



## Complaints Policy

### Document Control:

<b>This document has been approved for operation within:</b>	Pendle Vale College				
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### 1. Policy statement

Pendle Vale College recognises that at times things can and do go wrong. The College's governors and staff believe that it is in everyone's best interest to resolve complaints at the earliest possible stage.

For the purposes of this policy, a 'complaint' is to be interpreted as 'the expression of concern over any subject connected with the education and/or welfare of any pupil at the school,' this policy therefore, seeks to help parents/carers understand how to resolve concerns about their child's education.

### 2. Scope and purpose

The scope of this policy covers most complaints that the college is likely to receive from parents/carers or students. However, it is not intended to cover aspects for which there are specific statutory requirements, in particular, complaints about the delivery of the curriculum or the provision of collective worship or religious education.

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be

more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

This procedure does not cover complaints or concerns that are dealt with under other statutory procedures, including those listed in the following table, as separate procedures apply.

#### Note

Serious complaints or allegations relating to the abuse of children, assault, criminal or financial matters are also subject to separate procedures. The table following is not exhaustive, and separate procedures may exist for other categories. For complaints regarding governors, the school will follow this Policy to resolve the issue.

These procedures do not cover:	Who to contact:
<b>Admissions to schools Appeals for schools</b>	Concerns about admissions/appeals, should be raised with Lancashire County Council (Pupil Access Team) Email: <a href="mailto:ESCPupilAccessCentral@lancashire.gov.uk">ESCPupilAccessCentral@lancashire.gov.uk</a> Tel: 0300 123 6707
<b>Inclusion Service: Statutory assessments of Special Educational Needs and Disabilities (SEND)</b>	Concerns about Special Educational Needs and Disabilities, should be raised with Lancashire County Council Tel: 0300 123 6706 Email: <a href="mailto:enquiries@lancashire.gov.uk">enquiries@lancashire.gov.uk</a>
<b>School reorganisation proposals</b>	Concerns school re-organisation proposals should be raised with Lancashire County Council (School Place Planning Team) Email: <a href="mailto:schoolplanning@lancashire.gov.uk">schoolplanning@lancashire.gov.uk</a>
<b>Child Protection Investigation</b>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Email: <a href="mailto:MASHeducation@lancashire.gov.uk">MASHeducation@lancashire.gov.uk</a>
<b>School Exclusions *</b>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  Concerns about exclusions should be raised with Lancashire County Council (Pupil Access Team) Email: <a href="mailto:ESCPupilAccessCentral@lancashire.gov.uk">ESCPupilAccessCentral@lancashire.gov.uk</a> Tel: 0300 123 6707  *complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please refer to the school's behaviour policy which is located on the school website.

<b>Whistleblowing</b>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to Lancashire County Council or the Department for Education depending on the substance of your complaint <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
<b>Staff grievance procedures</b>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<b>Staff conduct</b>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<b>Complaints about services provided by other providers who may use school</b>	Providers should have their own complaints procedure to deal with complaints about their service. Please contact them direct.
<b>National Curriculum content Early Years Foundation Stage Statutory Framework Collective worship Sex Education</b>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
<b>Unauthorised absence fines</b>	Please contact Lancashire County Council Tel: 0300 123 701
<b>Freedom of Information Data Protection (GDPR)</b>	<p>Data Protection Officer at the school and if this remains unresolved the Information Commission Office Tel: 0303 123 1113</p> <p>Email: <a href="mailto:dataprotectionfee@ico.org.uk">dataprotectionfee@ico.org.uk</a></p>
<b>Functions of the County Council</b>	<p>Complaints and Appeals Team Legal and Democratic Services County Hall Preston PR1 8XJ Tel: 0300 1236701 Email: <a href="mailto:Complaintsandfeedback@lancashire.gov.uk">Complaintsandfeedback@lancashire.gov.uk</a></p>

### **3. General principles**

The complaints procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- 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
- ensure a full and fair investigation by an independent person, where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provide information to senior leadership so that services can be improved

The college will always give serious consideration to concerns and complaints that are brought to its attention.

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

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

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

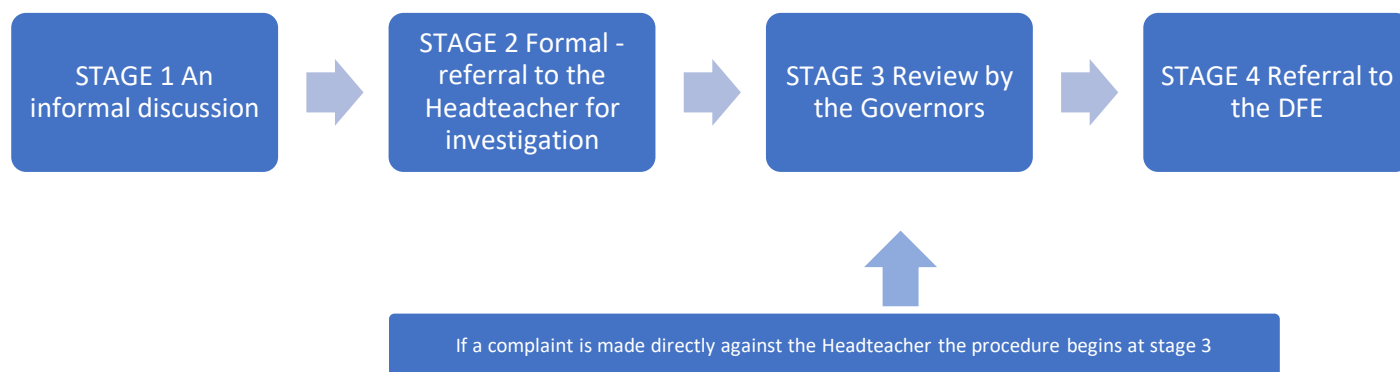
We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

There is a right to raise a complaint against the College and an expectation that the individual will exhaust the College's procedures. If the individual contacts the College again with the same issue, this could be seen as unreasonable and the College may choose not to respond.

#### 4. Our Four Stage procedure

The following diagram outlines the key stages of our complaint's procedure.



Dependent on the type of complaint, the following table is a guide to whom it should be referred to:

Type of Complaint:	Contact the:
Something that has happened, or failed to happen, in College.	Class teacher
The actions of the class teacher.	Headteacher via the College.
The actions of the Headteacher.	Chair of Governors via the College.
The actions of a governor.	Chair of Governors via the College.
The actions of the Chair of Governors.	Vice Chair via the College.
The actions of the Governing Body.	Clerk to the Governing Body via the College.

The College/Governing Body would in most cases hope to resolve concerns and complaints at an informal stage, but the procedures allow for formal consideration of a complaint and a review stage if matters cannot be resolved.

The College follows the Department of Education guidance in as much that it is reasonable to expect that a complaint is raised within 3 calendar months of an incident occurring.

The College is committed to dealing with complaints as speedily as possible and would plan to complete each stage within 20 College days. From time to time, it may not be possible to complete the process in that timescale. Where it is not possible, the complainant will be informed of any delays.

Where complaints are made against an individual member of the College staff or governor, the individual will be informed of the complaint at the earliest opportunity and certainly before any investigation commences.

## **5. The Complaint Procedures**

### **Stage 1 Informal Stage**

Our experience is that the vast majority of complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where complaints can be resolved straight away, and the complainant can be provided with the benefit of an immediate response avoiding the need to submit a formal complaint. The College will seek to resolve complaints informally by email, telephone call, brief meeting as appropriate.

Complaints may be raised with any member of staff depending on the type of issue to be discussed (please refer to the table above). The person who raised the issue will be informed of any action to be taken to resolve the complaint usually in a meeting or if appropriate, by phone. The complaint will be acknowledged within 3 school days and will be responded to within 7 working days and sooner if possible.

If the person who raised the complaint is dissatisfied with the response given, they should contact put their concerns or complaint in writing and the 'Formal Stage' of the procedures will commence from the date that the letter is received by the College.

If the College has not heard from you by 20 College days, it will assume that you do not want to take things any further and the complaint will be closed.

For concerns regarding the Headteacher, the complainant should put the complaint in a sealed envelope marked 'private and confidential' and addressed to the Chair of Governors via the College. Under the Data Protection Regulations, the College is not permitted to provide the personal details of the Chair of Governors, but the College will forward the envelope to the Chair as soon as possible.

### **Stage 2 Formal Stage – Referral to the Headteacher**

This stage will commence when the Informal complaint has not been resolved to the satisfaction of the complainant or the Complainant has indicated they wish to go straight to the formal stage or the College feels that the complaint is inappropriate for an informal resolution.

