

## Complaints Policy

**Last amended 01.03.19 by Heather Watson**

**Reviewed by Gareth Morris, CEO, February 2019**

**Ratified by Trustees 01.03.19**

**Next review date January 2021**

*This policy has been reviewed in line with the 8 principles set out in the Single Equality Policy and an initial screening Equality Impact Assessment has been carried out.*

Within this policy the term Headteacher refers to the Headteacher of the school and the term CEO refers to the Chief Executive Officer of the Twynham Learning Multi Academy Trust (the Trust).

The governors of 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.

## **Zero Tolerance**

Our staff are entitled to work in a climate that is safe from harm, both actual and perceived, and where they are treated with dignity and respect. The Trust operates a strict Zero Tolerance policy towards any person or persons who makes a complaint in an angry, abusive or threatening manner and all staff are instructed to terminate any conversation where this policy is contravened. The Trust reserves the right to utilise all legal powers at its disposal to ensure that the working environment is respectful and safe, whilst maintaining a dialogue of openness to address concerns and complaints.

## **Policy Aim and Statement**

This Complaints Policy helps underpin the mission statement of the Trust. Its aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and pupils' confidence in the Trust's ability to safeguard and promote welfare. We will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Trust's systems and procedures in the light of the matters raised.

The Trust needs to know as soon as possible if there is any cause for dissatisfaction. We recognise that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the school and the parent and pupil, and can also have a detrimental effect upon the school's ethos and culture. Parents and pupils should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the pupil's future or place the pupil at a disadvantage in any way.

## **Application**

The Trust is governed by the Education (Independent School Standards) (England) Regulations 2010 (as amended) ("the Regulations"). This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations, as well as equality legislation and the rules of natural justice. In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

This Complaints Policy applies to all concerns and complaints of any person who may have a legitimate complaint relating to the Trust, other than those involving child protection issues, or relating to admissions, exclusions and SEN, for which there are separate statutory procedures. It is anticipated that, primarily, these persons will be parents. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

### **The Rules of Natural Justice**

Simply put, the rules of natural justice relate to fairness. We will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information before the investigator only;
- All decisions will be based upon logical conclusions, and not on mere speculation or suspicion;
- All decisions will be supported by detailed reasons which will be disclosed to all parties involved.

### **Equality Act 2010**

The Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - remove or minimise disadvantages connected to a relevant protected characteristic; and
  - take steps to meet the different needs of those sharing a relevant protected characteristic; and
  - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - tackle prejudice; and
  - promote understanding;

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not pupils) marriage and civil partnership, and age.

In addition, the Trust will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to a person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

An auxiliary aid can be a piece of equipment or a service.

If a Complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the Trust know immediately.

Further details can be found in our Equality Policy.

### **Terms Used**

For the purpose of this Complaints Policy, a “parent” includes the natural or adoptive parent of a pupil, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the pupil lives with them, whether the father has parental responsibility for the pupil or whether they have contact with the pupil.

A “parent” will also include a non-parent who has parental responsibility for a pupil, an adult non-parent with whom the pupil lives, and an adult who is involved in the day-to-day care of the pupil (for example, collecting or dropping off the pupil from school).

A person making a complaint will be referred to as a “Complainant” throughout this policy.

### **Procedure**

The Twynham Learning complaints procedure consists of four stages:

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Formal investigation of complaint;
- Stage 3 – Formal review of complaint;
- Stage 4 – Complaint Panel Hearing.

### **Time Limits**

The Trust aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. The definition of "school day" excludes weekends, school holidays, bank holidays and staff training days. For the avoidance of doubt, term dates are published on the

Trust's websites, and information about term dates is made available to parents and pupils periodically.

Although every effort will be made by the Trust to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, **where a time limit cannot be complied with, the Trust will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.**

### **Who should investigate and review a complaint?**

If a complaint is received about the conduct of a member of school staff then the Headteacher will investigate under stage 2 of this policy and the CEO will conduct any review under stage 3.

If a complaint is received about the conduct of a Headteacher, the CEO will investigate under stage 2 of this policy, supported by the Complaints Coordinator, and the Chair of Trustees will conduct any review under stage 3 if required.

