

Faringdon Learning Trust Complaints Procedure for Schools

Faringdon Learning Trust Board of Directors have agreed the following procedure to deal with complaints from members of the school community. This complaints process is based on the Education (Independent Schools Standards) Regulations 2014 Part 7, as required by the Education and Skills Funding Agency (ESFA).

The Standards require the policy to have the following aspects:

1. Allows for the complaint to be made and considered initially on an informal basis.
2. Where the complainant is not satisfied, allow the complaint to be made in writing, formally.
3. Where the complaint is still not satisfied, make provision for the complaint to be heard before a panel on behalf of the academy, which includes a member that is independent of the management and running of the school.
4. Allows for the complainant to be accompanied
5. Provides for the panel to make findings and recommendations, and that a copy of those are provided to the complainant and are available for inspection by relevant people.
6. That this is kept confidential.

In addition, the EFSA recommend the following

1. The policy is published on-line
2. Clarify how complaints from non-parents are dealt with
3. Provide reasonable notice if going to panel
4. State what behaviour will be considered as unacceptable from complainants and what action will be taken if the complainant behaves unacceptably.
5. Clearly signpost complainants that are not satisfied with the handling of their complaint to the ESFA.

The following principles inform our complaints procedure

This procedure is designed to:

- Be well publicised and easily accessible
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with established time limits for action and keeping people informed of the progress
- Allow a mediation process if both sides agree
- Respect people's desire for confidentiality, wherever possible
- Address all points of issue, provide an effective response and appropriate redress where necessary
- Provide information to the school's senior management team so that services can be improved.

There are exceptions to the Complaints procedure, areas that cannot be investigated using the Complaints policy.

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Exception	What you should do
Allegations of child abuse/ other child protection issues	Immediately report your concern to the class teacher, designated safeguarding lead or head teacher.
Statutory assessment of SEN	Report your concern to the SENCo or Head teachers
School admissions including appeals	The Admissions policy and appeal documentation can be found on the school website
Where a registered pupil wishes to personally raise a complaint	They should talk to the appropriate teacher or member of staff and follow in-school procedures for dealing with pupil concerns and complaints
Pupil exclusions	Check the schools Behaviour policy
Whistleblowing	Check the Trusts Whistleblowing policy
Complaints about a staff members conduct or capability	A complaint may be submitted using this form, however it will be investigated under the schools internal procedures and the outcome is confidential. The outcome cannot be shared due to contract restrictions.
Complaint against the Head teachers conduct or capability	Any complaint relating to the Head teacher must be raised, in the first instance, with the CEO who will, if an informal resolution cannot be reached, designate a member of the local governing body or independent person to investigate as per stage 2.
Complaint against a central staff member	If the complaint is against an employee of the Trust, who is not assigned to an individual school, and has not been resolved informally the CEO (or an individual designated by the CEO) will investigate the complaint at Stage 2 of the formal process. In exceptional circumstances, the CEO may inform the Chair of Trustees of the complaint. The chair may, at their absolute discretion, determine that a complaint against an employee of the academy trust be dealt with at Board level, and if so determined the chair will oversee stage three.
Complaint against a governor	You may wish to complain about a governor's conduct. Please email the Chair of Governors via the school clerk. This will then be investigated using the 'Constitution of a LGB', removal and suspension of a governor. This is an internal process which is confidential.
Complaint against a Chair of governors	There may be exceptional circumstances in which the complaint is against the chair of governors – e.g. for wilfully refusing to deal with a complaint. Please email the Chair of the Trust via the Boards clerk. This will then be investigated using the 'Constitution of a LGB', removal and suspension of a governor. This is an internal process which is confidential.

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Complaints from Third Parties

For the avoidance of doubt this policy does not apply to those who are not parents of pupils at an academy within the Academy Trust. Complaints that fall in to this category will be dealt with as follows: Complainants should first attempt to address their complaint to the school informally. Only if this fails to resolve the situation should the complaint be submitted in writing to the Chief Executive Officer (“CEO”), who will acknowledge receipt of the complaint before considering it and issuing a final written response.

