



Complaints Policy & Procedure

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Review by Trustees:	September 2024
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Next review date:	Autumn 2025-26

Within this policy the term CEO refers to the CEO of the Trust. The term Headteacher refers to the Headteacher of the school (or Executive Headteacher, where applicable). For any matters relating to staff who work outside of a single school setting, the Head of Service is the responsible person where the term “Headteacher” is used. If an issue/potential issue is connected with a Headteacher or Head of Service, the CEO is the responsible person where the term “Headteacher” is used.

The Trustees of the Twynham Learning Trust (the Trust) are Charity Trustees and Company Directors and for the purpose of this policy these terms are interchangeable.

This policy reflects the legislation at the time that it was last reviewed. Any changes in legislation will take precedence over anything printed in this policy. The policy has been based on the Education and Skills Funding Agency model and applies across all parts of Twynham Learning Multi-Academy Trust.

Policy Statement

Twynham Learning is committed to managing concerns and complaints sympathetically, efficiently and at the appropriate time to allow resolution as soon as possible. Doing so is good practice and is fair to all concerned. We will work to resolve concerns and complaints in a positive way with the aim of putting right anything which has gone wrong and learning from circumstances where we have not done as well as we could or should have done. Where the investigation identifies a weakness in our systems or procedures, we will take the opportunity to improve them to prevent recurrence of the issue.

Twynham Learning needs to know as soon as possible if there is any cause for dissatisfaction. We recognise that a concern which is not resolved quickly and fairly can soon become a cause for resentment, which can be damaging to the relationship concerned and can also have a detrimental effect upon ethos and culture. Those raising concerns or making a complaint should never feel – or be made to feel – that raising a concern or complaint will adversely affect or disadvantage them or those the complaint concerns in any way.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at a Twynham Learning school. Any person, including members of the public, may make a complaint to Twynham Learning or any of its schools / settings, about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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 defined as *‘an expression of dissatisfaction however made, about actions taken or a lack of action’*.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint’s procedure. Twynham Learning takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Twynham Learning will attempt to resolve the issue internally, through the stages outlined within this complaints procedure and a complainant may move directly to stage 2

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

The correct route for your complaint within the Multi-Academy Trust depends on the subject. The appropriate people to contact are listed under each stage of the procedure and full contact details are provided toward the end of this document. All correspondence should be marked Private and Confidential.

For convenience, a template complaint form is included towards the end of this procedure. If you require help in completing the form, please contact the School / Trust office. You can also ask a third-party organisation such as Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the designated investigator, will determine whether the complaint warrants an investigation.

Complaint Campaigns

In the event that a large volume of complaints are received on the same subject, Twynham Learning reserves the right to send a standard response to all complainants and/or to publish a single response on the school or Trust website.

Serial and Persistent Complaints

We will always do our best to be helpful to anyone who contacts us with a complaint or concern or to request information. However, we recognise that there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, we will respond to inform them that the procedure has been completed and that the matter is now closed. Any further correspondence on the same issue may then be viewed as persistent and we may choose not to respond if:

- we believe we have taken every reasonable step to address the complainant's concerns
- that the complainant has been given a clear statement of our position and their options

- the complainant makes repeated contact, making substantially the same points each time

Most complainants act in an entirely reasonable way and have genuine issues to raise which require investigation. However, in the event that we receive a complaint which we consider to be vexatious, the response may be to decline the application of this Complaints Policy & Procedure. The characteristics of a vexatious complaints are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence on pursuing unmeritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Twynham Learning may consider implementing a tailored communication strategy to manage serial or unreasonable complaints. This could involve channelling all communications to a single email address or setting out a fixed number of contact points each term.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

We will treat complaints made outside of term time as having been received on the first school day after the holiday period. Similarly, any complaints received during a period of full, partial or temporary closure for other reasons would be considered to have been received on the first day of re-opening.

