



# Complaints Policy & Procedure

## PURPOSE

The Complaints Policy and Procedure outlines the process and indicative timelines for parents and carers who wish to make a complaint to an Ark school.

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Type of policy:	<input checked="" type="checkbox"/> Network-wide <input type="checkbox"/> Tailored by school	Approval:	Board
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## POSITIONING WITHIN ARK OPERATIONAL MODEL

Component	Element
<input type="checkbox"/> Strategic Leadership & Planning <input type="checkbox"/> Monitoring, Reporting & Data <input checked="" type="checkbox"/> Governance & Accountabilities <input type="checkbox"/> Teaching & Learning <input type="checkbox"/> Curriculum & Assessment <input type="checkbox"/> Culture, Ethos & Wellbeing <input type="checkbox"/> Pathways & Enrichment <input type="checkbox"/> Parents & Community <input type="checkbox"/> Finance, IT & Estates <input type="checkbox"/> Our People	Legal

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Dear parent/carer

We are sorry that you are not satisfied with an aspect of your child's school. We have a process for handling complaints: this process sets out how we can work together to resolve the complaint, with the aim of always doing so informally and amicably. Our primary goal is always the wellbeing of your child and we commit to working with you to ensure that your child's schooling is as happy and fulfilling as possible.

In order to ensure the best outcome for your child, please read this document carefully. Please contact your child's teacher or a member of the Senior Leadership Team in the first instance. Those who know your child most closely are best placed to resolve a problem. Only if this cannot be achieved through the school or Regional Director does Ark Schools become involved. So that the school can address your concern quickly and to your satisfaction, please ensure that it is:

- **Timely** – you should raise your concerns as soon as possible after the problem arises. Unless there are special reasons why it is not possible to do this, your complaint should be raised within 10 school days.
- **Specific** – you should be clear about what the problem is, who is involved and when and where any incident occurred. Where appropriate, you should be able to provide evidence for your claims.
- **Resolvable** – you should let the school know what outcome(s) you are seeking. This might be an explanation, an acknowledgement that things could have been done better, an apology, or a change in decision.
- **Polite** – the best result for your child will be achieved by the school and parents working together. Ark will not tolerate any language or behaviour towards staff which is abusive or intimidating.

**If you are claiming that a member of staff has harmed your child, this is an allegation. Please see page 6.**

Again, as a general rule, your first port of call should always be your class teacher, then a member of the Senior Leadership Team at your school. They know the most about your child and your school and are best placed to answer your questions. Ark Schools should only become involved if you have thoroughly discussed your concern/complaint with your school staff or Regional Director and are not satisfied with the response.

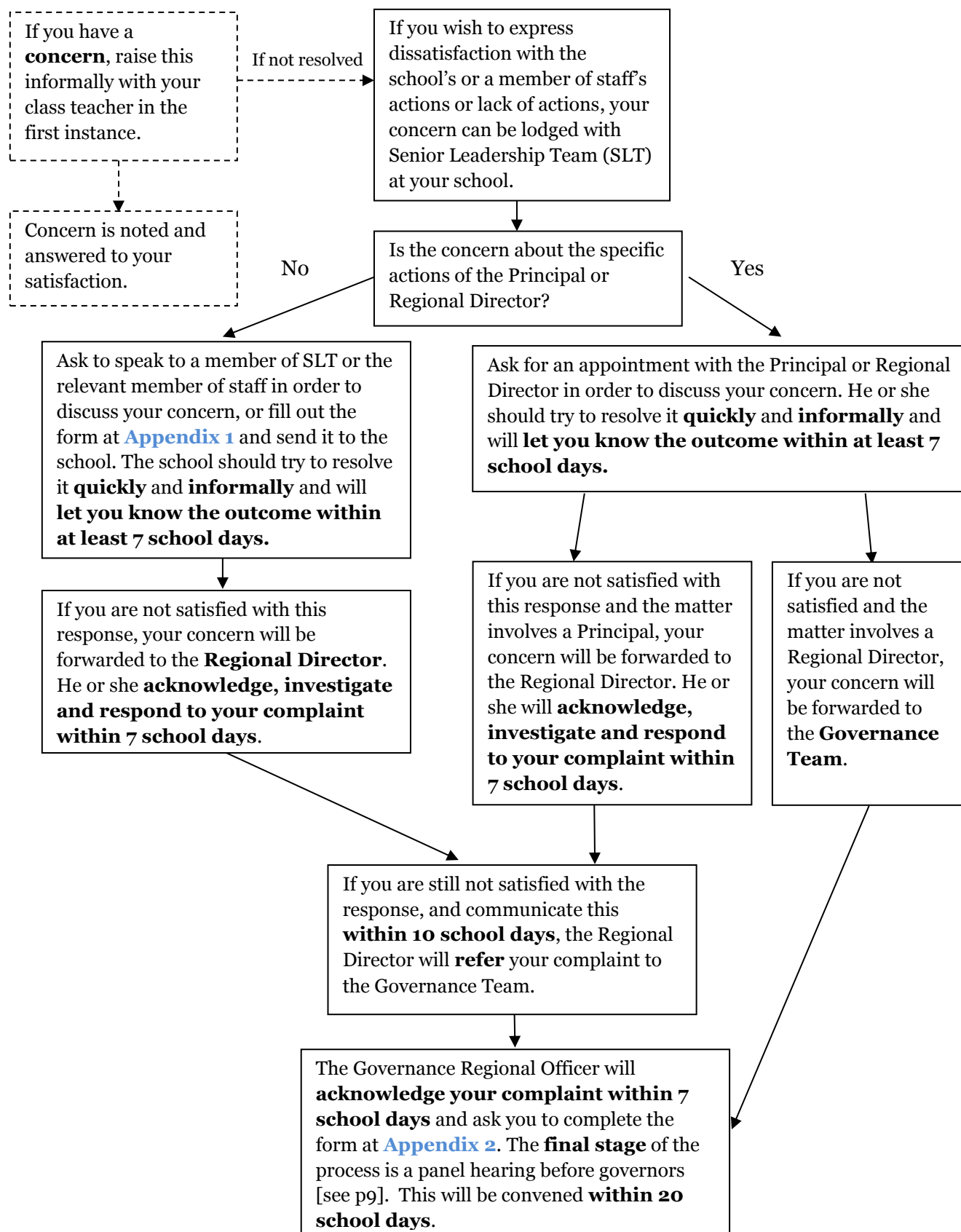
We hope that your concern/complaint will be resolved quickly and to your satisfaction.

Regards

Ark Schools

[Ark.Info@arkonline.org](mailto:Ark.Info@arkonline.org)

## Complaints Process Summary



**NB – At all stages, Ark will seek an informal resolution to your complaint. In complex cases, it might take longer to investigate a problem so the timings above might be extended and you will be told of this.**

## Indicative Timetables

Schools will try to resolve any concern as quickly as possible, but all parties must recognise that teachers and support staff have many important demands on their time. In complex cases, it might take longer to investigate than is provided for below – the investigator will communicate this to the parent or carer as soon as possible. A complaint will not be upheld solely because a deadline has been missed.

Where a concern/complaint involves external agencies, the timelines will necessarily take this involvement into account. In certain circumstances, for example, where the Local Authority or another public body is investigating the matters in a complaint, the school's own process will be suspended until those investigations are concluded.

<b>Complaints not about the Principal or Regional Director</b>		
<b>Stage</b>	<b>Responsible Party</b>	<b>Deadline</b>
Parent raises a concern using the Concern Form at <a href="#">Appendix 1</a>	School	10 school days from incident
Concern acknowledged	School	2 school days from date of concern
Investigation and response	School	7 school days from date of concern
Unresolved concern forwarded to Regional Director	Regional Director	5 school days from receiving school's response
Concern acknowledged	Regional Director	2 school days from date of receipt
Investigation and response	Regional Director	7 school days from date of receipt
Unresolved concern referred to Governance Team	Regional Director	10 school days from date of parent response
Request for final panel stage using form at <a href="#">Appendix 2</a>	Complainant	10 school days from date of referral
Panel to convene	Governance Team	20 school days from date of request for panel
Final response	Governance Team	5 school days from date of panel meeting

<b>Complaints about the Principal or Regional Director</b>		
<b>Stage</b>	<b>Responsible Party</b>	<b>Deadline</b>
Parent raises a concern using the Concern Form at <a href="#">Appendix 1</a>	Principal or Regional Director	10 school days from incident
Concern acknowledged	Principal or Regional Director	2 school days from date of concern
Investigation and response	Principal or Regional Director	7 school days from date of concern
Unresolved concern re: Principal forwarded to Regional Director	Regional Director	5 school days from receiving school's response
Concern acknowledged	Regional Director	2 school days from date of receipt
Investigation and response	Regional Director	7 school days from date of receipt
Unresolved concern referred to Governance Team	Governance Team	10 school days from date of parent response
Request for final panel stage using form at <a href="#">Appendix 2</a>	Complainant	10 school days from date of referral
Panel to convene	Governance Team	20 school days from date of referral
Final response	Governance Team	5 school days from date of panel meeting

## Exceptions to Complaints Procedure

This Complaints Procedure covers all concerns/complaints about any provision of facilities or services at the school. However, the exceptions listed below are not covered because separate procedures exist. Where a school's actions are pursuant to advice given by the Local Authority or other public body, complainants will be asked to refer their concern directly to that authority.

Exceptions	Where to look
<ul style="list-style-type: none"> <li>Allegations of child abuse /other child protection issues</li> <li>Other safeguarding issues</li> </ul>	Immediately report your concern to the class teacher, Designated Safeguarding Lead or Principal and check the school's safeguarding policy.
<p><b>You can also report concerns about how child protection issues are being handled in your own or another organisation to the NSPCC's <a href="https://www.nspcc.org.uk/whistleblowing">whistleblowing advice line on 0800 028 0285</a> or at <a href="mailto:help@nspcc.org.uk">help@nspcc.org.uk</a>.</b></p>	
<ul style="list-style-type: none"> <li>Statutory Assessment of SEN</li> </ul>	Check the school's SEND offer and report your concern to the SENCO or Principal.
<ul style="list-style-type: none"> <li>School Admissions including appeals</li> </ul>	Check the information on the school's Admissions page. Contact <a href="mailto:admissions@arkonline.org">admissions@arkonline.org</a> for further advice.
<ul style="list-style-type: none"> <li>Pupil Exclusions</li> </ul>	Check the school's Behaviour Policy. Contact your school for further advice.
<ul style="list-style-type: none"> <li>Whistleblowing (<i>for financial or other regulatory malpractice</i>)</li> </ul>	Ark Schools Whistleblowing Policy. Contact <a href="mailto:ark.info@arkonline.org">ark.info@arkonline.org</a> for further advice.
<ul style="list-style-type: none"> <li>Staff grievances /disciplinary procedures</li> </ul>	These matters will invoke the school internal grievance procedures.
<ul style="list-style-type: none"> <li>Complaints about Ark Central (non-school based) members of staff</li> </ul>	Email <a href="mailto:hssystem@arkschools.org">hssystem@arkschools.org</a> with details of your complaint and these will be passed to the relevant line manager.

If your concern relates to an external service provider, this should be raised with the Principal of the school in the first instance, but it might be that you or the school will have to follow the provider's own complaints policy thereafter.

