of adulthood.

## **Procedure to be followed in the event of a Complaint relating to the Curriculum within the School, excluding Religious Education and Collective Worship**

- 1. Paragraph 7(2) of Schedule 6 to the Education Act 1993** requires the governing body to have procedures for the consideration and disposal of complaints relating to matters concerning the curriculum followed within the school. St Bernard's is a denominational school and special arrangements for dealing with complaints regarding Religious Education or Worship at the school have been made. Complaints about Religious Education or Worship should be addressed to the Roman Catholic Diocese of Brentwood who are the Trustees of the school. The Secretary of State has approved the procedures set out below. They are comprehensive and cover all relevant complaints from the point when informal discussion becomes inadequate to a point where the next step would be complaint to the EFA via the schools complaint form. (<https://www.gov.uk/complain-about-school>) The EFA will not consider complaints on matters covered by the procedures until they have been exhausted.
- 2.** The procedures do not cover complaints about the actions of individual teachers or the Head Teacher. If, in the course of consideration of a complaint, it is decided that disciplinary proceedings should be initiated, separate action will be taken as appropriate. Separate arrangements apply to resolve disagreements about the curriculum

requirements specified in statements for children with special educational needs.

3. The complainant may make his or her representations at each stage of the procedures in person, accompanied by a friend if so desired. Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representations.
4. The duties covered by the procedure are :
  - (a) The provision of a curriculum which meets the general requirements of **section 1 and 2 of the Education Reform Act 1988, and sections 240 and 241 of the Education 1993 Act;**
  - (b) The implementation of the National Curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision;
  - (c) Provision of courses leading to external qualification, only if that qualification and the associated syllabus have been approved;
  - (d) Provision of religious education and worship as required by **sections 6, 8-10 of the 1988 Act, sections 138-142 and 146-148 of the 1993 Act, and other enactments;**
  - (e) The need to act reasonably in deciding whether to apply to **the Secretary of State** either with or without **The Schools Curriculum and Assessment Authority** for exemption from all or part of the National Curriculum in order to carry out developmental work;
  - (f) Consideration of appeals by parents about the temporary withdrawal of students from part or all of the National Curriculum;
  - (g) Operation of charging policies in relation to the curriculum;
  - (h) Compliance with requirements relating to the provision of information;
  - (i) Compliance with any other enactments relating to the curriculum;

5. The EFA expects that any concerns expressed by parents and others about the school curriculum and related matters will be dealt with in informal discussion with teachers and/or the Head Teacher in the first instance. If dissatisfied, the person concerned may then submit a formal complaint to the Head Teacher. He or she must do so in writing, making clear that it is a formal complaint, and specifying its nature as exactly as possible.
6. If in his/her view the complaint falls outside the scope of the procedures (see paragraphs 3 and 4), the Head Teacher will advise the complainant of any other recourse he or she may have. The Head Teacher will consider urgent complaints as quickly as possible. In any event the Head will inform the complainant within 10 school days of :
  - (a) the decision he/she has reached, and the reason for it;
  - (b) Any action taken or proposed, including details of any request made to those complained against to take particular actions to resolve the complaint.
7. If the complainant is dissatisfied with the Head Teacher's response, **or has not received a decision within the time limit imposed in paragraph 6** the Head Teacher must refer the matter to the governing body and a Complaints Panel convened. The Clerk will write to the complainant with details of how the Complaints Panel will consider the complaint, and of the complainant's right as explained in paragraph 3 above and in the paragraphs below.
8. If the complaint appears to be urgent, the Clerk will convene a meeting of the Complaints Panel to consider the complaint within 12 days of the receipt, being days on which the school is normally in session ("school days"). If the complainant for an alternative date should result in a mutually convenient alternative date being set at the earliest possible time. The Complaints Panel will always have at least one member independent of management and running of the school.

If the complainant does not wish to attend the meeting, he or she may present the complaint in writing to the Complaints Panel. The complainant must submit any such material to the Clerk no later than 2 school days before the meeting.
9. Subject to paragraphs 10 and 11, the Head Teacher – accompanied by a friend or representative if he/she so wishes – may be present at the meeting of the Complaints Panel of it which is convened to consider a complaint.
10. Where the complainant chooses to attend in person, the usual order

of proceedings shall be as follows:

- (a) The chairman of the Complaints Panel will welcome the complainant and any representative and introduce those present.
- (b) The complainant may if he or she chooses, restate the nature of the complainant.
- (c) The complainant may be asked questions by the Complaints Panel and by the Head Teacher.
- (d) The Head Teacher may be asked to make a statement to the Complaints Panel, regarding the matter complained of and may be asked questions by the Complaints Panel or by the complainant.
- (e) The complainant may, if he or she so chooses, summarise the complaint.
- (f) The Head Teacher, complainant and any friend or representative they have brought will be asked to leave.

11. The Complaints Panel shall consider the complaint at the meeting and any relevant information or factors. They shall only reach a decision after the Head Teacher and where relevant, the complainant and any friend or representative or either individual, have withdrawn. The Complaints Panel shall decide:

- To reject the complaint;
- To uphold the complaint
- To investigate the complaint further

12. The Clerk shall inform the complainant and the Head Teacher in writing within 5 school days.

- (a) Of the decision reached by the Complaints Panel under paragraph 10 and the reasons for the decision; if the Complaints Panel decides that the complaint falls outside the scope of paragraph 4, the Clerk will inform the complainant of any further resources he or she may have.
- (b) If the complaint was upheld, or any action taken or proposed, including details of any request to those complained against, to take particular actions to resolve the complaint; where the complainant is dissatisfied with action taken or proposed to remedy the complainant, he or she may wish to pursue the

matter further with the Head Teacher, the governing body or the Complaints Panel as appropriate.

- (c) Where the Complaints Panel response has failed to satisfy the complainant, the fact that further recourse lies in a complaint to the EFA. Using the "Schools Complaints Form". This will be considered by the EFA on behalf of the Secretary of State.

13. Where under paragraph 10 the Complaints Panel decides to investigate the complaint further, the Clerk shall inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the Complaints Panel shall be subject to the provisions described above in so far as they are relevant.
14. If you have any questions about the procedures described above, you may wish to contact **Heads of School** who will be able to advise you further.

If a complaint goes to the EFA they will check whether the complaint has been dealt with properly by the School. They will not overturn a school's decision about a complaint. However, if they find a school did not deal with a complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the Regulations. If the school's Complaints Procedure does not meet the Regulations, they will ask the school to put this right. They may on behalf of the Secretary of State, if appropriate, seek to enforce the decision under the terms of the funding agreement.

### **Procedure to be followed in the event of a Complaint relating to the Curriculum within the School, concerning Religious Education and Collective Worship**

The procedure to be followed is the same as shown in the preceding section with the insertion of a new clause 12(c) and 12(d):

12(c) Where the Governing Body responsible has failed to satisfy the complainant, the matter will be referred to the Bishop of Brentwood under the arrangements which have been determined by the diocese.

12(d) Where the Bishop's response has failed to satisfy the complainant, the fact that further recourse lies in a complaint to the Secretary of State under section 68 or 99 of the 1944 Act. **However, it should be made clear that the Secretary of State's powers do not extend to reviewing decisions of complaints committees. The Secretary of State only has the power to decide whether the governing body**

**concerned has acted unreasonably or is in default of its statutory duties.**