# Pivot Academy Parents/Carers

# Complaints Procedure Policy

# September 2022/23

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| Approved By: Lorraine Bowman |
| Date: September 2022 |
| Next Review Date: September 2023 |

## **Who can make a complaint?**

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 PIVOT 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.

## **The difference between a concern and a 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 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. The PIVOT Academy 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, the Headteacher 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, TPA will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **How to raise a concern or make a complaint**

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, pastoral team, Special Educational Needs Co-ordinator (SENCO) or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

**Complainants should not approach The Board 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 school staff (except the headteacher) should be made in the first instance, to the headteachervia the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Paul Sutcliffe, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of The Board , any complaint about the individual board member should be addressed to Michael Smith, Chief Executive via the school 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 school office.

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.

## **Anonymous complaints**

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

## **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.

## **Complaints received outside of term time**

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

## **Scope of this Complaints Procedure**

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

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| **Exceptions** | **Who to contact** |
| * Admissions to schools * Statutory assessments of Special Educational Needs * School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Kirklees Local Authority or Bradford Local Authority or Calderdale Local Authority depending on where your family lives. |
| * Matters likely to require a Child Protection Investigation | 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). Kirklees LADO  Calderdale LADO Bradford LADO |
| * Exclusion of children from school\* | Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).  *\*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.* *Please also see TPA Behaviour Policy* |
| * Whistleblowing | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).  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 the LA or the Department for Education (see link above), depending on the substance of your complaint. |
| * Staff grievances | Complaints from staff will be dealt with under the school’s internal grievance procedures. |
| * Staff conduct | Complaints about staff will be dealt with under the school’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. |
| * National Curriculum - content | Please contact the Department for Education at:  [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) |

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 TPA 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.

## **Resolving complaints**

At each stage in the procedure, TPA 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 happen again
* 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 apology.

## **Withdrawal of a Complaint**

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

**Stage 1 – Concern Stage**

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. TPA takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

In the first instance, concerns should be addressed to the member of staff in question or class teacher who will try to clarify the nature of the concern and the outcome being sought.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the member of staff will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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, TPA will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **Stage 2 – Formal Complaints**

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

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

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

*Note: The Headteacher may delegate the investigation to another member of the school’s senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (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 Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Headteacher 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 TPA will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, the Director of Education will complete all the actions at Stage 2.

Complaints about the Headteacher must be made to the Director of Education via the school office.

## **Stage 3**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with either the Director of Education or Direction of SEND

A request to escalate to Stage 3 must be made to the Director of

Education or Director of SEND at TPA, via the school office, within 5 school days of receipt of the Stage 1 response.

The date will be recorded on the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

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

In the first instance, Director of Education or Director of SEND will then:

* Check that, where appropriate, the complainant has completed Stages 1 and 2;
* Seek any clarification regarding the nature of the complaint;
* Inform the CEO
* Arrange for a date to hear the complaint as soon as possible;
* Invite the complainant and any representative to the meeting.

The aim will be to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Head Teacher will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Head Teacher 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 meeting will consist of TPA staff with no prior involvement or knowledge of the complaint. Prior to the meeting, a decision will be made as to who will act as the Chair of the Complaints Committee.

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.

*Note: Complaints about staff conduct will not generally be handled under this complaints 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 5 school days before the meeting, the Head teacher 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 3 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. Evidence such as recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be permitted.

Any new complaints at this stage or co evidence unrelated to the initial complaint will not be considered. 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.

All the evidence presented will be considered. Then a decision can be to:

* 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 next step is to:

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

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

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 TPA will take to resolve the complaint.

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

## **Next Steps**

If the complainant believes the school 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 TPA They will consider whether TPA has adhered to education legislation and any statutory policies connected with the complaint.

**Since our last Ofsted report we have received 0 (zero) complaints under this policy.**

## **Complaint Form**

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

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| **Your name:** |
| **Pupil’s name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:**  **Postcode:**  **Day time telephone number:**  **Evening telephone number:** |
| **Please give details of your complaint, including whether you have spoken to anybody at the school 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:** |
| **Official use** |
| **Date acknowledgement sent:** |
| **By who:** |
| **Complaint referred to:** |
| **Date:** |