

	Name of School	Corbets Tey School
	Last Reviewed Date	16/10/2018
	Next Review Date	16/10/2019
	Reviewed by	Governors Name: Jeff Stafford Governors Signature: 

Complaints Procedure

Equality Impact Assessment

The school aims to design and implement services, policies and procedures that meet the diverse needs of our provision, population and workforce, ensuring that none are placed at an unreasonable or unfair disadvantage over others. We are confident that this policy does not place anyone at an unreasonable or unfair disadvantage, and is compliant with relevant equalities legislation.

Introduction

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

This procedure has been created in line with the Department for Education's 'Best Practice Advice for School Complaints Procedures 2016'. The school will refer to this advice in the event a complaint is made.

This procedure does not apply to any third party providers offering community facilities or services through the school premises, or using school facilities who should have their own complaints procedure in place.

The school will ask the complainant at the earliest stage what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).

The school will ensure the complaints procedure:

- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;
- enables a full and fair investigation by an independent person where necessary;
- respects people's desire for confidentiality;
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
- provides information to the school's senior management team so that services can be improved.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

The difference between a concern and a complaint

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. Schools should take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this procedure.

Reporting a concern or complaint about the action of the school or member of staff (that is not the Head Teacher)

1. Contact the school to discuss the matter. In the first instance contact should be made with the class teacher who will try to resolve the issue informally, it may be that a meeting is organised with all parties involved or possibly the matter is clarified through discussion by telephone.
2. In most cases the problem will have been solved by this stage, however if the complainant still feels unhappy then they should contact the Head Teacher by telephone to discuss the matter, once again the complainant will have the opportunity to talk through any concerns and try to resolve the issue informally. If after this the complainant is still not satisfied with the answer, then the complainant should make a formal complaint to the Head Teacher for a formal investigation.
3. The complainant should use the formal complaint template (Appendix A) and will normally have a response within 15 school days from receipt of the complaint form from the Head Teacher by posting to the school address or by email: office@corbetstey.havering.sch.uk However, the school complies with their obligations under the Equality Act 2010 and understands that the complainant may have communication preferences due to a disability and therefore a complaint may be made in person or by telephone. If the formal complaint is made by an alternative method other than writing then the person dealing with the complaint will make notes or record the phone conversation for reference.

The complainant should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher or other designated member of staff will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, he/she may be accompanied by a friend, representative or a union representative if they wish for support and not in a legal capacity.

The investigation will begin as soon as possible and when it has been concluded the complainant, and the member of staff concerned, will be informed in writing of the outcome. This may be to the effect that:

- a. There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- b. The concern is not substantiated by the evidence
- c. The concern was substantiated in part or in full (some details may then be given of action the school may be taking to review procedures etc but details of the investigation or of any disciplinary procedures must not be released).
- d. The matter has been fully investigated and appropriate procedures are being followed, which are strictly confidential.

The complainant will be told that consideration of their complaint by the Head Teacher is now concluded.

4. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request the Governing Body to review the process followed by the Head Teacher. Any such request must be put in writing within two school weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow procedure.
5. The investigation will begin as soon as possible. A panel of 3 governors will be called to hear the case and all sides will be asked to submit a written statement. The complainant will also be invited to attend any hearing that is held, to present their side of the story.

Any review of the process followed by the Chair of governors shall be conducted by a panel of three members of the governing body. It should be noted, however, that if any of the governors have been involved directly or indirectly with the case then they must not form part of the panel.

The panel is established to review the process not the decision taken by the Head Teacher or Chair of governors, following the receipt of a formal complaint. However, when a parent writes to the panel seeking a review it will not be clear until the panel meets, whether or not this is a matter of process or simple dissatisfaction with the decision reached. The first task of the panel, therefore, is to determine the nature of the request

- a. This stage of the complaints procedure (led by a panel of governors) will only consider complaints about a failure of the Head Teacher to follow correct procedure (as detailed above) or
- b. That the Head Teacher's actions are called into question (i.e.: a complaint about the Head Teacher). If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher.

If the panel forms the view that it is a matter of the complainant being dissatisfied with the decision reached then the panel will not take the matter any further*.

If however, the complainant is concerned that the process undertaken by the Head Teacher or the Chair of Governors was not in accordance with the published process, then the panel will continue their review.

The panel may receive evidence from the complainant verbally, who may be accompanied by a friend or relative, or representative if they wish, and/or in writing. The complainant may submit relevant documentary evidence. In addition, the panel will meet separately with the Head Teacher to receive an account of the procedure which has been followed. This account may be presented orally and in writing. The panel will also have access to the records kept of the process followed.

The complainant and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome, normally within 20 school days of receipt of the formal complaint. This may be to the effect that:

- a. There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- b. The concern is not substantiated by the evidence
- c. The concern was substantiated in part or in full, but that the procedural failure did not affect the outcome significantly, so the matter is now closed
- d. The concern was substantiated in part or in full and the Governing Body will take reasonable steps where practical to prevent a recurrence or to rectify the situation.

*The nature of the complaint may give the panel cause to consider it in the best interests of the school to review even if it is clear that it is not about due process. It must be made clear to all parties that the panel is not empowered to overturn the judgement of the Head Teacher or Chair but could refer it back for further consideration if they feel uneasy about the initial judgement. Should they review the case on this basis they will follow the same procedure as laid down for the Chair of governors in investigating a complaint against the Head Teacher.

6. The Head Teacher will record all progress of the complaint and the final outcome which will be stored centrally in line with the Freedom of Information and Data Protection Acts, inclusive of the latest legislation around the General Data Protection Regulations (GDPR).
7. You will be contacted in writing from the governor's panel within 20 school days of receipt of the formal complaint with the concluding final outcome. Any progress and the final outcome will be recorded and stored centrally by the Chair of Governors in line with the Freedom of Information and Data Protection Acts, inclusive of the latest legislation around the General Data Protection Regulations (GDPR).

If after the Governors have dealt with your complaint, you are still unhappy with the decision that was taken, you can contact the Local Authority for advice on what to do next:

<https://www.havering.gov.uk/Pages/ServiceChild/School-complaints.aspx>

Complaints Not in Scope of the Procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none">• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions
<ul style="list-style-type: none">• Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised directly with Ofsted: by telephone 0300 123 1231, online by https://contact.ofsted.gov.uk/online-complaints or in writing to Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none">• Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none">• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Corbets Tey School Complaint Form

Please complete this form and return it to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your Details	
Name:	
Relationship with school e.g. parent of a student:	
Student's Name (if relevant to complaint):	
Address:	
Daytime Telephone Number:	
Evening Telephone Number:	
Mobile Telephone Number:	
Email Address:	
Please give details of your complaint (including dates, names of witnesses, etc..) to allow the matter to be fully investigated:	
<p style="text-align: center; opacity: 0.3; font-size: 48px; transform: rotate(-30deg);">UNCONTROLLED</p>	
<p><i>You may continue on separate paper, or attach additional paperwork, if you wish. If you have already provided information it would be helpful if you could summarise the main points above.</i></p>	
Number of Additional Pages Attached:	

What action, if any, have you already taken to try to resolve your complaint?

(i.e. whom have you spoken with or written to and what was the outcome?)

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

Signature:

Date:

Full Name:

School Use

Date Form Received:

Received By:

Date Acknowledgement Sent:

Acknowledgement Sent By: