

# Complaints Policy

Sept 2021

Version 2

## 1. Scope

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This policy applies to all staff at Expanse Learning College (Hereafter referred to as the College). This policy has been developed by the Expanse Group Ltd with reference to Department for Education guidance - '*Best Practice Guidance for Schools Complaints Procedures 2020*'.

A copy of this guidance may be downloaded from the [www.gov.uk](http://www.gov.uk) website.

## 2. Who can make a complaint?

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This complaints procedure is not limited to parents or carers of children that are registered at the College. Any person, including members of the public, may make a complaint to the College 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.

## 3. The difference between a concern and a complaint

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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 complaint's procedure. The College 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 College Manager will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the College Manager will refer you 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, the College will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

## 4. How to raise a concern or make a complaint

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A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class Teacher or College Manager. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against College staff (except the College Manager) should be made in the first instance, to Gavin Baldauf-Good (the College Manager) via the College office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Karl Wane (Director of Colleges), via the College office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Tony Brown (CEO) via the College office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the College office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 5. Anonymous complaints

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

## 6. Time scales

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 if exceptional circumstances apply.

## 7. Complaints received outside of term time

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

## 8. Complaints outside of this Policy

Some complaints fall outside the College's complaints procedure, for example:

- exclusions
- staff grievances
- disciplinary procedures

This procedure covers all complaints about any provision of community facilities or services by the College, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions  | Who to contact  |
|---|---|
| <ul style="list-style-type: none"> <li>• Admissions to Colleges</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• College re-organisation proposals</li> </ul> | <p>Concerns about admissions, statutory assessments of Special Educational Needs, or College re-organisation proposals should be raised with:</p> <p style="text-align: center;"><b>Wigan Local Authority, Wigan Life Centre (South), College Avenue, Wigan, WN1 1NJ</b></p>  |
| <ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>  | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority:</p> <p style="text-align: center;"><b>Wigan Council</b><br/>           Adult Safeguarding adults 01942 828777<br/>           out of hours 0161 834 2436<br/> <a href="http://www.wigansafeguardingadults.org/">www.wigansafeguardingadults.org/</a><br/> <a href="https://apps.wigan.gov.uk/adultsafeguardingreferrals/">https://apps.wigan.gov.uk/adultsafeguardingreferrals/</a></p>  |
| <ul style="list-style-type: none"> <li>• Exclusion from College*</li> </ul>   | <p>Further information about raising concerns about exclusion can be found at:</p> <p><a href="http://www.gov.uk/College-discipline-exclusions/exclusions">www.gov.uk/College-discipline-exclusions/exclusions</a>.</p> <p><i>*Complaints about the application of the behaviour policy can be made through the College's complaints procedure.</i></p>   |
| <ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>  | <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 whistleblower's 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 College should complain through the College's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| <ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>  | <p>Complaints from staff will be dealt with under the College's internal grievance procedures.</p>  |
| <ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>   | <p>Complaints about staff will be dealt with under the College's internal disciplinary procedures, if appropriate. 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>  |
| <ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use College</li> </ul>   | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>  |

|   |   |
|---|---|
| premises or facilities  |   |
| <ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul> | Please contact the Department for Education at:<br><a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the College in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 9. Resolving complaints

At each stage in the procedure, the College wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review College policies in light of the complaint
- an apology.

## 10. Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 11. Stage 1

Formal complaints must be made to the College Manager (unless they are about the College Manager), via the College office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The College Manager will record the date the complaint (In DatabridgeMIS) is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 College days.

Within this response, the College Manager will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The College Manager can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The College Manager may delegate the investigation to another member of the College's senior leadership team but not the decision to be taken.*

During the investigation, the College Manager (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the College Manager will provide a formal written response within 3 College days of the date of receipt of the complaint.

If the College Manager is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the College will take to resolve the complaint.

The College Manager will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the College Manager, or a member of the governing body (including the Chair or Vice-Chair), a

suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the College Manager or member of the governing body must be made to the CEO, via the College office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by the Director of College. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **12. Stage 2**

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If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with the CEO and members of the governing body's which will be formed of the first three, impartial, governors available. This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made to the Director of Colleges, via the College office, within 5 College days of receipt of the Stage 1 response.

The Director of Colleges will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 College days.

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

The Director of Colleges will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 College days of receipt of the Stage 2 request. If this is not possible, the Director of Colleges will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Director of Colleges 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 complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the College available, the Director of Colleges will source any additional, members of Expanse Learnings wider Senior Leadership Team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a College employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 College days before the meeting, the Director of Colleges will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 2 College days before the meeting.

Any written material will be circulated to all parties at least 2 College days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented.

