

Complaints Policy & **Procedure**



Chelsea Community Hospital School

DECEMBER 2021

THIS IS A COMPLAINTS POLICY FOR CHELSEA COMMUNITY HOSPITAL SCHOOL WHICH HAS BEEN WRITTEN IN CONSULTATION WITH REPRESENTATIVES FROM THE WHOLE SCHOOL COMMUNITY INCLUDING STAFF, GOVERNORS, RESPECTIVE HEALTH TRUSTS, LOCAL AUTHORITY, PUPILS AND PARENTS.

School Mission Statement

The Chelsea Community Hospital School aims to ensure that children and young people have their rights to education preserved as hospital school pupils, community pupils or home tuition pupils.

We aim to provide a broad and balanced curriculum, in line with the National Curriculum, taking into consideration each student's individual needs, and through this to extend the development of the whole child, spiritually, socially and intellectually.

We firmly believe that education is a partnership between school and home, and we actively seek parental involvement in the learning process.

SCHOOL BACKGROUND INFORMATION

- We are a Community Special School providing education for students and young people while they are in hospital.
- We also provide places for a number of pupils who cannot access mainstream school due to their medical conditions.
- Our school is based across seven NHS hospital sites in central London as well as a site for community pupils, they are: The Chelsea and Westminster Hospital, The Royal Brompton Hospital, St. Mary's Hospital, The Collingham Child and Family Centre, Lavender Walk Adolescent Unit and The Bawswater Children's Center for our community pupils. We also work with children and young people in their home settings when necessary.
- We teach across all key stages in both primary and secondary.

TOTAL NO. OF PUPILS

Variable due to hospital admissions.

DISSEMINATION

Key information from this policy will be incorporated into the following documents where appropriate:

- School website
- Staff induction materials
- Governor induction materials
- Pupil documentation
- Newsletters
- Staff meetings
- Parent events
- On request from the school office

POLICY IMPLEMENTATION DATE

December 2021

POLICY REVIEW DATE

December 2023 – Governing Body are free to determine the frequency of review.

NAME: _____

DATE: _____

Chelsea Community Hospital School

COMPLAINTS PROCEDURE

1. INTRODUCTION:

In line with the Royal Borough of Kensington & Chelsea and the Health Authority the Chelsea Community Hospital School welcomes any concerns that families and children or the multidisciplinary team have about the school. (Complaints procedure will be part of induction and there will be a yearly renewal at a staff meeting to ensure that all staff are confident in fulfilling the aims of the policy).

Parents, children and members of the multidisciplinary team will be encouraged to discuss the matter with the member of staff involved, the senior management team or the Headteacher. The Headteacher will be informed immediately about all complaints.

Where it is clear that dissatisfaction continues, the family or multidisciplinary team member will be advised to make contact with the Chair of Governors.

The school's Governors are committed to providing the best education they can for all pupils attending the school. They recognise however that occasions may arise where parents, guardians or others wish to make a complaint. The governors are determined that any complaint against their decisions, actions or omissions, or against any decisions actions or omissions made by their staff, shall be dealt with fairly, effectively and, if possible, speedily. To this end, they have adopted the principles and procedures set out here.

2. UNDERLYING PRINCIPLES

The principles guiding the governor's procedure for handling complaints are that it should:

- a be easily accessible and well publicised
- b be simple to understand and use
- c allow speedy handling, with established time limits for action, and keep people informed of progress
- d ensure a full and fair investigation

- e respect people's desire for confidentiality
- f address all the points at issue, provide an effective response and, if appropriate, redress
- g provide information to management so that services can be improved

Complaints will be treated seriously and courteously and given the time they require to be heard. It is important to the school that complaints have confidence in these procedures and know that their case will be thoroughly investigated and heard impartially.

Complaints will be advised at the earliest possible stage of:

- the scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it.
- the way in which the complaint is likely to be handled

Complaints will be dealt with as quickly and effectively as possible, adhering to time limits laid down for responding to complaints at each stage of the procedure. The procedures for the hearing of complaints will be adhered to by everyone involved unless there is good reason not to.

3. DEFINITION OF A COMPLAINT

A complaint, within the terms of the procedures describe here, is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school but not being employed at the school*, about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of staff employed at the school or of the decisions made by the governing body.

**This is not meant to exclude staff who have a child at the school from using these procedures to make a complaint concerning the treatment of their child or their treatment as a parent of that child.*

4. DEFINITION OF A COMPLAINANT

A complainant is someone:

- who has been, or feels that they have been, wronged; or
- whose child or children have been (or it is alleged have been) wronged, i.e. parent, guardian or other person or agency with parental responsibility; or
- someone representing a person in one of the above groups, for example a Councillor, Member of Parliament or solicitor.

5. HANDLING COMPLAINTS OF VARIOUS KINDS

Where there are established statutory or other procedures for the disposal of a complaint, those procedures will be followed. Areas to which this applies are:

Complaints about the Curriculum

If the complaint is that the National Curriculum is not being taught at the school, or that the Religious Education or collective worship does not meet the legal requirement, the complainant should, in the first instance be referred to The head of Schools Services of the Education and Libraries Department at Kensington Town Hall (020 7361 3308).