The Headteacher will:

- Following receipt of the written complaint, formally acknowledge receipt of the complaint and ensure the complainant receives an up-to-date copy of the College's Complaint Policy and Procedures. It should be clarified what the complainant feels would put things right if it not clear in the correspondence.
- Seek advice, as appropriate. (Dependent on the nature of the complaint, this could include: The College's Adviser; Clerk to the Governing Body; Legal Services; Colleges' HR Team; Finance Officer or Pupil Access Officer.)
- Inform the member of staff (or governor) if the complaint concerns them and provide them with a copy of the complaint and College's Policy and Procedures.
- Arrange and complete a full investigation of the complaint.
- Prepare a report following the investigation; consider what actions need to be taken and whether it be substantiated or unsubstantiated.
- Advise the complainant, in writing, of the outcome of the investigation.

Should the complaint remain unresolved and if the Headteacher/Chair has undertaken the investigation, the complainant can request a review to the Complaints Review Committee Stage 3. The request must be received within 20 College days of the notification and set out the grounds as to which matters remain unresolved.

Note: If the Clerk to the Review Committee does not hear from the complainant within 20 College days of the notification of the outcome of the investigation, the complaint will be closed.

The Headteacher/Chair of Governors should make a record in the Complaints Register of the complaint and its outcome. This record may need to be updated by the Chair of the Review Committee in due course. The Complaints Register should be available for Ofsted Inspection purposes.

Note: If the complaint is regarding the Headteacher or a governor, this will be investigated the Chair of Governors, or nominated governor if the Chair has previously been involved.

### **Stage 3 Review by the Governors Complaints Review Committee**

In very exceptional circumstances where the complaint has not been resolved by the Headteacher/Chair of Governors, a meeting of the Complaints Review Committee will be arranged to review the complaint. The request must be made in writing to the Clerk of the Review Committee via the College. The request for the review must clearly set out the grounds as to which matters remain unresolved.

The Clerk to the Review Committee will convene the Complaints Review Committee. It is not expected to take more than 20 days to convene but the Clerk to the Committee will update the complainant as appropriate.

The Committee will:

- Consider the written materials;
- Consider the complaint and the Headteacher's (or Chair of Governor's) action.
- With the Clerk, prepare an Agenda and invite the Headteacher and/or Chair of Governors, (as appropriate) and the complainant to the meeting.
- Seek advice and support as necessary.

Note: It is the responsibility of the Headteacher/Chair of Governors and complainant to secure their own witnesses and neither party can dictate who the other party brings.

At the end of their review, the Complaints Review Committee will:

- Determine whether to dismiss or uphold the appeal in whole or part.
- Where upheld, decide on recommendations that should be reported to the Governing Body by the Chair of the Review Committee.
- Advise the Headteacher/Chair of Governors (as appropriate) and complainant of the findings.
- Advise the complainant of any further action they may wish to take if they remain dissatisfied.

Following the review, the Chair of the Committee will arrange for the College's Complaints Register to be amended to include a brief summary of the complaint and the findings of the Complaints Review Committee. In addition, the Chair of the Committee will ensure that the matter in general terms and any recommendations be reported to the Governing Body.

This concludes the College's Complaints Procedure within college.



## **6. Next stage**

Complainants who remain unsatisfied with the outcome may refer their complaint to the Secretary of State for Education.

National Helpline: 0370 000 2288

Online: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

Or by writing to:

Department for Education,  
College Complaints Unit  
2nd. Floor Piccadilly Gate  
Stove Street, Manchester, M1 2WD

The role of the Secretary of State is to review that the College has followed their published procedures. The Secretary of State (via the Department of Education) does not facilitate a rehearing of a complaint.

## **7. Withdrawal of a Complaint**

If the complainant wishes to withdraw their complaint at any time, they will be asked to confirm this in writing.

## **8. The Role of the Local Authority**

The role of the Local Authority (LA) (or the Diocesan/Church Authority for church Colleges) is prescribed by legislation. In responding to complaints about Colleges, the LA will explain to the complainant:

- That Colleges are self-managing and are responsible for administering procedures that deal with complaints made against them.
- The appropriate procedures for their complaint and refer them to the Headteacher, Chair of Governors or Clerk, as appropriate.
- The College may seek advice and support from the appropriate Local Authority Officer or the College's Adviser (or the Diocesan/Church Authority for church Colleges).

## **9. Social Media**

Whilst the College accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or governors.

## **10. Calculation of time**

All references in this Policy to 'days' should be taken to mean College days and therefore will not include weekends, College holidays or INSET days.

## **11. Serial or unreasonable complaints**

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

College 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 procedure;
- insists on the complaint being dealt with in ways which 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 the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- 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 and 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 Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact College 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 site.