



Pendle Education Trust

Policy/Procedure/Guideline Review

Policy/Procedure/Guideline:	Complaints Procedure
Senior Manager Responsible:	Clerk to the Trust
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Pendle Education Trust

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PET Complaints Procedure

CONTENTS

1. Introduction
2. Which procedure do I need?
3. Safeguarding
4. Social media
5. Stage one – local resolution
6. Stage two – the formal stage
7. Where the complaint is about the actions of the Principal, Director of Education or Chief Executive Officer
8. Stage three – The Complaint Review Panel
9. Complaints against a governor, the local academy council, a trustee or the Trust Board
10. Reporting and Recording Complaints
11. Dealing with unreasonable, serial or persistent complaints
12. Publication of the Complaints Procedure
13. Contact details for external organisations if not satisfied with the outcomes of the complaints procedure



1. Introduction

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

Pendle Education Trust's objective is to provide a secure, calm and welcoming environment for students and staff and to provide the best education possible for all of its students in an open and transparent environment. Occasionally, situations will occur which prevent the fulfilment of those aims and give cause for complaint. Where concerns are raised the Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the trustees have approved the following procedure which explains what you should do if you have any concerns about an individual academy or the Trust itself. All members of staff will be familiar with the procedure and will be able to assist you.

It is important that complaints are raised at the earliest possible opportunity to enable the matter to be dealt with speedily and effectively. An early informal approach is often the best means of resolution of minor problems. The Department for Education expect complaints to be made at the earliest opportunity and consider 3 months to be an acceptable timeframe to lodge a complaint.

The Trust and its academies reserve the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Principal or CEO will review the situation and decide whether or not to enact the complaints procedure, informing the chair of the governors or the Trust of the decision.

Concern or complaint

A concern may be defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought. A complaint may be defined as an expression of dissatisfaction however made, about actions taken or lack of action.

2. Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the academy website or ask for a copy from the main academy reception.

- Student admissions; please see the academy's Admissions Policy
- Student exclusions; please see the academy's Behaviour Policy



- Staff grievance, capability or disciplinary; these are covered by the academy's grievance, capability or disciplinary procedure.
- Where the complaint concerns a third party used by the Trust or academy; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the Trust's General Data Protection Regulations and Freedom of Information policies.

3. Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the academy or the Trust is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the academy's safeguarding policy details of which can be found on the relevant academy website.

4. Social Media

In order for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

5. Stage one – Local Resolution (the informal stage)

In the vast majority of cases, a problem can and should be resolved by contacting the class teacher, subject teacher or member of staff directly involved in the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Many concerns are resolved immediately but, if this is not possible, a member of staff will respond to you within five working days.

The member of staff will make a written record of the concern that was raised and the date on which it was received. If the matter cannot be resolved within five working days, or in the event that you are not satisfied, you will be advised to proceed to make a formal complaint.

6. Stage two – The Formal Stage

If the complainant is not satisfied with the response from the member of staff at stage one or if the complaint is of a serious nature, the complainant should be advised that the next stage is to put their complaint in writing to the Principal of the Academy. When writing to the principal the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

Where the Principal is the subject of the complaint then section 7 of this procedure applies.

The principal will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the principal who will then reach a conclusion based on the investigation. In some cases, it may be appropriate for the Chief Executive Officer to be responsible for carrying out or appointing



another senior member of staff to carry out the investigation and report their findings to the Chief Executive Officer.

The person appointed as the investigator should keep notes of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigator may feel it necessary to meet with the complainant first. It is good practice to supply interviewees with the notes and ask them to sign the notes for accuracy.

At the conclusion of the investigation, the investigator will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the principal.

The principal should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the principal will write again to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.

Before the investigator interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

As part of the investigation, it may also be appropriate to obtain statements from individuals who may have witnessed an incident, including students if deemed necessary.

Once satisfied that the investigation has been concluded and a decision on the complaint has been reached the principal will notify the complainant in writing of the conclusion and decision made. The complainant will be informed of any action that will be taken as a result of the complaint except where this would be a breach of confidentiality e.g. taking any formal action against individual members of staff which would remain confidential.

In the outcome letter the complainant will also be informed that if they are not satisfied with the outcome of the investigation, they may request that the Complaints Review Panel review the process followed by the principal in handling the complaint.

The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel.

This request must be made in writing to the Trust Clerk within 20 school days of receiving the outcome from the principal and must include a statement specifying reasons for the request for the review and any perceived failures arising from the outcome of the investigation.

7. Where the complaint is about the actions of the Principal, Director of Education or Chief Executive Officer

For any complaints against the actions of the Principal, Director of Education or Chief Executive Officer the same complaints procedure will be followed as that for complaints against individual academies. The formal stage – stage two, correspondence should be sent to the Clerk to the Trust addressed to the:



- Director of Education if the complaint is relating to the principal
- Chief Executive Officer if the complaint is relating to the Director of Education
- Chair of the Trust if the complaint is relating to the Chief Executive Officer

8. Stage Three – The Complaint Review Panel (All Complaints)

Review Panels are convened at the request of a complainant to review the academy's decision to a complaint at stage two. If the complaint has not been settled at the formal stage and the person making the complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel. The complainant must request an appeal in writing within twenty school days of receiving the decision after the formal investigation or it will not be considered, except in exceptional circumstances.

The Complaint Review Panel Clerk will write to the complainant within five school days to confirm receipt of the request and provide details of further action to be taken.

The Review Panel will consist of at least three members; who have not been directly involved with matters detailed in the complaint; and at least one member of the panel will be independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

The Complaint Review Panel will take place within twenty-five school days from the clerk receiving the request for a Review Panel.

All supporting evidence and paperwork will be circulated to panel members and attendees five school days prior to the meeting. No late papers or written evidence will be considered unless in exceptional circumstances.

In addition to the three panel members the following parties will be invited to attend the meeting:

- The complainant who maybe accompanied if they so wish
- The person responsible for the stage two investigation

The Review Panel can make the following decisions:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Trust or academy's systems or procedures to ensure that problems of a similar nature do not reoccur

All parties who attend the meeting will be informed in writing of the outcome of the Review Panel normally within five school days of the hearing date. A copy of the panel's findings and recommendations will be provided to the complainant and, where relevant, the person complained about.

This is the final stage at which the academy or Trust will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the



contact details at the end of the document. The Trust or academy will not consider the complaint beyond this.

9. Complaints against a governor, the local academy council, a trustee or the Trust Board

Stage 1: informal

Complaints made against any member of the local academy council should be directed to the clerk in the first instance.

If the complaint is about one member of the local academy council (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

If the complaint is about a member of the Trust Board (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 6 above).

Stage 2: formal

If the complaint is jointly about the chair and vice-chair of the local academy council, the entire local academy council or the majority of local academy council, a trustee will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Trust Board and will write a formal response at the end of their investigation.

If the complaint is jointly about the chair and vice-chair of the Trust Board, the entire Trust Board or the majority of the Trust Board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the Trust Board and will write a formal response at the end of their investigation.

Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the local academy council or the majority of the local academy council, a committee of trustees including an independent panel member will hear the complaint.

If the complaint is jointly about the chair and vice-chair of the Trust Board, the entire Trust Board or the majority of the Trust Board, a committee of independent governors/trustees will hear the complaint. They will be sourced from local schools, local academy trusts or the local authority and will carry out the steps at stage 3 (set out in section 6 above).

10. Reporting and Recording Complaints

A written record of all formal complaints will be held centrally by Pendle Education Trust, including which stage of the complaints procedure they were resolved, and any action taken by the academy as a result of the complaint (regardless of whether it was upheld or not).

Where a complaint progresses to stage three (Review Panel), the findings and recommendations made by the panel will be sent in writing to all parties and made available



for inspection on the academy premises by a representative of Pendle Education Trust and the Principal.

All 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 2008 Act requests access to them.

11. Dealing with unreasonable, serial or persistent complaints

Pendle Education Trust and its academies are 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 the 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.

Pendle Education Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 Academy'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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -



- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school while a 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 principal or Chair of the local academy council will discuss any concerns with the complainant informally before applying an 'unreasonable' marking against the complaint.

If the behaviour continues the principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from the Academy.

Complainants who behave in an unacceptable way

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Our academies will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, an academy can ask him/her to leave school premises. In serious cases, the Principal or the Trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The Academy should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors.

12. Publication of the Complaints Procedure

The Complaints Procedure is available in writing to parents of pupils from the reception office on each Academy site. It will also be published:

- on the Academy/Trust website



13. Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Trust Clerk vtownsend@pendleeducationtrust.co.uk

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Department for Education (DfE). The DfE will check whether the complaint has been dealt with properly by the school. The DfE will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

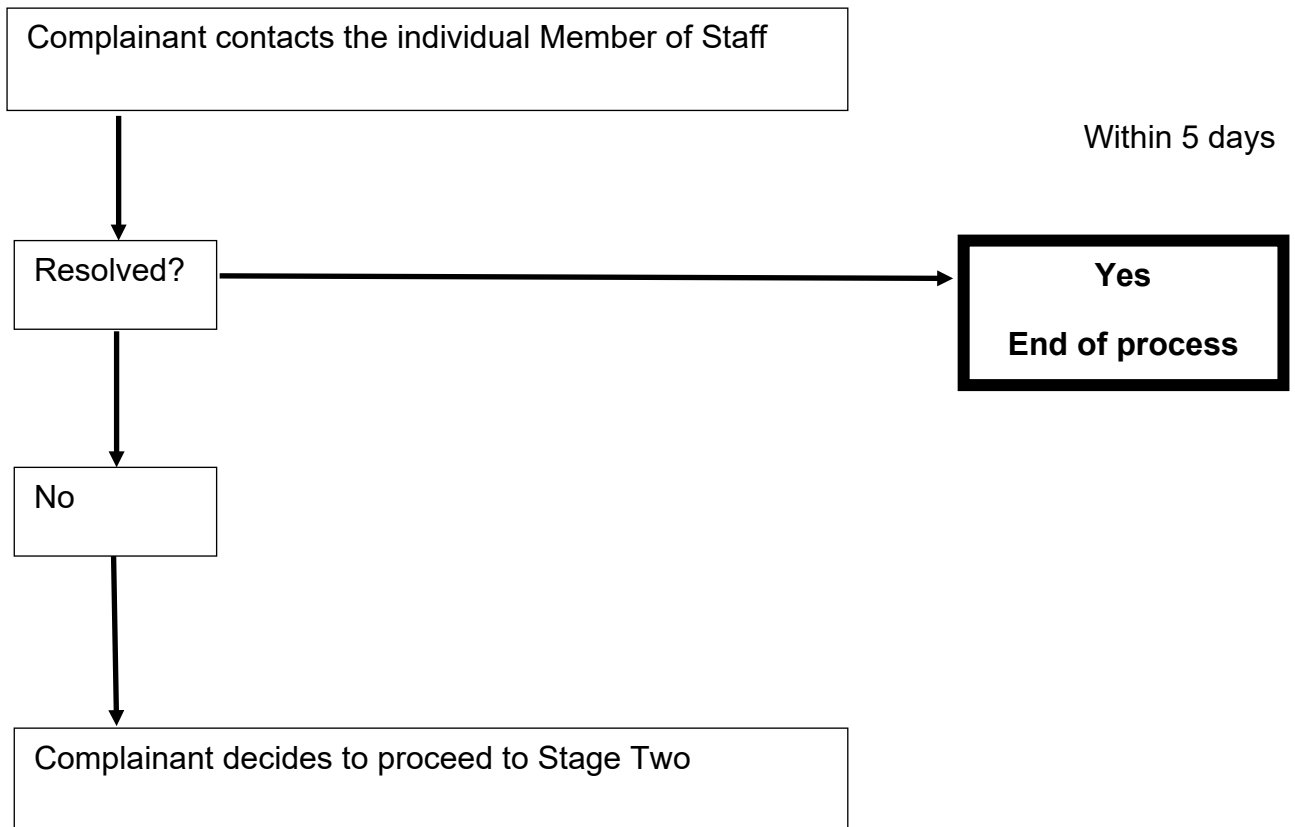
If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:
<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.



Model Complaints Procedure for Pendle Education Trust Academies
Stage One
Informal Stage



**Stage Two
Formal Stage**



**Stage Three
The Complaint Review Panel**

