Complaints Policy and Procedure October 2020

Frequency of Review:	Every 2 years
Date of Approval:	October 2018
Date of Next Review:	October 2022
Adopted by the Board of Empower Trust	

Date of Review:	October 2020	No changes to Policy
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Date of Review:		
Date of Review:		

Approved by Board of Trustees October 2018

Empower Trust is committed to working in partnership with all members of our schoolcommunities. The Trust values the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend our schools. We also desire to have good relations with our neighbours and the wider community.

We aim:

- to provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- to publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- to make sure all complaints are investigated fairly and in a timely way
- to make sure that, wherever possible, complaints are resolved, and relationships are repaired
- to ensure that, where appropriate, lessons are learned which lead to improvements in the schools

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'. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day-to-day communication between parents and the school staff.

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. 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 policy.

Who can raise a complaint?

Complaints may come from any person or organisation that has an interest in the school. This procedure covers all complaints about any provision of community facilities or services by Empower Trust other than complaints that are dealt with under other statutory procedures, including those listed in Appendix 1. This policy does not cover complaints from staff, who should follow the relevant internal policy.

Timescales from submitting a complaint

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible, usually within 3 months. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly.

Timescales for responding to a complaint

This policy outlines timescales within which the school will respond. Where the complaint is particularly complex, or the relevant staff or governors not immediately available, these timescales may need to be extended. In this case the school will contact the complainant to inform them of the reason for the delay.

School days

This policy refers to 'school days', i.e. the days in which the school is open to pupils.

Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements. Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Complaints Procedure

The Trust operates a four stage complaints procedure outlined below. If the complaint is about the headteacher, a formal written complaint should be referred to the Chief Executive Officer (CEO), to be dealt with under Stage 3 of this procedure.

Where the following procedure refers to the headteacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. In exceptional circumstances, the headteacher may commission an independent investigator to undertake an investigation on behalf of the school.

This procedure includes 4 stages:

Stage 1: Informal concern raised with staff member

Stage 2: Formal complaint to the headteacher

Stage 3: Formal complaint to the Local Governing Body Complaints Committee.

Stage 4: Formal complaint to the Trust Complaints Appeal panel

The school will keep a written record of all complaints, whether they are resolved following a formal procedure or proceed to a panel hearing. The school will also record action taken as a result of those complaints regardless of whether they are upheld.

Stage 1: Informal complaint

An initial concern should be raised with the class teacher or the member of staff concerned. This can be done in writing, by telephone or in person by appointment. The vast majority of concerns can be dealt with at this stage. It would be helpful to identify at this point what outcome is being sought in order for the school to address the complaint quickly and effectively.

Members of the public should begin at Stage 2 of the procedure and make contact with the headteacher to discuss their complaint.

Stage 2: Formal complaint to the headteacher

If a complaint is not resolved at the informal stage it is possible to make a formal complaint to the headteacher, within **10 school days** of Stage 1 being concluded. The complaint should usually be made in writing indicating the desired outcome from the complaint (a form is enclosed for this purpose).

The complaint will be acknowledged within 5 school days and will include an indicative date for a written response. The headteacher will be responsible for ensuring that the complaint is investigated appropriately. They may arrange a meeting to clarify details of the complaint and the resolution that is being sought. The headteacher will investigate the complaint further and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter may continue to be dealt with through other internal procedures such as the school's disciplinary or safeguarding procedures. In this case the complainant will be informed that the matter has been handled appropriately but will not usually be advised of the nature or outcome of these proceedings.

On conclusion of the investigation the headteacher will respond in writing with all appropriate information in relation to the complaint and information on any outcomes. The response will include information as to the next stage of the procedure in case the complainant is not satisfied with the response.

Stage 3: Formal complaint to the Local Governing Body (LGB) Complaints Committee

If the complainant is dissatisfied with the headteacher's response a formal complaint can be made to the LGB Complaints Committee.

The complaint should be made in writing addressed to the Chair of the Committee, care of the school, within **10 school days** of the date of the headteacher's response. This should include a copy of the written complaint, a copy of the headteacher's letter concluding Stage 2, and details in writing as to why the complainant is not satisfied with the outcome.

The school website includes an email address which may be used for correspondence.

At this stage the LGB Complaints Committee will generally handle the complaint. In exceptional circumstances, the Committee may commission an independent investigator to undertake an investigation on behalf of the school.

Complainants should be aware that Local Governing Body members are not employees of the school, and are not in a position to collect written correspondence on a daily basis. In order for the Committee to acknowledge a letter of complaint within 5 school days, which would be the school's aim, written letters of complaint which are hand delivered or sent by post should be marked 'Urgent – private and

confidential'. It should be borne in mind that Local Governing Body members are not in school on a daily basis and may occasionally take holidays during term time, and may therefore occasionally be unable to respond to emails within 5 school days.

The LGB Complaints Committee will investigate the complaint and make every effort to resolve the issue. They may meet with the complainant if they need clarification or further information is necessary.

Panel members

The panel will usually consist of two governors and someone independent of the leadership and management of the school.

Panel members will have no previous knowledge of the complaint.

On conclusion of the investigation they will send a written response of the outcome reached and the process for appeal. A copy of the findings and recommendations will also be made available for inspection by the Trust and Headteacher

In the case of a complaint concerning the conduct of a Headteacher, a formal written complaint should be referred to the Chief Executive Officer (CEO) to be dealt with in accordance with the Stage 3 procedure by the CEO acting in place of the LGB Complaints Committee.