Scope of this complaints procedure

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

Record of complaints

A written record will be kept, in line with the Trust's retention guidelines, of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the Local Authority. The exception to this is regarding a decision related to delayed entry, which, as set out in the relevant admissions policies, cannot be appealed.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and procedures, 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).
Statutory Assessments of SEN	Any complaints regarding SEN Assessments should be raised directly with the Local Authority.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i> Twynham Learning's Exclusions Policy is available on the MAT's website and Behaviour Policies are on each school's website
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 schools / settings should complain through this procedure. You may also be able to complain direct to the Local Authority 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 Trust's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the Trust'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.
Lettings	Complaints regarding services provided by external providers who are letting school premises should be taken up directly with the external provider under their own complaints policy.

If other bodies are investigating aspects of the complaint, for example the police, Local Authority safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this

procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Twynham Learning in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, Twynham Learning wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review policies in light of the complaint
- an apology

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

STAGE 1 – INFORMAL COMPLAINTS

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or Headteacher. Complainants should not approach individual LAB members, Trustees or Members to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Within 5 school days of receiving the concern or complaint, a meeting with the complainant should be scheduled at a mutually convenient time, to discuss the matter further. Following the meeting, further investigation may be required. An informal written response will be sent to the complainant detailing the discussion and any agreed action, within 5 school days of the meeting or conclusion of the investigation.

If the issue remains unresolved, the next step is to make a formal complaint within 5 school days of the letter.

STAGE 2 – FORMAL COMPLAINTS

Formal complaints may be made in person or in writing (preferably on the Complaint Form). The table below sets out who should be contacted and who will investigate, depending on the subject of the complaint.

Complaint Regarding	Stage 2 Designated Investigator*	Complaints co-ordinator ¹
School Staff / School Provision	Headteacher**	c/o School Office
Childcare Staff / Childcare Provision	Strategic Lead for Early Years & Childcare	Clerk to Trustees c/o Trust Office
Multi-Academy Trust Core Services Staff / Trust Provision	CEO	Clerk to Trustees c/o Trust Office
Headteacher	CEO	Clerk to Trustees c/o Trust Office
Local Advisory Board Member (Governor)	Local Advisory Board Chair	Clerk to LAB c/o School Office
Local Advisory Board Chair	Chair of Trustees	Clerk to Trustees c/o Trust Office
Whole of / Majority of Local Advisory Board	Chair of Trustees	Clerk to Trustees c/o Trust Office
Trustee	Chair of Trustees	Clerk to Trustees c/o Trust Office
CEO	Chair of Trustees	Clerk to Trustees c/o Trust Office
Chair of Trustees	Vice-Chair of Trustees	Clerk to Trustees c/o Trust Office
Whole Multi-Academy Trust Board of Trustees	Member	Clerk to Trustees c/o Trust Office
Chair of Trustees <u>and</u> Vice-Chair of Trustees	CEO	Clerk to Trustees c/o Trust Office

* An independent investigator could be sought in any of these circumstances, should it be considered necessary.

**The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

The Investigator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Investigator will (where appropriate) seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Investigator can consider whether a face to face meeting is the most appropriate way of doing this.

During the investigation, the Investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of their investigation, the Investigator will provide a formal written response within

¹ See contact details on page 14

20 school days of the date of receipt of the complaint. If the Investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken in order to resolve the complaint.

The Investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

STAGE 3 – HEARINGS PANEL

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. Stage 3 is a Hearings Panel consisting of a minimum of three people who were not directly involved in the matters detailed in the complaint or involved in dealing with the complaint in the previous stages and who do not have any detailed prior knowledge of the complaint. At least one panel member will be independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Local Advisory Board Clerk (c/o the school office) or the Clerk to Trustees (c/o the Trust office), within 5 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply and any exceptional circumstances should be referred to in the request.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Clerk will convene a panel and agree a Hearings Panel date. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The independent Hearings Panel member will not be a Trustee or an employee of the Trust although ESFA are satisfied that a member from a Local Advisory Board at a different school in the Multi-Academy Trust, who has no conflict of interest or prior knowledge of the complaint, can be an Independent Hearings Panel member.