If a complaint is received about the conduct of the CEO then the Chair of Trustees will investigate under stage 2 of this policy and a Member will conduct any review under stage 3.

If a complaint is received about the conduct of a Local Governor then the Chair of the LGB will investigate under stage 2 of this policy and the Chair of Trustees will conduct any review under stage 3.

If a complaint is received about the conduct of an LGB Chair then the Chair of Trustees will investigate under stage 2 of this policy and a Member will conduct any review under stage 3.

If a complaint is received about the conduct of a Trustee then the Chair of Trustees will investigate under stage 2 of this policy and a Member will conduct any review under stage 3.

If a complaint is received about the conduct of the Chair of Trustees then the Vice Chair of Trustees will investigate under stage 2 of this policy and a Member will conduct any review under stage 3.

Copies of all correspondence relating to formal complaints will be sent to the CEO and the Complaints Coordinator so that central records can be held.

### **Late Complaints**

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the Trust reserves the right to refuse to investigate the complaint under this Complaints Policy **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

Where a decision is taken that a complaint which was submitted late will not be investigated, the Headteacher will write to the Complainant notifying them of the decision within **five school days**

of the complaint being received and provide the CEO and Complaints Coordinator with a copy of the letter.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the CEO, asking for the decision to be reviewed. The CEO will be provided with all documentation relating to the complaint, together with the letter from the Headteacher to the Complainant, and will review the decision not to investigate the complaint. The CEO will **not** investigate the complaint itself during this review.

The CEO will write to the Complainant with the outcome of the review within **ten school days** of the date that the letter from the Complainant seeking the review was received, and provide the Complaints Coordinator with a copy of the letter.

If the CEO quashes the decision not to investigate the complaint, it will be referred back to the Headteacher to be dealt with under this Complaints Policy in the usual way.

If the CEO upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency using the procedure given within this Complaints Policy.

### **Complaint by a Parent whose child no longer attends the school**

The purpose of this complaints procedure is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school it is clearly impossible for the Trust to put things right for that child. However, the Trust has a duty of care to the pupils who remain on roll and it would be advisable for the Trust to investigate the circumstances to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Complaint Panel Hearing, it would be good practice to inform parents whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Trust.

### **Anonymous Complaints**

The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

### **Vexatious or Repeated Complaints**

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the Trust. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Trust's resources to deal with it under the formal stages of the procedure.

In all of these cases, the Trust reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

Where the Trust decides that a complaint is vexatious and/or repeated and will not be investigated, the CEO will write to the Complainant within **five school days** of the complaint being raised to notify them of the decision and will provide the Complaints Coordinator with a copy of the correspondence.

If the CEO upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency using the procedure stated within this Complaints Policy.

### **Data Protection Act 1998 and Freedom of Information Act 2000**

Complaints sometimes include requests for information or documentation. Such requests will either be a “subject access request” under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request for disclosure of information under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the General Data Protection Regulation (GDPR) must be responded to within thirty calendar days, and requests under the Freedom of Information Act 2000 must be responded to within twenty working days, however the Trust will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

### **Resolution Principles**

It is in everyone’s interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the Investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the Investigator will give due regard to the seriousness of the complaint. It **may** be appropriate in order to bring the complaint to a resolution for the Investigator to offer:

- an explanation;
- an apology;
- reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- reassurance that the Trust will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Trust.

## Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Trust as a consequence of the complaint. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**

## Retention of Records

A full written record will be maintained by the Complaints Coordinator of all complaints resolved under Stages 2 to 4.

Records of complaints will be kept for a minimum of six years after resolution of the complaint and then destroyed.

## Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

## Publication

This Complaints Policy will be published on the Trust's websites and provided to parents and pupils on request. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.



## Stage 1: Concerns and Difficulties

### 1. Concerns:

The Trust expects that most concerns and difficulties, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the Trust's systems or equipment, or a billing error.