Stage 4: Formal complaint to the Complaints Appeal Panel

If the complainant remains dissatisfied with the response to the complaint they may request that it is reviewed by a Complaints Appeal Panel by writing to the Chief Executive Officer (CEO) within **10 school days** of the date of the letter notifying them of the outcome of Stage 3. Written letters should be addressed to the CEO and marked as 'Urgent – private and confidential'.

The email address for the CEO is admin@empowertrust.co.uk which may be used for correspondence.

The CEO will write to acknowledge receipt of the complaint within **5 school days**. The letter will explain the process which is to be followed and information about the how the panel will operate.

The CEO will convene a Trustee Board Complaints Appeal Panel and ask the complainant to provide details of the appeal and any relevant supporting evidence.

'The complainant' refers to a single person raising a complaint. If the complainant is a parent they may be accompanied by another who is recognised as a parent within guidelines, and this additional parent may also address the panel.

Each party may be accompanied by a colleague or supporter who cannot act as an advocate, nor will they have the right to address the panel. The CEO must be informed at least 5 days in advance of any additional parent, or a colleague or supporter attending with either party.

Each party may call witnesses directly involved in matters raised by the complainant (i.e. not 'expert witnesses') or present witness statements. Witnesses are only required

to attend for the part of the hearing in which they give their evidence and respond to questions. The CEO must be informed at least 5 days in advance of any witnesses who will be called by either party.

Given the formal nature of the meeting it would be inappropriate in all but exceptional circumstances for a child under 18 to be asked to attend as witness, and this would always be dependent on parental consent.

The Complaint Appeal Panel may also consider whether it would be helpful to invite members of staff and/or other adult witnesses directly involved in matters raised by the complainant to produce a written report (if this has not already been done), or to attend the meeting.

Panel members

The panel will usually consist of the CEO and two additional people which will normally be a member of the Trust Board and someone independent of the leadership and management of the school.

Panel members will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made, of which you will be informed. The remit of the complaints appeal panel is to:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

If the complaint is against the headteacher and the CEO has been involved at Stage 3, the CEO will not be a member of the Panel.

The complainant will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's, governing bodies and CEO's involvement with the complaint and explain any further rights of appeal. A copy of the findings and recommendations will also be made available for inspection by the Trust and Headteacher

Suggested agenda of the Complaints Appeal Panel Hearing

Introductory comments

The Chair of the panel will introduce those present and outline the procedure to be followed. They will emphasise the need for confidentiality, offer adjournments at the request of either party and require that all electronic devices are switched off.

The complainant's case

a. The **complainant** presents the reason for their appeal, including any new evidence.

b. The complainant may call a **witness** to support their case.

c. The **school representative** may question the witness

d. The **panel** may question the witnesses. (*Steps b-d will continue until all of the complainant's witnesses have been heard and questioned – witnesses will only be present in the room during their evidence*).

e. The **school representative** may question the complainant

f. The **panel** may question the complainant

The school's response

a. The **school representative** presents their case

b. The school representative may call a **witness** to support their case.

c. The **complainant** may question the witness

d. The **panel** may question the witnesses. (*Steps b-d will continue until all of the school representative's witnesses have been heard and questioned – witnesses will only be present in the room during their evidence*).

e. The **complainant** may question the school representative

a. The **panel** may question the school representative

Summing up

a. The **complainant** has the opportunity to sum up their case.

b. The **school representative** has the opportunity to sum up their case.

Panel decision

a. The school representative, the complainant and their supporter will adjourn so that the panel

can deliberate.

b. Having deliberated on the matters placed before them, the panel will notify the complainant of the outcome within 5 days in writing and, where relevant, the person complained about.

Further rights of appeal

If the complainant has completed the school procedure and remain dissatisfied, they have the right to

refer your complaint to the Secretary of State through the School Complaints Unit (SCU). The Secretary

of State will usually not consider any complaints until the school's complaint procedure has been

exhausted.

The SCU will not normally re-investigate the substance of the complaint. They will look at whether the

complaints policy and any other relevant statutory policies were adhered to and comply with education

legislation.

The SCU can be contacted on 0370 000 2288, or in writing to:

Department for Education School Complaints Unit

2nd Floor

Piccadilly Gate

Store Street

Manchester

M1 2WD

Complaints against an individual governor

The Chair of Governors will consider complaints about an individual governor. If for any reason this is not appropriate, then another governor will be nominated.

If the complaint is against the Chair of Governors or an individual governor, the complainant should write to the Clerk to the governing body or the CEO. The Clerk/CEO will acknowledge receipt of the complaint wit**hin 5 school days**. The letter will explain the process that will be followed and the expected timescale for response.

On conclusion of the investigation, the complainant will receive a written response detailing all
appropriate information in relation to the complaint and information on any outcome(s). There will be
no further right of appeal for complaints against an individual governor.

Policy for Handling Unreasonable Complainants

Empower Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaint's procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language

- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan, usually reviewed after six months, or take further actions as outlined in the Persistent or Vexatious Complaints Policy . In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

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Formal Complaint Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the headteacher. (If your complaint is against the headteacher, you will need to send the form to the CEO.)

Your name:	
Pupil's name (if applicable):	
Your relationship to pupil:	
Address:	
Postcode:	Daytime Tel:
Mobile:	Email:
Please give concise details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to, when and what was the response?)	

What actions do you feel might resolve the problem at this stage? What lessons could be learned?
Are you attaching any paperwork? If so, please give details.

Signed:	Date:

Official Use: Date acknowledgement sent: Acknowledgement sent by:
Complaint referred to: Date:

Appendix 1

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Empower Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Shropshire Council.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if

	appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

• 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. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus