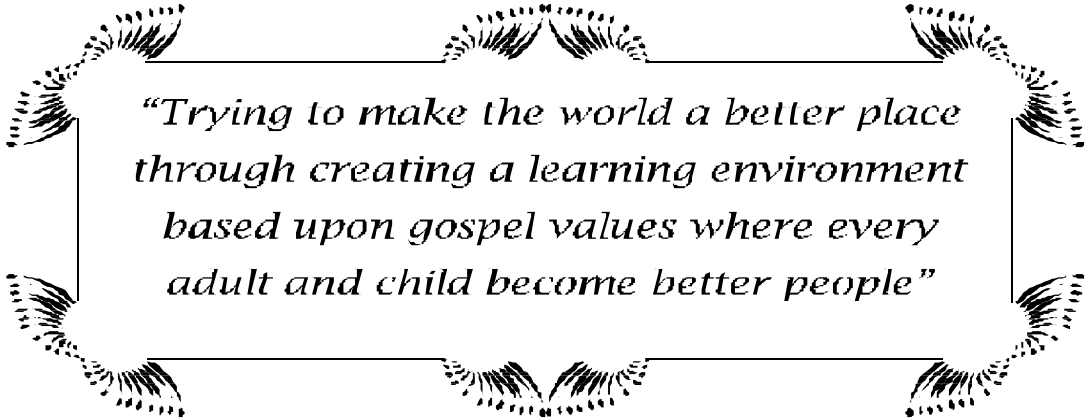


HOLY FAMILY CATHOLIC SCHOOL
DIOCESE OF NORTHAMPTON



*“Trying to make the world a better place
through creating a learning environment
based upon gospel values where every
adult and child become better people”*

COMPLAINTS POLICY

Introduction

Where the Headteacher, or a member of staff acting on her behalf, fails to resolve a curriculum complaint by a parent or carer, then the parent or carer can raise the matter with the curriculum complaints committee established by the Governing Body to deal with such matters.

Curriculum Complaints

Our complaints procedure is for use by parents if they believe that the Governing Body is failing:

- to provide the National Curriculum in the school or for a particular child
- to follow the law on charging for curricular activities
- to offer only approved qualifications or syllabuses
- to provide religious education and daily collective worship
- to provide the information that they are required to provide
- to carry out any other statutory duty relating to the curriculum or are acting unreasonably in any of the above cases

Complaints about staff are not covered by this procedure. These will be dealt with by the Headteacher and where appropriate, after investigation, by the disciplinary or competency procedures.

The Constitution of the Complaints Committee

The committee will consist of two governors and one non-governor who has relevant experience of the curriculum area in which the complaint has been made. One of the governors will act as chairman of the committee.

The Hearing Procedure

Where the complainant chooses to attend in person, the usual order of proceedings shall be as follows:

- The chairman of the *Governing Body* or committee will welcome the complainant, any representative and introduce those present.
- The complainant may, if he or she chooses, restate the nature of the complaint
- The complainant may be asked questions by the committee and by the Headteacher.
- The Headteacher may be asked to make a statement to the committee regarding the matter complained of and may be asked questions by the *Governing Body* (or committee) or by the complainant
- The complainant may, if he or she chooses, summarise the complaint.
- The Headteacher, complainant and any friend or representative they have brought will be asked to leave
- The committee shall consider at this meeting the complaint and any relevant information or factors. They shall only reach a decision after the Headteacher and, where relevant, the complainant and any friend or representative of either individual, have withdrawn. The committee shall decide:
 - to reject the complaint;
 - to uphold the complaint;
 - to investigate the complaint further.
- The clerk shall inform the complainant and the Headteacher in writing within five school days:
 - of the decision reached by the committee and the reasons for the decision. If the committee decides that the complaint falls outside the scope of a curriculum complaint, the clerk will inform the complainant of any further recourse he or she may have.
 - of any action taken or proposed if the complaint was upheld, including details of any request to those complained against to take particular actions to resolve the complaint.

Further Action

Where the complainant is dissatisfied with action taken or proposed to remedy the complaint, he or she may wish to pursue the matter further with the Headteacher or the *Governing Body* as appropriate.

If this does not resolve the matter, further recourse can be taken by making a complaint to the LA and then the Secretary of State under section 29 of the Education Act 2002. However, it should be pointed out 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, and insist that this state of affairs does not continue.

Problems Getting Your Child into the School of Your Choice

Sometimes schools have more applications than places and have to refuse applications. In most cases, parents who have been refused a school place for their child have a legal right to appeal against the decision. However, parents whose children have been excluded twice and at least one of the exclusions occurred within the last two years do not have that right. If you want to appeal you should contact the school and say that you want to appeal against their decision.

Your appeal will be heard by a panel which is independent from the school. Before you appeal, make sure you get the refusal, and reasons, in writing from the school.

Complaints about the Appeal Process

You can write to the Secretary of State (see address below) if you think you can show that the school has broken the law, or acted unreasonably. Unreasonableness in the strict legal sense means acting in a way in which no reasonable authority could act. You should include copies of any refusal letters you have received, a copy of the appeal panel's decision, copies of any further correspondence with the school and any relevant supporting evidence.

The Secretary of State
Department for Children, Schools and Families
School Admissions Team
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

The Secretary of State does not have powers to investigate complaints about how an appeal hearing was conducted; but the Local Government Ombudsman (see Local Authority complaints for addresses) may consider complaints of maladministration or of unfair treatment and can make recommendations e.g. that a new panel should be convened to rehear an appeal. Neither the Secretary of State nor the ombudsman can overturn an appeal panel's decision; this can only be done through the courts.

Special Educational Needs Complaints

If you are a parent of a child with special educational needs (SEN) and you are not satisfied with a local authority's (LA) decision about the assessment of your child's needs, you may appeal to an SEN tribunal. Further information about SEN tribunals can be found on the SEN and disability tribunal website in a leaflet called SEN: how to appeal. We have a SEN policy which makes clear to parents how to complain and how any complaints will be dealt with.

In addition to the SEN and Disability Tribunal parents can use their local disagreement resolution service which provides a quick and informal way of preventing and sorting out disagreements between parents and the school or parents and the LA.

Unlawful Discrimination

Complaints relating to unlawful discrimination in education as in other public services may sometimes be dealt with under the Race Relations and Sex Discrimination Acts. The Commission for Racial Equality or the Equal Opportunities Commission can assist in various ways depending on the case. Individuals can take cases to County Court for damages or an injunction. The 1995 Disability Discrimination Act continues the previous requirement on schools to publish information about their policies on special educational needs.

Pupil Health and Safety: Complaints

If you have a complaint about the health and safety in the school, you should speak to the Headteacher. If you remain dissatisfied, you should make use of the school's formal complaints procedures by writing to the chairman of the Governing Body.

The Health and Safety Executive (HSE) is the enforcing agency for health and safety legislation and any complaints about alleged breaches of health and safety law may be directed towards the local HSE Office.

September 06

Next Review: Autumn 08