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Complaint against the CEO or a member of the Board	If the complaint relates to the CEO or to a member of the Board, then the written complaint should be submitted to the Chair of Trust (or the Vice Chair if the complaint relates to the Chair). The Chair (or Vice Chair as the case may be) will acknowledge receipt of the complaint before considering it and issuing a final written response.
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The following procedure states how we deal with complaints within FLT.

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At all stages of the procedure

At each stage and step in the procedure, schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of **agreement** between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues

Time scales

There are very tight time scales that must be adhered to. In all circumstances, the number of days refers to 'school working days' i.e. weekends, school holidays and inset days do not count.

Stage 1: Dealing with a complaint informally and at the earliest opportunity

This part of the process can be considered as an individual 'raising concerns' rather than a complaint. However, for the purposes of the Complaint procedure it is a key aspect, and needs to be recognised that if the complaint is pursued that this has been part of the process.

If parents, pupils or members of the public have concerns or a complaint, they should:

- Step 1: Discuss their concerns with the member of staff most directly involved and, if not satisfied Step 2: Discuss their concerns with a senior member of staff

In a small school step two may be with the head. In these circumstances, this is dealt with as at stage one – 'dealing with a complaint informally'.

Stage 2: Dealing with a complaint formally with the Head Teacher/ SLT

If the complainant is not satisfied with the outcome of the two steps above they may raise, in writing, their concerns with the Head teacher.

In a small school, they may have already informally discussed the complaint with the head. The distinction is that this is now in writing, and will be treated formally.

The Head teacher must:

1. Confirm the complaint can be investigated within the complaints policy (see exceptions above)
2. Within **5 days** acknowledge receipt of the complaint and the next steps. This letter must clarify if the complaint is to be investigated within the Complaints policy or an

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alternative.

3. If it can be investigated, carry out the investigation or assign a member of the School Leadership to investigate. This may include the offer of a meeting with the complainant.

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4. Respond to the complainant in writing **within 15 days of either**
 - a. **meeting with the complainant,**
 - b. **or if there was no meeting, from the date of receiving the complaint.**

The response should address all the areas raised in the complaint.

In responding to the complainant, the head teacher must state explicitly that the complainant can write to the Chair of Governors if not satisfied. Complainants should be encouraged to take this step because an unresolved complaint can become a festering sore.

It must be noted that the response in writing, and evidence gathered during the heads investigation is what is submitted if the complaint is heard by a panel.

Only where stage two has been tried and found unsatisfactory may the complainant take a complaint to the governing body.

Stage 3: Making a Complaint to the Governing Body

If the complaint is against the conduct of the head teacher this policy cannot be used, and the complaint passed to the CEO, see additional guidance.

Where stage two has been unsuccessful in resolving a complaint, the complainant may email to the Chair of Governors via the Clerk to the Governing Body.

The guidance states that the complaint must be submitted within 6 months of stage 2 being completed.

The clerk must ensure that the email is forwarded within **3 days**.

If the complaint has been received **not** on the form, the complainant must be asked to complete it. The complaint can move no further forward without the form being completed. The timescales do not commence without a completed form. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate.

Within **3 days** of the Chair receiving the completed form, s/he will inform the head teacher that a complaint has been received and confirm with the head teacher that stage 2 has been completed. If stage 2 has been completed they will ask the Headteacher whether they would be willing to participate in mediation.

If **stage two has not been completed**, the Chair of Governors must write to the complainant, **within 5 days** of receiving it, explaining they must raise the complaint formally to the head teacher and allow an opportunity for an investigation to be carried out and a written response provided. The Chair of Governors must not keep the complaint and must send it to the school with a copy of the email response to be held on the complaints file.

If the complaint has completed Stage 2 the Chair must, **within 5 days**, acknowledge receipt of the complaint and the next steps.

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They will, if needed:

- Clarify the nature of the complaint and what remains unresolved;
 - It is worth noting here that a panel is not able to, 're-investigate' the original complaint. A complaint going to panel must be
 - The investigation on the formal complaint did not address the submitted complaint
 - The investigation on the formal complaint was not thorough or appropriate.
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right.
- Ask if they would be willing to enter mediation

At this point, the chair of governors will decide whether the complaint should go straight to the governors' complaints panel or whether a mediation stage should be offered.