The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the College's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the College with a full explanation of their decision and the reason(s) for it, in writing, within 5 College days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the College

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by the CEO, Expanse Learning Wider Senior Leadership Team and committee of independent governors if possible.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the College will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **13. Next Steps**

If the complainant believes the College did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the College. They will consider whether the College has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus),  
by telephone on 0370 000 2288

or by writing to:  
 Department for Education  
 Piccadilly Gate  
 Store Street  
 Manchester  
 M1 2WD.




#### 14. Monitoring arrangements

This policy will be reviewed every 12 months but can be revised as needed. It will be approved by the governing board

**Impact of non-compliance for:**

|   |  |
|---|--|
| <b>Staff:</b>                                     | Disciplinary action  |
| <b>Student:</b>                                   | Not applicable   |
| <b>Legislation/organisational:</b>                | Reputational damage, litigation, statutory and non-regulated compliance. prosecution |
| <b>Compliance lead:</b>                           | Corporate Services (Corporate Services)  |
| <b>Policy Reference:</b>                          | ELCO-ORG-007   |
| <b>Version:</b>                                   | 2  |
| <b>Agreed policy location:</b>                    | DatabridgeMIS  |
| <b>Does the policy require Governor approval?</b> | Yes  |

**Approval**

|   |   |   |   |
|---|---|---|---|
| <p><b>Prepared by</b><br/>         Scott Roberts (Assoc. CIPD)<br/>         01/09/2021</p>  <p>Head of Corporate Services</p> | <p><b>Approved by</b><br/>         Tony Brown<br/>         01/09/2021</p>  <p>CEO</p> | <p><b>Counter Signatory</b><br/>         Karl Wane<br/>         01/09/2021</p> <p>K Wane</p> <p>Director of Colleges, Post 16 Education</p> | <p><b>Governor Approval (if required)</b><br/>         Martin Budden<br/>         01/09/2021</p>  <p>Governor (Chair)</p> |
|---|---|---|---|

**Version Control**

| Version | Date       | Revision    | Review Date |
|---------|------------|-------------|-------------|
| 1       | 01/09/2020 | First Issue | 31/08/2021  |
| 2       | 01/09/2021 | Reviewed    | 31/08/2022  |
| 3       |            |             |             |
| 4       |            |             |             |
| 5       |            |             |             |

**Appendix 1 – Complaint’s Form**

Please complete and return to the College Manager:

|   |  |
|---|--|
| <p><b>Leigh College</b><br/>                 Emma Taylor<br/> <a href="mailto:Emma.taylor@expansegroup.co.uk">Emma.taylor@expansegroup.co.uk</a><br/>                 Expanse Learning<br/>                 The Stadium, Leigh sports Village, Sale Way<br/>                 Leigh, WN7 4JY</p> | <p><b>Wigan College</b><br/>                 Steph Howard<br/> <a href="mailto:stephanie.howard@expansegroup.co.uk">stephanie.howard@expansegroup.co.uk</a><br/>                 Expanse Learning<br/>                 Orrell Lodge, Orrell Road<br/>                 Wigan, WN5 8HJ</p> |
|---|--|

who will acknowledge receipt and explain what action will be taken.

|  |  |       |  |
|--|--|-------|--|
| Your name:   |  |       |  |
| Student’s name (if relevant):  |  |       |  |
| Your relationship to the student (if relevant):  |  |       |  |
| Address:   |  |       |  |
| Postcode:  |  |       |  |
| Telephone Number:  |  |       |  |
| Mobile Telephone Number:   |  |       |  |
| Please give details of your complaint, including whether you have spoken to anybody at the College about it. |  |       |  |
|  |  |       |  |
| What actions do you feel might resolve the problem at this stage?  |  |       |  |
|  |  |       |  |
| Are you attaching any paperwork? If so, please give details.   |  |       |  |
|  |  |       |  |
| Signature:   |  | Date: |  |
| <b>Official use</b>  |  |       |  |
| Date acknowledgement sent:   |  |       |  |
| By who:  |  |       |  |
| Complaint referred to:   |  |       |  |
| Date:  |  |       |  |



## Appendix 2 - Roles and Responsibilities

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### A. Complainant

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The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the College in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### B. Investigator

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The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - *sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved*
  - *interviewing staff and children/young people and other people relevant to the complaint*
  - *consideration of records and other relevant information*
  - *analysing information*
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The College Manager or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### C. Complaints co-ordinator (College Administrator)

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The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, College Manager, Chair of Governors, Director of Colleges, CEO and LAs (if appropriate) to ensure the smooth running of the complaint's procedure
- be aware of issues regarding:
  - *sharing third party information*
  - *additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person*
- keep records.

### D. Director of Colleges

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The Director of Colleges is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to College complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, College and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### E. Committee Chair

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The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the College are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Director of Colleges (and complaints co-ordinator, if the College has one).

#### **F. Committee Member**

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Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the College and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

### Appendix 3 – Complaint Flow Chart

