Testwood School

Testwood School Complaints Policy

Key Responsibility	TW
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Revision History

Version	Date	Amendments	Initials
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V1.3	15.10.25	• Pg 2 – Definition of a complaint (added) • Pg 9 – A change made to first bullet point (under 'At the meeting') • Pg 9 – Additional final bullet point (under 'After the meeting') • Pg 12 – New heading : (H) Confidentiality & Data Protection	TW
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A) Introduction

- The Education Act 2002 requires that the Board of Trustees of a school shall establish procedures for dealing with all complaints relating to the school and to publicise the procedures so established.
- The policy reflects the Academies' Complaints Policy as set out in Part 7 of the Education (Independent School Standards) Regulations in March 2014 and Best Practice Advice for School Complaints Procedures 2019.
- This policy will be reviewed annually by the Board of Trustees.

Aims of the Policy

Our ethos is to create a supportive environment in which young people receive the best possible education. All staff are committed to this aim, with any issues raised by parents or carers to be responded to appropriately, allaying concerns and achieving a timely resolution.

Definition of a Complaint

This policy deals only with complaints. Complaints are expressions or statements of dissatisfaction about action taken or a lack of action. This policy does not deal with concerns. Concerns are an expression of doubt or worry over an issue considered to be important.

Summary of the Policy

The Testwood complaints procedure policy includes four stages:

- Preliminary Stage – informal (speak with the relevant member of staff)

- Stage 1 - formal complaint letter - Headteacher
- Stage 2 - formal complaint letter - member of the Board of Trustees
- Stage 3 - formal complaint letter - Trustees Complaints Panel meeting

The Complaints Policy and Procedure only applies to students who are currently on roll at the school. Once a student has left the school roll, any complaints will not be considered as part of the policy. However, wherever possible, we will change and seek to resolve any issues that fall aside of this policy.

B) Preliminary Informal Stage

Parents or carers with a concern should contact the appropriate member of staff by telephone, email or appointment in school, to discuss the matter. Any complaint should be raised within three months of the incident concerned. Any appointment will be arranged at the earliest opportunity within the constraints of a busy school environment. As part of the discussion, the parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

If parents or carers are dissatisfied with the result of the initial discussion, they should ask for an appointment to meet with a member of the senior leadership team to help resolve the situation.

C. Stage 1 – Formal Complaint Letter to the Headteacher

An issue that has not been resolved through the informal stage can become an official complaint.

- Parents or carers wishing to move to Stage 1 must write a formal letter of complaint to the Headteacher.
- The letter will need to set out clearly the issues which have previously been discussed and why the parent or carer considers the issue to be unresolved.
- The complaint will be added to the written record of complaints (see Appendix 2) and a record will be kept of each stage of the process, when it was resolved and of the actions taken by the school as a result of the complaints (whether or not they are upheld).
- The Headteacher will acknowledge the written complaint within 5 school days and investigate the concerns raised in the letter.
- As part of the investigation, the Headteacher will request a meeting with parents to discuss the complaint

- Following investigation and consideration of the complaint, the Headteacher will respond to the complainant in writing and confirm the outcome in writing within 10 school days of receipt of the letter.
- A copy of the letter will be retained by the school and be made available for inspection.
- A copy of the letter will be given to the member of staff complained about (if relevant).

The decision that the Headteacher has made as a result of the Stage 1 complaint does not become a complaint about the Headteacher. If the complainant feels the complaint has not been resolved, they should proceed to Stage 2, a formal complaint to the Board of Trustees.

The Procedure for Investigating Complaints

On receipt of a complaint, the Headteacher will appoint an appropriate member of staff to investigate the complaint. The appointed member of staff will:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Either meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would resolve the situation;
- Interview those involved in the matter and/or those of whom the complaint has been made, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interview.

Resolving complaints

At each stage in the procedure, the school is mindful of ways in which a complaint can be resolved. This may be:

- acknowledging that the complaint is valid in whole or in part;
- offering an apology or explanation;
- admitting that the situation could have been handled differently or better;
- offering an assurance that the event complained of will not recur;
- explaining the steps that have been taken to ensure that it will not happen again;
- undertaking to review school policies in light of the complaint.
- offering clarity to support a response 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 Testwood's systems or procedures to ensure that problems of a similar nature do not reoccur.
- The written record of complaints will be updated

D) Stage 2 – Formal Complaint Letter to the Board of Trustees

Parents or carers who feel that an issue has not been resolved through the formal Stage 1 and wish to move to Stage 2, must write a formal letter of complaint, via the clerk to the Board of Trustees. A nominated member of the board will be allocated to consider the complaint. If this complaint is taken further, the person investigating at this stage will not be involved at stage 3.

- The letter will need to set out clearly the issues which have previously been discussed and why the parent or carer considers the issue to be unresolved by the actions or discussions that have taken place at Stage 1.
- The letter should be marked for the attention of the Clerk to Trustees "Private and Confidential".
- The letter will be acknowledged in writing within 5 school days of receipt. The complaint will be investigated; this may entail speaking with the Headteacher and/or a formal meeting with the complainant to discuss the issue.
- Following investigation and consideration of the complaint, a member of the Board of Trustees through the Clerk will respond to the complainant either in a formal meeting or in writing within 10 school days of receipt of the letter stating the outcome of the investigation.
- A copy of the letter will be retained by the school and will be available for inspection.
- A copy of the letter will be given to the member of staff complained about (if relevant).
- The allocated trustee will not be involved in the process if it moves to stage 3.
- If a complaint cannot be resolved at stage 2, a request can be made to take it to stage 3.
- The written record of complaints will be updated.

Concerns or complaints specifically about the Headteacher

If the concern or complaint is specifically about the Headteacher and cannot be resolved at the informal stage, the above process should be followed.

Concerns or Complaints specifically about Trustees

Complaints against the Chair of the Board of Trustees

In the event of a formal complaint being made against the Chair of the Board of Trustees, which is unable to be resolved at the informal stage, it will be necessary for the complainant to formally complain as outlined below.

- A letter should be marked for the attention of the Clerk to the Board of Trustees "Private and Confidential".
- A member of the Board of Trustees should acknowledge the complainant's letter in writing within 5 school days of receipt.
- The Chair of the Board of Trustees, who is the subject of the complaint, would normally be advised of the situation immediately. The complaint will be considered to be a Stage 3 formal complaint and therefore will be considered by a Trustees' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances. If the complaint is upheld or upheld in part, the committee may make recommendations to the Board of Trustees.

Complaints against a Trustee

A formal complaint against a Trustee, other than the Chair of the Board of Trustees should be referred to the Clerk, and a nominated member of the Board of Trustees will investigate and seek to resolve it.

- A letter should be marked for the attention of the Clerk to the Board of Trustees "Private and Confidential".
- The Clerk should acknowledge the complainant's letter in writing within 5 school days of receipt.
- The Trustee who is the subject of the complaint would normally be advised of the situation immediately.
- If it cannot be resolved by the Board of Trustees, the complaint will be considered to be a Stage 3 formal complaint and therefore will be considered by a Trustees' Complaints Panel. Complainants will be informed of the limited powers of such a committee in these circumstances.
- If the complaint is upheld or upheld in part, the Board of Trustees member may make recommendations to the Board of Trustees

E) Stage 3 – Trustees' Complaints 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, by requesting that a Trustees'

Complaints Panel meet to hear the complaint. The letter will need to set out the complaint that has previously been formally discussed at stage 2 and show why the matter is not resolved. Additionally, it should detail what actions would resolve the complaint.

The panel will consist of 3 people who were not directly involved in the matters detailed in the complaint, including 1 panel member who is independent of the management and running of the school.

Any person involved at an earlier stage will not be allowed to sit on the panel.

A request to escalate to Stage 3 must be made to the Clerk, via the school office (marked private and confidential) or email - email address can be found on the school website, within
10 school days of receipt of the Stage 2 response.

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.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days. 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 Remit of the Complaints Trustees Panel

The panel of Trustees can:

- 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.

There are several points, which any Trustee sitting on a complaints panel needs to remember:

1. It is important that the appeal hearing is independent and impartial and that it is seen to be so.
2. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
3. In deciding the make-up of the panel, Trustees need to try and ensure that it is a cross section of the categories of Trustee and sensitive to the issues of race, gender and religious affiliation.
4. The panel will include one member who is independent of the running and management of the school.
5. The aim of the hearing, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find 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.
6. An effective 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 panel chair will ensure that the proceedings are as welcoming as possible.
   The layout of the room will set the tone and care is needed to ensure the setting is information and not adversarial.

7. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated.
   The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
8. The Trustees sitting on the panel need to be aware of the complaints procedure.

Before the meeting of the panel

At least 10 school days before the meeting, the Clerk will confirm and notify the complainant and Headteacher 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. The complainant and Headteacher can request to bring someone with them if they wish.

The Clerk will provide the Headteacher with a copy of the complainant's letter.

The Clerk will request that:

- any further written material the complainant wishes to submit for the panel's consideration is received at least 5 school days before the meeting.
- the Headteacher provides a report outlining the details of the complaint in addition to any specific responses they wish to make to the formal complaint letter.

At the meeting

- A friend/colleague can be brought to the meeting for support (this cannot be a legal representative as the hearing is not a form of legal proceeding), if this is the case please inform the clerk 2 school days before the meeting.
- The complainant makes their case, and calls any witnesses. The panel and Headteacher can then ask questions about the complaint.
- The school does the same, and is also questioned by the panel and complainant.
- There is an opportunity for both parties to sum up, and for further questions, if necessary.
- Both parties are then asked to withdraw and the panel deliberates in private.