However, if the complaint is:

- jointly about the Local Advisory Board Chair and Local Advisory Board Vice Chair or
- the entire Local Advisory Board or
- the majority of the Local Advisory Board

then Stage 3 will be heard by a Hearings Panel made from Trustees and a panel member independent of the management and running of the Trust.

If the complaint is:

- jointly about the Chair of Trustees and the Vice-Chair of Trustees or
- the entire Board of Trustees or
- The majority of the Board of Trustees

then Stage 3 will be heard by a Hearings Panel made entirely from independent panel members who have no involvement in the management and running of the Trust.

If the complainant has any evidenced concern about a bias or conflict of interest within the panel, this should be raised with the Clerk on receipt of the panel details.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel hearing. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- advise the complainant of the panel's membership
- provide details regarding the protocols and structure for the panel
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the panel hearing – this will include copies of all paperwork from stages 1 and 2 (redacted as appropriate to protect any third parties). The parties in this matter are considered to be the complainant, the Trust's Representative (the Stage 2 Investigator) and the three panel members. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Witnesses will not usually be expected to attend the panel but will instead have been asked to give written statements by the complainant or have given written statements as part of the previous stage investigation(s).

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to systems or procedures to prevent similar issues in the future.

The Chair of the Panel, via the Clerk, will provide the complainant and the Trust's Representative (the investigator from Stage 2) with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Twynham Learning will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

The letter to the complainant will explain that the Twynham Learning Complaints Procedure has now concluded and will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Twynham Learning.

NEXT STEPS

If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Twynham Learning. They will consider whether Twynham Learning has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

CONTACT DETAILS

If you wish to make a formal complaint, please write to the appropriate person (as set out in the guidance for a Stage 2 Formal Complaint) at the address below:

Christchurch Infant School
1 Addiscombe Rd. Christchurch, BH23 2AE
office@christchurchinf.dorset.sch.uk

Christchurch Junior School
Clarendon Road, Christchurch, BH23 2AA
office@cjsdorset.org

Poole High School
Wimborne, Poole, BH15 2BW
school@poolehigh.poole.sch.uk

Stourfield Infant School
Cranleigh Road, Southbourne, BH6 5JS
office@stourfieldinfants.com

Stourfield Junior School
Stourvale Road, Southbourne, BH6 5JG
office@stourfieldjuniors.com

The Grange School
Redvers Road, Christchurch, BH23 3AU
office@thegrangeschool.com

Twynham Primary School
Marsh Lane, Christchurch, BH23 2NH
office@twynhamprimary.com

Twynham School
Sopers Lane, Christchurch, BH23 1JF
office@twynhamschool.com

Twynham Learning Multi-Academy Trust
c/o Twynham School, Sopers Lane, Christchurch, BH23 1JF
office@twynhamlearning.com



TWYNHAM LEARNING FORMAL COMPLAINT FORM – STAGE 2

Your name	
Pupil's name and school / class	(if relevant)
Your relationship to the pupil	(if relevant)
Email address	
Phone number	
Postal address	
<i>Please give details of your complaint, including the names of those involved and the date(s) of any incidents referred to:</i>	
<i>What actions do you feel might resolve the problem at this stage?</i>	
<i>Are you attaching any paperwork? If so, please give details</i>	

ROLES AND RESPONSIBILITIES

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Investigator will make a recommendation whether to uphold or dismiss the complaint and communicate their recommendation to the member of staff who commissioned the investigation.

Complaints Co-ordinator

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure

- liaise with staff members, Headteacher, CEO, Chair of Local Advisory Board, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Local Advisory Board / Trust Board

The Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting if requested
- notify all parties of the panel's decision.

Panel Chair

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the trust's representative are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed

- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator if different/appropriate).

Hearings Panel Members

Hearings Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No LAB member / Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve resolution for all parties. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting and parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
 - Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
 - The panel should respect the views of the child/young person and give them equal consideration to those of adults.
 - If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
 - However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.