Mediation can only proceed if the complainant and the head teacher are willing for it to be tried. If mediation is accepted it should be arranged within **15 days** of agreement.

If mediation is not accepted the complaint will be considered by the governors' complaints panel.

Mediation

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and head teacher another opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help head teacher and complainant identify and build on areas of agreement.
- It gives head teacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and head teacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- An acknowledgment that the complaint is valid in whole or in part.
- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review school policies in light of the complaint.

Governors' Complaints Panel

If mediation has been denied or is unsuccessful, the Chair of Governors must convene a complaints panel **within 20 days**.

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The meeting is not a court case; it will be held in private and will be as informal as circumstances allow.

Establishing the panel

- The Chair of Governors will inform the governing body that they may be needed to sit on a Governors Complaints panel and ask for their availability. The Chair must also inform the independent panel member that they will be required and ask for their availability. The complaint and complainant must not be disclosed at this time.
- The clerk will gather the availability of the head teacher and the complainant and themselves and liaise with the Chair.
- The decision about the membership of a particular panel will depend on factors such as availability/ prior knowledge; the chair of governors will make the final decision. The panel must be made up of a least two LGB Governors and an independent panel member. One panel member must be independent of the management and the school.
- Once the panel is decided on, a venue must be booked. Most complaint panels should be held off the school site, especially if being held during a school day.
- The Clerk must inform the selected governors, the independent panel member the complainant and the Headteacher of the date, time and venue. To also provide the Complaints policy for pre-reading.
- **Information about the complaint cannot be shared with other governors.**

The Papers

The clerk is responsible for obtaining papers setting out the case from both sides, with any supporting evidence, the pack must include the Complaints policy and any other relevant policies. **These should be copied and sent, recorded delivery, to panel members, complainant and head teacher five working days before the hearing.** This ensures that everyone has ample time to read and understand the papers. The clerk must hold a copy for themselves.

Note: it would be very helpful for the clerk to number all pages before they are copied to make it easier for everyone to finding the right page.

Points for the panel to consider

- a. The panel must recognise that it is not investigating the original complaint. It has no power or ability to further investigate the original complaint.
- b. The panel is to consider the investigation carried out by the school/ head and whether it was appropriate and thorough, and that the complaint was addressed.
- c. It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- d. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant
- e. 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 not intimidating and not adversarial
- f. Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.

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The Chair of the Panel will be nominated by the Chair of Governors and is responsible for ensuring that both complainant and head teacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

The remit of the panel; the panel may

- 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 problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- Consider the thoroughness with which the head teacher investigated a complaint – **but cannot expect the head teacher to provide details about confidential discussions**
- Consider the manner in which a complaint about any decision was addressed – **but cannot expect the head teacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve policy.** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy)
- Consider whether it should recommend that the governing body offer appropriate redress

Format of a Panel Hearing

1. Complainant and head teacher and any other member of staff that has been involved in the matter will enter the room where the hearing is taking place together.
2. The chair will introduce the panel members and the clerk and outline the process, confirming that they are convened to address the written submitted complaint via the FLT complaints form.
3. The chair will confirm that formal minutes will be taken. It is good practice to record the meeting, seek consent that this is OK.
4. The complainant is invited to explain their complaint, and the resolution they are seeking
5. The head teacher may question the complainant
6. The panel will question the complainant
7. The head teacher is then invited to explain the school's actions and ask a member of staff who has been involved, to speak
8. The complainant may question the head teacher and anyone who has spoken on behalf of the school
9. The panel will question the head teacher and any member of staff who has been involved
10. The complainant is then invited to sum up their complaint and confirm the resolution they are seeking
11. The head teacher is then invited to sum up the school's actions and response to the complaint.
12. The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before bringing the hearing to a close.

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13. The chair explains to both parties what will happen next
14. The panel will consider all that they have heard and make a decision
15. The decision will be notified to both parties in writing within five working days.
16. Confirm to both parties that they understand the next steps, and invite them to leave the room.
17. All parties who have made representations to the panel leave together
18. The panel reviews all evidence presented and decides on the written submitted complaint
19. The clerk will remain with the panel to clarify any issues and record the findings of the panel

Notes

The hearing must be made as unthreatening as possible to all parties.

The complainant may bring a friend to support them, but legal representation is not allowed. The panel may ask questions at any point if an immediate question will help to clarify a point.

However, panel member discipline in following the format listed above will set a good example to the other parties about respecting the structure of the process. Panel members must find ways to ask probing questions while maintaining an air of impartiality.

The head teacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that head teacher and complainant enter and leave the room where the hearing is held together.

Should there be any additional evidence that either party wish to submit this **MUST** be done at the beginning of the meeting, and only at the discretion of the chair. If new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

Should the chair feel that a short adjournment is necessary to allow parties refocus, it is possible for this to happen.

A written record will be kept of the complaint; along with details of whether it was resolved following a formal procedure, or progression to a panel hearing. A record of any action to be taken as a result of the complaint will be retained, regardless of whether it was upheld or not.

Writing the decision letter

The clerk should ensure that s/he has clear wording stating the panel decision about **each of the issues that the panel considered** before the panel is allowed to finish. The clerk will use that wording to draft the decision letter. This must be sent to all members of the panel for checking.

The findings and the recommendations of the panel will be provided to the complainant and, where relevant, the person complained about.

Once approved by all panel members, it must be sent to the complainant with a copy to the

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head teacher **within 5 days** of the panel sitting.

The clerk should be careful that the letter sticks to the facts and gives no hint of partiality.

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The letter must also give the next steps of the process.

The clerk should ensure that the letter reaches the complainant and the head teacher by the deadline stated.

See appendix 1 for an example letter.

Taking the Matter Further

If a complainant is not satisfied with the outcome at the end of the school's formal procedure then they can take the matter further.

If a complaint is received by the ESFA, they will check whether the complaint has been dealt with properly by the school. They will consider complaints about schools/trusts that fall into any of the following three areas:

1. Where there is undue delay or the school/trust did not comply with its own complaints procedure when considering a complaint
2. Where the school/trust is in breach of its funding agreement with the Secretary of State
3. Where a school/trust has failed to comply with any other legal obligation

The ESFA will not overturn a school/trust's decision about a complaint. However, if they find a school/trust 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 school/trust's complaints procedure does not meet the Regulations, they will ask the school/trust 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.

https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen

Additional guidance notes

The chair of governors may not be able to find two governors who have no prior knowledge of the case

If a case has become a major talking point around the community, the chair can nominate two governors with minimal prior knowledge.

If there are still insufficient governors able to sit on a panel, the governing body may approach other LGB's within FLT.

The complainant and/or the head teacher may wish to call witnesses

The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements, which must be signed and dated at time of being

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taken. There may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed, but be available for the duration of the hearing.

Non-attendance at panel by complainant

The complaint panel will proceed irrespective of whether the complainant and/ or their representative attends. If the complainant does not confirm attendance, or fails to attend on the day without compelling reasons, the panel will proceed and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered under the persistent and vexatious policy.

Monitoring Complaints

Findings and recommendations of the panel are available for inspection by the Chair of the Trustees and head teacher.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to school improvements. When individual complaints are heard, schools may identify issues that need to be addressed. The monitoring and review of complaints by the school and

Governing Body can be useful to evaluating the school's performance. Any discussion of complaints by the Governing Body or others in the school community should not name or be able to identify individuals.

An analysis of the complaints must be completed annually:

School complaints: Head teachers

Other complaints: CEO

Records of complaints

A written record will be kept of all complaints in line with the Data Retention policy, and whether they are resolved at the preliminary stage or proceed to a panel hearing.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education Act 2008 requests access to them.

School complaints: school office

Other complaints: central office

Linked Policies and Procedures

Persistent and Vexatious Complaints Policy

Sharing your concerns and raising a complaint – a Guide for Parents/ Carers

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