**If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Principal should be informed immediately. The appropriate policy and procedures must be followed and the Ark Head of Safeguarding must also be informed.**

## **Principles**

This procedure exists to provide parents/carers with a formal structure to express a concern about school issues. The school seeks to ensure all concerns and complaints are dealt with efficiently, sensitively and where possible in confidence, at the appropriate level. All complaints are handled in a balanced, neutral way, and assuming nothing until all of the facts are established.

## **Who can raise a Concern/Complaint?**

This policy is intended to cover parents or carers of pupils currently registered at the Ark school to which the concern/complaint pertains. External parties may lodge a concern/complaint, but are not guaranteed the same procedures.

Where a child wishes to raise a concern/complaint, he or she should do this through parents or carers. In exceptional cases where this is not possible, a trusted adult at the school can be asked to support a child in this.

Ark Schools will take seriously concerns/complaints from any party, but must prioritise its provision for existing pupils. There will be no automatic right to proceed to the final panel stage for anybody other than existing parents.

## **The difference between a Concern and a Complaint**

All complaints initially start as a concern, which can be defined as *'an expression of worry or doubt over an issue, considered to be important, for which reassurances are sought'*. For example, a parent might wish to be assured that his or her child is receiving the appropriate difficulty of homework or might ask a member of staff to clarify a comment that the child has made about something at the school.

Concerns can materialise into a formal complaint only after informal processes with the school and Regional Director have been exhausted and if the response from the School or Regional Director is perceived as unsatisfactory. A complaint is defined as *'an expression of dissatisfaction however made, about actions (or lack of actions) taken'*.

It is in everyone's interests that all concerns/complaints are resolved at the earliest possible stage, without the need to invoke formal complaint procedures. This will take the format of an informal resolution.

## **Dealing with Concerns/Complaints**

The procedure aims to ensure all concerns/complaints are dealt with in a time-sensitive manner and, where possible, as informally as possible.

- The objective is for all complainants to receive a timely acknowledgment to their initial complaint - within two school days - and to provide a response within seven school days.
- To clarify what the parent/carer feels would put things right.
- To gather appropriate information in relation to the concern/complaint, by thorough investigation in the form of taking statements and speaking to witnesses.
- To keep accurate records of all relevant conversations and meetings held in relation to the concern/complaint.
- To reach a satisfactory conclusion, which should be communicated through a written response and/or meeting with the complainant.
- To report on concerns/complaints to line managers or the Principal as appropriate and to ensure that formal complaints are reported to governors.

At each stage of the concern/complaint, the person investigating will seek ways to resolve the complaint satisfactorily. It might be appropriate to offer one or more of the following:

- An explanation
- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence).
- An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- An apology
- An undertaking to review school procedures in light of the concern/complaint.

### **Procedure for Informal Concerns**

Most concerns can be resolved at an initial informal stage. In the first instance, it is essential each concern is directed at a level appropriate with the nature of the concern and parents/carers are asked to speak to a relevant member of staff or the Principal. If for example a class teacher, Head of Department or Head of Year cannot resolve a concern, it should be passed eventually to the Principal.

At this stage, the Principal or staff member must seek clarification on the concern, identifying the outcome the parent/carer is requesting. Even though this is likely to be a spoken exchange, it is important that all parties are in agreement on outcomes and agreed actions.

If the concern remains unresolved, the Principal may refer the matter to the Regional Director for review and response. This response can be provided orally or in writing.

If an initial concern is reported to directly to Ark Schools, the complainant will be asked to complete the Concern Form at **Appendix 1** for submission directly to the school. This document is intended to facilitate communication with the school and should include:

1. Details of the concern
2. Any attempts made to raise/resolve the complaint (including who they have communicated with)
3. Any actions they feel may resolve the issue

The Concern Form should be sent directly to the school for response and will initiate the informal concern process. A matter will only become a formal complaint requiring review by governors after all attempts to resolve the concern informally through the school and Regional Director remain unsuccessful.

### **Procedure for Formal Complaints**

If all attempts to resolve the concern remain unsuccessful, the Regional Director will refer the complainant to the Governance Regional Officer, who will ask the complainant to initiate the formal complaints process using the form at **Appendix 2**. This written document should include:

1. Details of the complaint (the Concern Form may be attached)
2. Why the school / Regional Director's response was inadequate
3. What actions governors may take to resolve the issue

Upon receipt of the Formal Complaint to Governors form, the Governance Regional Officer will convene a panel of governors to review the complaint.



## **Final Panel Stage**

The very last stage of the Ark Schools complaint process is a referral to a panel of governors. The parent or carer must request this within 10 school days of receiving the Regional Director's response. Upon referral, the Governance Regional Officer will convene a panel at the earliest appropriate opportunity, but within at least 20 school days.

A panel considers complaints on behalf of the Board of Trustees.

## **Constitution of the panel**

The Governance Regional Officer will convene a complaints panel which will comprise the following:

- The panel will consist of no less than three Ark governors with no prior direct involvement with the issue. Staff governors may not be included in the panel as they might not be regarded as impartial.
- At least one panel members must be independent of the management and running of that particular school and cannot be a member of the school Local Governing Body.
- No member of the panel can have been directly involved in previous considerations of the complaint. This includes the Chair of Governors of the local governing body if they have been involved at any stage.

## **Proceedings of the panel**

The Director of Governance, having sought the views of the complainant and the Principal / Regional Director, will decide which of these following procedures is most beneficial to the nature of the complaint.

### **1) A formal meeting**

All parties will attend the meeting in the same room. The meeting includes the parent/carers, the Principal/Regional Director and any other staff/witnesses who will be invited to make representations concerning the complaint. The appeal will be closed to the public.

Parties may be questioned by the panel members so that they can form a clear and unbiased view of the complaint. Whilst it will be for the chair of the panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:

- a. the complainant to explain their complaint
- b. the Principal/Regional Director to explain the school's response
- c. the panel to have an opportunity to question both the complainant and the other party
- d. all involved to call witnesses (subject to the approval of the chair of the panel), and the panel to question all the witnesses
- e. the complainant, the Principal/Regional Director and staff/witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).

At the end of the meeting, the chair of the panel will explain to the complainant and the Principal/other party that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner.

The meeting will be minuted and the complainant will be informed of the panel decision within 5 school/working days.

## **2) An investigatory approach**

The complainant and representative(s) from the school may be invited to attend a formal meeting with the complaints panel in order to clarify the matter. As the panel meeting is intended to be investigatory, the persons giving evidence or making representations to the panel would normally attend separately. Whilst it will be for the chair of the panel to decide exactly how the meeting will proceed, the procedure will allow:

- a. the complainant, the Principal/Regional Director and staff/witnesses to be accompanied if they so wish (other than by a legal representative)
- b. notes of the interview to be made, checked with the interviewee and made available to other parties on request.

The chair of the panel will explain to the complainant and the Principal/Regional Director that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner.

**Whichever procedure is followed, the panel will remember that some parent/carers are unused to dealing with groups of people in formal situations and may feel inhibited. Parents/carers may also feel emotional about discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as informal as the situation allows.**

The Governance Regional Officer will be the contact point for the formal complaint and will be required to:

- Set the date, time and venue of the hearing
- Collate any written material and send it to the parties in advance of the hearing
- Record the proceedings
- Notify parties of the panel's decision.

### **Remit of the panel**

The panel can:

- Decide whether or not the complaint has merit
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

### **Dealing with vexatious, persistent or unreasonable concerns or complaints**

The school is committed to dealing with all concerns/complaints fairly and impartially, with each parent/carer being dealt with fairly and individually. Whilst contact between the school and the parent/carer will not be limited, we do not expect our teaching and operational staff to tolerate unacceptable behaviour deemed abusive, threatening or offensive.

In the case of vexatious, persistent or unreasonable concerns/complaints, if the complainant remains dissatisfied after all stages have been properly followed, the Governance Regional Officer will inform the parent/carer in writing that the procedure has been exhausted and the matter is now closed.

Should an individual's approach to their concern/complaint become disturbing, intimidating or harassing, legal advice may be sought. Ark Schools has a duty of care to its employees, as Principals do to their staff, and this will be upheld.

## **Reporting and Recording Complaints**

The Ark Complaints Form at **Appendix 2** should be used for all formal complaints and once received, the school will record all issues, with the Principal holding responsibility for ensuring staff consistently and accurately record all formal complaints.

### **Note**

- i. Records relating to individual complaints are confidential, except in limited circumstances to comply with specific acts or statutory law. This includes an adherence to the Data Protection Act 1998 or Freedom of Information Act 2000, or where the Secretary of State or a statutory body conducting an inspection requests access to them.
- ii. The school's local governing body (LGB) will monitor the level of formal complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting. Where possible, parent/carers will not be identified.

## Legal Context

In accordance with the **Education (Independent Schools Standards (England)) Regulations 2014, Schedule 1, Part 7**, all academies must make available to all parents and carers a robust and effective complaints procedure to deal with all complaints relating to their academy and to any community facilities or services that the academy provides.

### **These regulations state that all complaints policies must:**

- a. be in writing
- b. be made available to parents/carers of pupils
- c. set out clear timescales for the management of the complaint
- d. allow for a complaint to be made and considered initially on an informal basis
- e. where the parent/carer is not satisfied with the response to the complaint made in accordance with sub-paragraph (d), establish a formal procedure for the complaint to be made in writing
- f. where the parent is not satisfied with the response to the complaint made in accordance with sub-paragraph (e), make provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint
- g. ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school
- h. allows for a parent to attend and be accompanied at a panel hearing if they wish
- i. provide for the panel to make findings and recommendations and stipulate that a copy of those findings and recommendations is:
  - provided to the parent/carer and, where relevant, the person complained about; and
  - available for inspection on the school premises by the proprietor and the head teacher
- j. provide for a written record to be kept of all complaints that are made in accordance with sub-paragraph (e) and:
  - whether they are resolved following a formal procedure, or proceed to a panel hearing; and
  - action taken by the school as a result of those complaints (regardless of whether they are upheld); and
- k. provide that correspondence, statements and records relating to individual complaints are to 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.

## Appendix 1



### Ark Schools Concern Form

This form should be sent to the school for investigation and response. You should receive a response from the school within 7 school days from date of receipt. Many thanks for your patience and we hope that your concern can be resolved informally.

<b>Name</b>	
<b>Date</b>	
<b>Address</b>	
<b>Pupil Name/Year</b> (if applicable)	
<b>Relationship to pupil</b> (if applicable)	
<b>Pupil's address</b> (if different from above)	
<b>Contact number(s)</b> (if you have a preferred time within the school day, please state it)	
<b>Email address</b>	
<b>Details of Concern</b>	
<b>Name(s) of staff member(s) at the school to whom you have spoken to about your concern?</b>	
<b>What action have you already taken to try and resolve the concern?</b>	
<b>What actions do you feel might resolve this concern?</b> (e.g. an explanation, an apology, etc.)	

## Appendix 2



### Formal Complaint to Governors

This form may only be used when all informal processes involving the school and the Regional Director have been exhausted. Upon submission, the Governance Team will convene a panel of governors to review the complaint within 20 school days of receipt.

<b>Name</b>	
<b>Date</b>	
<b>Address</b>	
<b>Pupil Name/Year</b> (if applicable)	
<b>Relationship to pupil</b> (if applicable)	
<b>Pupil's address</b> (if different from above)	
<b>Contact number(s)</b> (if you have a preferred time within the school day, please state it)	
<b>Email address</b>	
<b>Details of Complaint</b>	
<b>Why was the school's / Regional Director's response not satisfactory?</b>	
<b>What action(s) can governors take to resolve this complaint?</b>	