### 2. Notification:

The concern or difficulty should be raised as follows:

- **Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the class teacher, Head of Year, Head of Faculty, SENCO or member of the Senior Leadership Team (SLT), as appropriate.
- **Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should speak to the Head of Year or SLT link as appropriate.
- **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Head of Year/Faculty or SLT link.
- **Financial and administrative matters** – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or School Business Manager.
- **An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Head of Year, Head of Faculty, or SLT link.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Head of Year or Head of Faculty, SLT link or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Headteacher under Stage 2 of this Complaints Policy. If a complaint concerns the Headteacher then the Complainant should address their written complaint to the CEO.

If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Complaint Form contained in Appendix 1 of this Complaints Policy to submit their complaint formally.

### 3. Unresolved Concerns and Difficulties

The Trust will aim to resolve a concern or difficulty within **fifteen school days** of the date that it was raised. A letter will be sent to the Complainant informing them that if they are unsatisfied with the outcome under Stage 1 of this policy they may ask for the matter to be escalated to a formal complaint to be considered under Stage 2 of this policy by writing to the Headteacher within five school days of receipt of the letter. If the complaint concerns the Headteacher then the request should be addressed in writing to the CEO within five school days.

### 4. Record of Concerns and Difficulties

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, and will keep records of actions taken and all correspondence relating to the concern. Information in relation to the retention of records can be found earlier on in this Complaints Policy.

## Stage 2: Formal Investigation of Complaint

### 5. Notification

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after **fifteen school days**, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Headteacher of the school. If a complaint concerns the Headteacher, then the written complaint should be addressed to the CEO. Should a formal written complaint be received by another member of the Trust's staff, they will immediately be passed on to the Headteacher.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes should be done to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

### 6. Acknowledgement

The formal complaint will be acknowledged in writing by the Headteacher within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit. A copy will be provided to the CEO and the Complaints Coordinator.

### 7. Investigation

The Investigator will be provided with the records of the Stage 1 informal procedure (if applicable) within **five school days** of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the Trust which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Investigator will speak to the persons who were involved in the matters raised by the Complainant. Pupils will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be

offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the pupil or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of pupils, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Investigator deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

## 8. Outcome

The Investigator will write to the Complainant confirming the outcome of the investigation within **twenty school days** from the date that the complaint was received and provide the CEO and Complaints Coordinator with a copy. The letter will set out the individual matters raised by the Complainant, the findings made by the Investigator during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Headteacher within **five school days** of receipt of the letter, asking for their complaint and the Stage 2 investigation to be reviewed under Stage 3 of this Complaints Policy. If the complaint concerns the Headteacher then the Complainant should address their request to the CEO.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half term, the Investigator will endeavour to expedite the investigation wherever possible.

## 9. Delegation

In appropriate cases, the Investigator may delegate the investigation to an appropriate designated person, to be dealt with in accordance with the procedure outlined above.

## Stage 3: Formal Review of Complaint

### 10. Notification

If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, they may write to the Headteacher within **five school days** of receiving the letter confirming the outcome following Stage 2, asking for the complaint to be reviewed. If the complaint concerns the Headteacher then the request should be addressed to the CEO.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why they do not accept the findings made under Stage 2.

### 11. Acknowledgement

The Complainant's letter will be acknowledged by the Headteacher or CEO within **five school days** of receipt and the matter passed to a Reviewer, in line with the procedures documented within this policy. The acknowledgement letter will confirm the date that the formal complaint was

received, the action to be taken and the specified time limit. A copy will be provided to the Complaints Coordinator.

## 12. Review

The Reviewer will be provided with all documentation relating to the complaint **within five school days** of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

The Reviewer will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Reviewer will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if necessary. Where the Reviewer does speak to a pupil or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the Reviewer deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

## 13. Outcome

The Reviewer will write to the Complainant confirming the outcome of the review within **twenty school days** from the date that the request for a review was received. The letter will set out whether the Reviewer agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation. A copy of the letter will be provided to the CEO and Complaints Coordinator.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Complaints Coordinator within **five school days** of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

Where the request for a review was received during a school holiday or within twenty days from the end of a term or half term, the Reviewer will endeavour to expedite the review wherever possible.