After the meeting

- The Trustees' Complaints Panel will write to the complainant, the Headteacher and, where relevant, the person complained about via the Clerk within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. Minutes of the meeting will be included with the letter. The decision of the Trustees' Complaints Panel is final. A copy of the letter will be retained by the school and made available for inspection.
- Any 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.
- The written record of complaints will be updated.
- The decision of the Trustees complaints panel is final. However, complainants have the right to refer the matter to the Department of Education if they believe that the school does not have a complaints procedure, did not provide a copy when requested, doesn't have a procedure that complies with statutory regulations, hasn't followed its published procedure or hasn't allowed the procedure to be completed.

F) Roles and Responsibilities

The Role of the Clerk

The clerk would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing, ensuring that the arrangements are convenient to all parties, that nobody on the panel knows the complainant and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Document or record the proceedings;
- Notify all parties of the panel's decision.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents and others who may not be used to speaking at such a hearing are put at ease;
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- The panel is open minded and acting independently;
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen by all parties. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The panel and Headteacher may question both the complainant and the witnesses after each has spoken.

- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The panel and complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The panel Chair explains that both parties will hear from the panel within 10 school days.
- Both parties leave together while the panel decides on the issues.

Notification of the Panel's Decision

The Chair of the Panel via the Clerk needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response within 10 school days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

G) Exceptions to the Policy

There are certain complaints e.g. staff grievances or disciplinary procedures that fall outside the remit of this policy. Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures. The details of such an investigation will remain confidential.

Admissions – See separate policy

Child protection – See separate policy

Exclusion – Further information about raising concerns about exclusion can be found at: https://www.gov.uk/school-discipline-exclusions/exclusions

Complaints about statutory assessments of SEN, safeguarding matters (including allegations of abuse against staff), whistleblowing, staff grievances and staff conduct fall outside the remit of this policy.

Allegations of abuse against a member of the school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be

reported to the Chair of the Board of Trustees immediately. Immediate contact must be made by the Headteacher or Chair of the Academy Committee* with the Child Protection team at the Local Authority.

Complaints about services provided by other providers who may use school premises or facilities. Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

H) Confidentiality & Data Protection

Correspondence, statements and records relating to individual complaints, will be kept confidential, except where the Secretary of State or as a body conduction a section 109 inspection requests access. Records will only be kept as long as needed in line with our Data Protection policy.

Appendix 1: Policy for managing serial and unreasonable complaints

Testwood School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We do not normally limit the contact complainants have with our schools. 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.

Testwood defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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;
- refuses to accept that certain issues are not within the scope of the complaints policy;
- insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;

- 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 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 complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency (ESFA);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 Trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues, the Headteacher/Chair of Board of Trustees will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Testwood School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This will be reviewed after six months. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises.

Anonymous complaints will not be investigated under the Complaints Policy and will be passed to the Headteacher to decide on appropriate action as anonymous complaints may sometimes contain serious safeguarding concerns that warrant investigation.

Appendix 2

Testwood School

Formal Complaint Record – Stage 1

TESTWOOD SCHOOL

Member of staff to whom complaint was reported:	**Date complaint received:**	**Date reported to Headteacher:**
Complainant's name and address: **Telephone number: Day: Evening:**		
Nature of complaint:		
Students involved (name and tutor group)		
Outcomes:		
Date of Acknowledgement of complaint:		**Letter Telephone**
Interview with complainant		**Notes attached**
Date of final letter		**Copy attached**
Was the complaint resolved to the satisfaction of the complainant?		

Appendix 2

Testwood School

Formal Complaint Record – Stage 2

TESTWOOD SCHOOL

Member of staff to whom complaint was reported:	**Date complaint received:**	**Date reported to Chair of Trustees:**
Complainant's name and address: **Telephone number: Day: Evening:**		
Nature of complaint:		
Students involved (name and tutor group)		
Outcomes:		
Date of Acknowledgement of complaint:		**Letter Telephone**
Interview with complainant		**Notes attached**
Date of final letter		**Copy attached**
Was the complaint resolved to the satisfaction of the complainant?		

Appendix 2

Testwood School

Formal Complaint Record – Stage 3



Member of staff to whom complaint was reported:	**Date complaint received:**	**Date reported to Chair of Trustees:**
Complainant's name and address: **Telephone number: Day: Evening:**		
Nature of complaint:		
Students involved (name and tutor group)		
Outcomes:		
Date of Acknowledgement of complaint:		**Letter Telephone**
Interview with complainant		**Notes attached**
Date of final letter		**Copy attached**
Was the complaint resolved to the satisfaction of the complainant?		