Appeals to the Special Educational Needs Tribunal

In certain circumstances parents may make an appeal to the Special Educational Needs Tribunal. This applies to a parent who has represented an assessment of their child's special educational needs, or whose child has a statement of special educational needs, issued by the Local Education Authority, following such a request and assessment. Details of how to make such an appeal are given in the booklet *Special Educational Needs Tribunal - How to appeal* (available from the Special Educational Needs Section at Kensington Town Hall – 0120 7361 3307).

Exclusion from School

Sections 157 to 160 of the Education Act 1996 give parents the right to make representations and, in the case of permanent exclusion, appeals to the governing body and to the Local Education Authority in cases where their child has been excluded from school. The procedure for making such representations are set out in the leaflets *fixed term exclusion from school* and *permanent exclusion from school* which are available at the school or from the Principal Officer for Schools in the education and Libraries Department at Kensington Town Hall (020 7361 3308).

Child protection

Where a complaint concerns alleged child abuse or child protection issues, the LA should be advised immediately, and they shall determine whether Child Protection procedures shall be invoked or not (see Education Circular 7/97). We also work within the safeguarding procedures set out locally within each of the hospital trusts.

Complaints not covered by established procedures

Those complaints for which there is no other established procedure will be handled in the manner set out below. The procedure has two distinct stages - one informal and one formal. If the complainant is not satisfied at the conclusion of the formal stage, they may be able to pursue their complaint further with the Secretary of State for Education, or the Officer of the Ombudsman.

COMPLAINTS PROCEDURE - INFORMAL STAGE

1. All complaints, however received, will be reported to the headteacher unless the complaint is specifically about the headteacher (see below). The headteacher may respond to the complaint directly or refer the complaint to another member of staff if he considers that to be appropriate.
2. Where the complaint has been passed to a member of staff, that person will have a duty to inform the headteacher of progress in dealing with the complaint and of any issue which they are unable to resolve with the complainant.
3. The headteacher may, at the informal stage, refer the complaint to officers in the Local Education Authority if she/he considers that they may be able to assist in the resolution of the complaint. The headteacher may also approach the LEA officers to seek their assistance in the resolution of the complaint.
4. The headteacher has the discretion to omit the informal stage of the procedure if she/he considers the circumstances or nature of the complaint make this appropriate.
5. If the complaint is not, in the opinion of the headteacher, well founded, the Complainant should be advised of this and an explanation given. If the complaint was made in writing, the complainant should be told in writing. In any case the complainant should be advised of their right to proceed to the formal stage of the procedure.
6. If the headteacher considers that the complainant had good cause or some cause for complaint but is unable to resolve the complaint to the complainant's satisfaction, she/he should advise the complainant of their right to proceed to the formal stage of the procedure. Again, if the complaint was made in writing, the response should be in writing.
7. A complaint made in writing will be acknowledged, in writing, within five school days of its receipt and the complainant will receive a written response within 15 school days of making the complaint unless there is good reason not to do so.
8. Where the complaint is a complaint about the conduct of the headteacher, the complaint should be sent to the chairman of governors. The chairman of governors will then take the role of the headteacher (as described in paragraphs 3,4,5,6, and 7) or nominate another member of the governing body to take that role. **If the complaint concerns child abuse or child protection issues the chairman should contact the LA immediately (Principal Education Welfare Officer on 020 7598 4886).**

COMPLAINTS PROCEDURE - FORMAL STAGE

1. Where it has not been possible to achieve an informal resolution acceptable to the complainant, the complainant will be invited to put their complaint in writing to the Chairman of governors (if the complaint is already in writing a covering letter from the complainant or form the school may be attached).
2. The Chairman of governors should acknowledge, in writing, receipt of the complaint within five school day of receiving it. The Chairman should decide whether she/he wishes to investigate the complaint himself or ask another member of the governing body to investigate. In either case, the Local Education Authority may be asked for assistance in the investigation. If the Chairman has already considered the complaint at the informal stage (I.e. the complaint is about the headteacher), she/he should nominate another member of the governing body to consider the complaint.
3. Where the complainant has difficulty in putting their complaint into writing, the Chairman of governors or designated governor should consider whether to offer assistance or whether to offer an interview to the complainant. Where, following such an interview, further time is needed to investigate the matter, this will be stated at the interview and a time limit set by the Chairman or designated governor.
4. Following any interview, a written record of the discussion will be made as well as a record of any further investigations.
5. The outcome of consideration of the complaint at the formal stage may be:
 - (i) complaint unfounded, no further action proposed
 - (ii) complaint upheld, direction given to head teacher to offer redress
 - (iii) complaint referred to appropriate committee of the governing body or to the LA for consideration or further procedures invoked, e.g. disciplinary

The complainant will be notified in writing of the outcome of the investigation and of the decision taken.

Confidentiality

Complaints should remain confidential to the parties involved. If it is necessary once the initial process has been implemented that others will be informed to assist in the process and bring about a satisfactory resolution. Access to impartial guidance and advice will be available to staff involved through the governing body.

December 2021 – to be reviewed in 2023