## 14. Delegation

In appropriate cases, the Reviewer may delegate the review to an appropriate designated person, to be dealt with in accordance with the procedure outlined above.

## Stage 4: Complaint Panel Hearing

### 15. Notification

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Complaints Coordinator requesting a Complaint Panel Hearing. The Complainant should write to the Complaints Coordinator within **five school days** of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

### 16. The Complaint Panel

The Complaint Panel will consist of three persons appointed by or on behalf of the Trustees. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be Governors. The third Complaint Panel member will be independent of the management and running of the academy, i.e. they will not be a member of staff or a Governor, and will not be linked to the academy in another way, for example as a parent of a pupil. The independent Complaint Panel member will be the Chair of the Complaint Panel.

The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

*Whilst we do not wish to be prescriptive about who schools should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force... Schools will of course have their own views.*

### 17. Attendance

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the Trust to be legally represented.

The Trust will be represented at the Complaint Panel Hearing by the Reviewer who conducted the review of the complaint under Stage 3. This person will be referred to as the "Trust's Representative" for the purposes of Stage 4.

The Complaint Panel Hearing will be organised and minuted by a Clerk appointed for the purpose, usually the LGB Clerk.

## 18. Convening the Complaint Panel Hearing

After organising the Complaint Panel members in conjunction with the Complaints Coordinator, the Complaint Panel Clerk will write to the Complainant within **five school days**, acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Complaint Panel Clerk will liaise with the Complaint Panel, the Complainant and the Trust's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **twenty school days** of receipt of the Complainant's request, unless there are exceptional circumstances.

The Complaint Panel Clerk will write to the Complainant confirming the date of the Complaint Panel Hearing within **five school days** of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within **twenty school days** of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

## 19. Documentation

The Complaints Panel Clerk will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the Trust's Representative, the Complaints Coordinator and the three Complaint Panel members.

The names of individuals other than the Complainant, the Complainant's family, members of The Trust's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Complaint Panel Clerk to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Complaint Panel Clerk to forward it to the Trust's Representative and the Complaint Panel members.

## 20. Witnesses

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Complaint Panel Clerk **at least five school days** before the Complaint Panel Hearing, to enable the Complaint Panel Clerk to forward it to the Trust's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.

Members of Trust staff involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

## **21. Procedure at the Complaint Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Trust's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The Trust's Representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
- The Trust's Representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Trust's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Trust;
- The Complainant will be invited to ask the Trust's Representative questions, if any;
- The Complaint Panel will ask the Trust's Representative questions, if any;

- At the discretion of the Chair of the Complaint Panel, the Trust's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the Trust's witness questions, if any;
- The Complaint Panel will ask the Trust's witness questions, if any;
- The Trust's witness will be asked to leave the room;
- If the Trust has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The Trust's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the Trust's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the Trust's Representative will be asked to leave.

## **22. The Complaint Panel's Decision**

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

- **Findings of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

- **Recommendations**

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.



### **23. Notification of the Complaint Panel's Decision**

The Complaint Panel Clerk will write within **ten school days** of the Complaint Panel Hearing to:

- The Complainant;
- The Trust's Representative;
- The Complaints Coordinator;
- Any person complained about.

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education and Skills Funding Agency for further consideration.

The Complaint Panel Clerk will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on Trust premises for inspection.

### **24. Factors for the Complaint Panel to Consider**

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint;
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously;
- An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;
- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion;
- The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities ;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the Trust;
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

### **The Role of the Education and Skills Funding Agency**

If, following the outcome of the panel hearing, the parent or other person making the original complaint remains unsatisfied, they may direct their concern directly to the Education Funding Agency (ESFA) via the [online school complaints form](#).

ESFA will check whether the complaint has been dealt with properly. They will consider complaints about academies that fall into any of the following three areas:

- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- Where the academy is in breach of its funding agreement with the Secretary of State A8b Complaints Procedure Vs6 0117.docx 6
- Where an academy has failed to comply with any other legal obligation

ESFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the academy's complaints procedure does not meet the Regulations, ESFA will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

### **Contact Details**

If you wish to raise a formal complaint, please write to the Headteacher of the School at the address shown below:

Christchurch Junior School  
Clarendon Road, Christchurch, Dorset BH23 2AA

Stourfield Infant School  
Cranleigh Road, Southbourne, Bournemouth, Dorset BH6 5JS

Stourfield Junior School  
Stourvale Road, Southbourne, Bournemouth, Dorset BH6 5JG

The Grange School  
Redvers Road, Christchurch, Dorset BH23 3AU

Twynham Primary School  
Marsh Lane, Christchurch, Dorset BH23 2NH

Twynham School  
Sopers Lane, Christchurch, Dorset BH23 1JF

If you wish to raise a complaint against the Headteacher of one of our schools, then please write to the CEO at the following address:

Twynham Learning Multi-Academy Trust  
c/o Twynham School  
Sopers Lane  
Christchurch  
Dorset BH23 1JF

The Complaints Coordinator can be reached at the following address:

Twynham Learning Multi-Academy Trust  
c/o Twynham School  
Sopers Lane  
Christchurch  
Dorset BH23 1JF

## Appendix 1 – Formal Complaint Form

Please complete and return to the school who will acknowledge receipt and explain what action will be taken.

Your Name:	Pupil's Name:	Which school do they attend?:
Your Relationship to Pupil:	Pupil's DOB:	Class or Tutor Group:
Address and Postcode:	Daytime Telephone Number:	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):		
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?		
What actions do you feel might resolve the problem at this stage?		
Are you attaching any paperwork? If so, please give details.		
<b>Signature:</b>		<b>Date:</b>
<i>For Official Use:</i>		
<i>Date acknowledgement sent:</i>		
<i>Name of person complaint referred to:</i>		
<i>Signature:</i>		<i>Date:</i>

## Appendix 2 – Frequently Asked Questions

We are proud of the excellent relationships we have with parents. From time to time however you may have a concern about aspects of your child's education. We will be happy to look into these concerns. Most concerns are resolved by informal discussion with school staff. Within this appendix we try and answer some of the most commonly asked questions.

**Q. What if my complaint is to do with admissions or exclusions?**

A. There is a separate statutory complaints procedure for dealing with your complaint. It cannot be dealt with under the school's complaints procedure. Local Authority telephone numbers for guidance if you wish to make a complaint relating to these areas are as follows:

Dorset Admissions:	01305 221060
Dorset Exclusions:	01305 228658
Bournemouth Admissions:	01202 451451
Bournemouth Exclusions:	01202 458072

**Q. What do I do if I have a concern about my child's education?**

A. You should discuss your concern with the school.

**Q. Who should I contact at the school?**

A. It would be sensible to contact the Headteacher in the first instance. This should be by letter, telephone or in person (by prior appointment). He or she will know from clear, written internal procedures how to deal with the matter.

**Q. What if my concern is to do with an individual employee of the school?**

A. If your concern is to do with the conduct or competence of an individual employee it will be looked into by the school. If necessary it will be dealt with under the school's disciplinary procedures. It cannot be dealt with under the school's complaints procedure.

**Q. Should I contact a school governor?**

A. The governor should advise you to raise your concern with the Headteacher. In the interests of fairness governors can only be involved if the matter becomes a formal complaint.

**Q. Should I contact the Local Authority (LA)?**

A. The LA will advise you to raise your concern with the Headteacher.

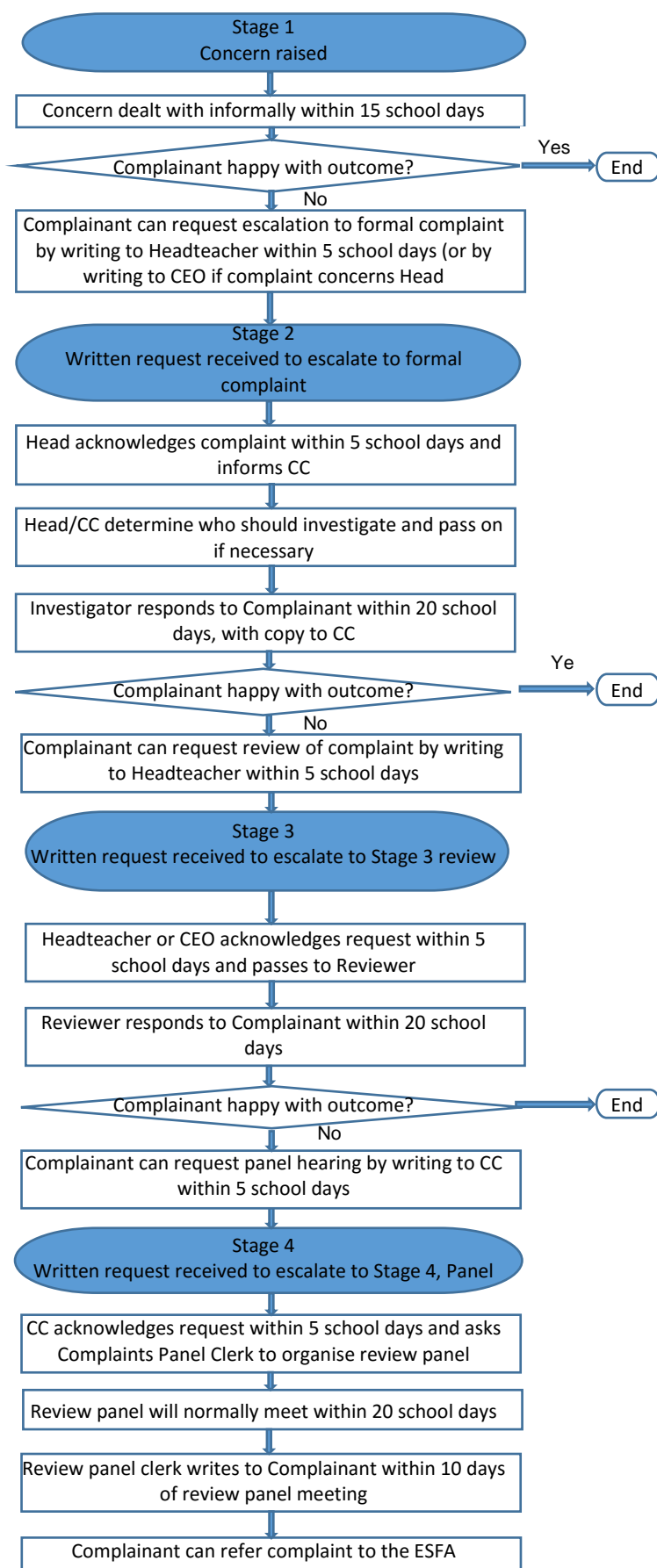
**Q. What happens if my concern remains unresolved?**

A. What happens next depends on the nature of your concern. There are formal procedures dependent on the nature of the concern.

**Q. What if my complaint is about the way the school is run, its policies or procedures, and/or their effect on my child?**

A. You should put your complaint in writing, using the complaints form in Appendix 1.

Appendix 3: Complaints Procedure Flowchart



Equality Impact Assessment – Initial Screening Record

1. What policy is being reviewed?	Complaints Policy
2. Upon whom will this impact?	Pupils, Parents, Staff

3. How would the work impact upon groups; are they included and considered?

<b>The Equality Strands</b>	Negative impact	Positive impact	No impact
Minority ethnic groups			√
Gender			√
Disability			√
Religion, faith or belief			√
Sexual orientation			√
Transgender			√
Age <small>(N/A to pre-school and school children)</small>			√
Rurality			√

4. Does data inform this work, research and/or consultation, and has it been broken down by the equality strands?

	NO	YES	Uncertain
Minority ethnic groups	√		
Gender	√		
Disability	√		
Religion, Faith or belief	√		
Sexual Orientation	√		
Transgender	√		
Age	√		
Rurality	√		

Does the initial screening highlight potential issues that may be illegal? NO

Further comments:-

Do you consider that a full Equality Impact Assessment is required? NO

Initial screening carried out by Debbie Place, Chair of Governors, 12.03.14, reviewed by the Board of Trustees January 2019.

Comment by CEO: