



Complaints Procedure & Policy

| | | | |
|-----------------------------|----------------|-----------------------|--------------------|
| Date of last review: | September 2016 | Review period: | 3 years |
| Date of next review: | August 2019 | Owner: | Head of Governance |
| Type of policy: | Statutory | Approval: | Head of Governance |

Contents

| | |
|---|-----------|
| Letter to parent/carer | 3 |
| Complaints Process Summary..... | 4 |
| Indicative Timetables | 5 |
| Exceptions to Complaints Procedure..... | 6 |
| Principles | 7 |
| Who can make a Complaint?..... | 7 |
| The difference between a Concern and a Complaint..... | 7 |
| Dealing with complaints..... | 7 |
| Procedure for Informal Complaints..... | 8 |
| Formal complaint <u>not</u> about the Principal or Regional Director | 8 |
| Formal complaints made about a Principal/Regional Director and referrals of complaints not resolved at school level | 8 |
| Resolution meeting..... | 9 |
| Final Panel Stage | 9 |
| Constitution of the panel | 9 |
| Proceedings of the panel..... | 9 |
| Remit of the panel..... | 10 |
| Dealing with vexatious, persistent or unreasonable complaints | 10 |
| Reporting and Recording Complaints | 11 |
| Legal Context | 12 |
| Appendix 1 – Ark Schools Complaint Form | 13 |

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 concern 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 ensure that you 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 does the Governance Team become involved. So that the school can address your complaint 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.

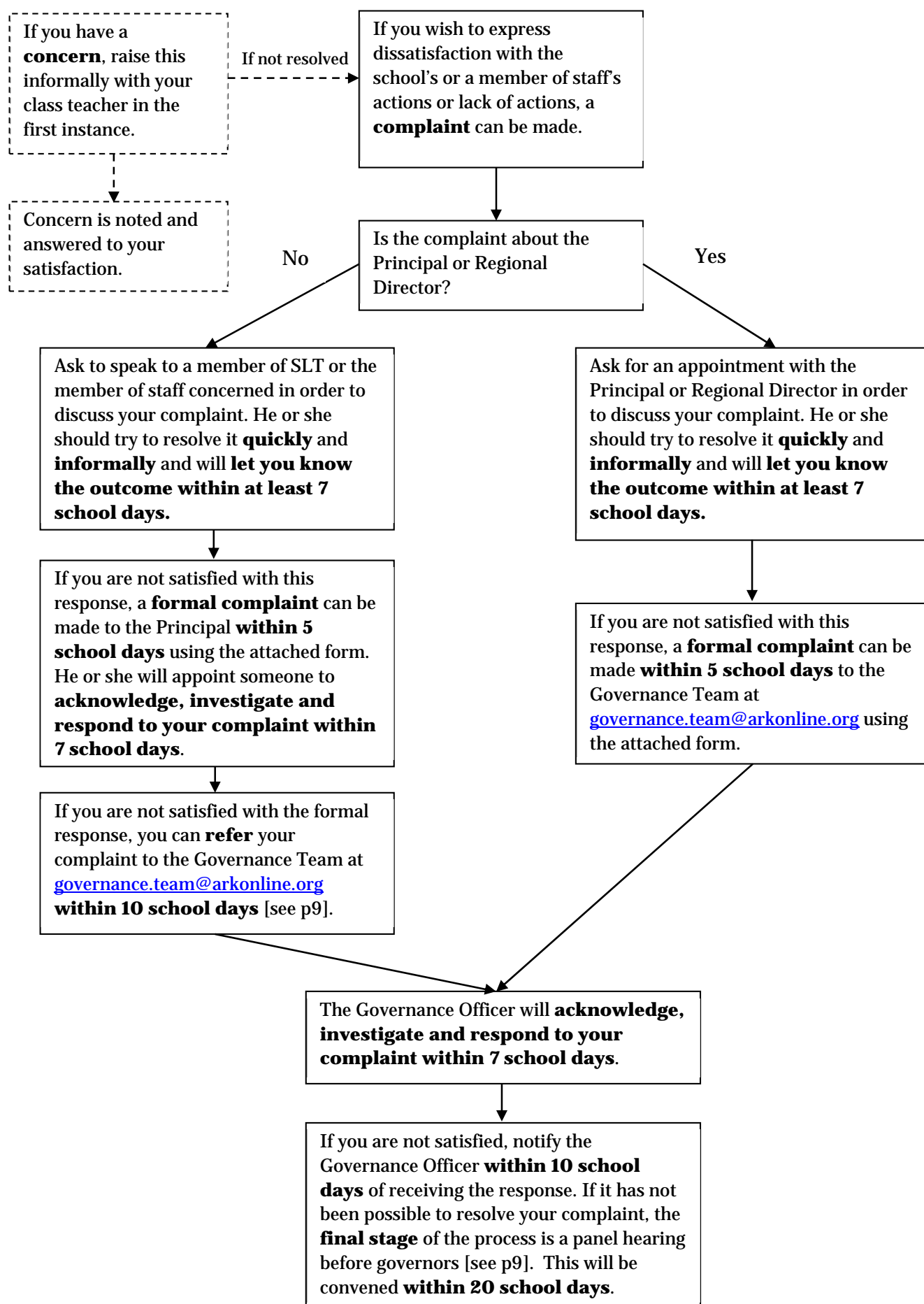
Again, as a general rule, your first port of call should always be your class teacher, then a member of the Senior Leadership Team at your school. They know the most about your child and your school and are best placed to answer your questions. The Ark Schools Governance Team should only become involved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

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

Regards

Ark Schools Governance Team
governance.team@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 complaint as quickly as possible, but all concerned 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.

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.

| Complaints <u>not</u> about the Principal or Regional Director | |
|---|--|
| Stage | Deadline |
| Parent raises a complaint | 10 school days from the incident |
| Complaint acknowledged | 2 school days from date of initial complaint |
| Investigation and response | 7 school days from date of initial complaint |
| Parent makes formal complaint | 5 school days from receiving a response |
| Formal complaint acknowledged | 2 school days from date of formal complaint |
| Investigation and response | 7 school days from date of formal complaint |
| Parent refers complaint to Governance Team | 10 school days from date of formal response |
| Ark Schools to acknowledge complaint | 2 school days from date of referral |
| Investigation and response | 7 school days from date of referral |
| Request for final panel stage | 10 school days from date of response to referral |
| Panel to convene | 20 school days from date of request |
| Final response | 5 school days from date of panel meeting |

| Complaints about the Principal or Regional Director | |
|--|--|
| Stage | Deadline |
| Parent raises a complaint | 10 school days from the incident |
| Complaint acknowledged | 2 school days from date of initial complaint |
| Investigation and response | 7 school days from date of initial complaint |
| Parent makes formal complaint | 5 school days from receiving a response |
| Formal complaint acknowledged | 2 school days from date of formal complaint |
| Investigation and response | 7 school days from date of formal complaint |
| Request for final panel stage | 10 school days from date of response to referral |
| Panel to convene | 20 school days from date of request |
| Final response | 5 school days from date of panel meeting |

Exceptions to Complaints Procedure

This Complaints Procedure covers all complaints about any provision of facilities or services at the school. However, the exceptions listed below are not covered because separate procedures exist.

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.

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

If your complaint 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.

If there is any doubt about whether an issue should be dealt with as a complaint or through another formal procedure, guidance can be sought from the Ark Governance Officer at governance.team@arkonline.org.

Principles

This procedure exists to provide parents/carers with a formal structure to complain 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 make a Complaint?

Parents or carers of pupils currently registered at the Ark school to which the complaint pertains.

Where a child wishes to make a 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 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

It is important that staff understand how different forms of feedback are considered.

All complaints can 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 complaint if the initial response from the School is perceived as unreasonable or dismissive. A complaint is defined as *'an expression of dissatisfaction however made, about actions (or lack of actions) taken'*. A complaint includes an element of blame against the school.

The school recognises that it is in everyone's interests that all 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 complaints

The procedure aims to ensure all complaints from parents/carers are dealt with in a time-sensitive manner and where possible, dealt with 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 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 complaint.
- To reach a satisfactory conclusion, which should be communicated through a written response and/or meeting with the complainant.
- To report on complaints to line managers or the Principal as appropriate and to ensure that formal complaints are reported to governors.

At each stage of the 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 complaint.

Procedure for Informal Complaints

In the first instance, it is essential each complaint is directed at a level appropriate with the nature of the complaint. Therefore, if for example a class teacher, Head of Department or Head of Year cannot resolve a complaint, it should be passed eventually to the Principal/Regional Director.

The school recognises most concerns and complaints can be resolved at an initial informal stage. In this instance a parent/carer can speak to a member of staff or the Principal.

At this stage, the Principal or staff member must seek clarification on the complaint, 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.

The final resolution to the complainant can be provided orally or through a written response.

Formal complaint not about the Principal or Regional Director

If all attempts to resolve the issue remain unsuccessful, the complainant may then follow the formal process by placing their complaint in writing to the Principal. This written document should include:

1. The complaint
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 complaint will be investigated by a staff member nominated by the Principal. This staff member (not the subject of the complaint) will be required to acknowledge and investigate the complaint within 7 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the Principal to be of a complex nature. An accurate log must be maintained at this stage.

The resulting investigatory report will be presented to the Principal for final determination and subsequently the complainant being formally responded to in writing.

If the parent/carer is still not satisfied, they can refer the complaint to the Ark Schools Governance Team.

Formal complaints made about a Principal/Regional Director and referrals of complaints not resolved at school level

If the formal complaint has not been resolved at school level, it may be referred to Ark Schools at the email or postal addresses below within ten school days of receiving the formal response.

Ark recognises that in exceptional circumstances parents or carers might wish to complain formally about a Principal or Regional Director. This complaint must be made using the attached form to the Governance Officer at Ark Schools at governance.team@arkonline.org or to Governance Officer, Ark Schools, 65 Kingsway, London, WC2B 6TD.

The Governance Officer will acknowledge the complaint or referral within two school days of receipt and will seek to investigate and respond to the complaint within seven school days.

The person in charge of co-ordinating the complaints procedure at the school is the Principal/Regional Director. Once the complaint has escalated to Ark Governance, the Head of Governance/Governance Officer will lead on the whole complaint.

Parents/carers should be aware that Principals/Regional Director may refer complaints received to the Head of Governance as they consider the matter is one of such a nature that it should be investigated independently of the school. The Governance Officer will follow the same principles and aims as set out in this policy.

Resolution meeting

Once the Governance Officer has been made aware of the complaint at this stage, an intervention meeting may be arranged between all parties. This is intended to ensure a timely and appropriate redress as quickly as possible.

The meeting will likely comprise the parent/carer, the Principal/Regional Director and possibly the relevant Ark Schools leads (e.g. Safeguarding, Governance Officer). All meeting proceedings must also be recorded in the form of meeting notes, to be circulated to relevant parties.

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 response to the referral to the Governance Officer, who 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. This is made up of Local Governing Body governors, Ark Schools staff and external members.

Constitution of the panel

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

- The panel will consist of at least 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

All parties will attend the meeting in the same room. The meeting includes the parent/carer, 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 parent/carer 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 parent/carer 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 parent/carer, the Principal/Regional Director and staff/witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).

The Chair of the panel will explain to the parent/carer 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.

The meeting will be minuted and the complainant will be informed as soon as possible (within 5 school/working days) in writing, of the panel decision.

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 Officer will be the contact point for the 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:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- 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 complaints

The school is committed to dealing with all 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 or persistent complaints, if the complainant remains dissatisfied after all stages have been properly followed, the Ark Governance 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 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 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 complaints.

Once the complaint goes beyond the initial stage of contact with one member of staff, a timeline must be produced and maintained by the relevant line manager/member of Senior Leadership Team, to provide an accurate track of the complaint and any related communication.

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 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 Complaint Form

| | |
|--|--|
| Name | |
| Date | |
| Address | |
| Pupil Name/Year (if applicable) | |
| Relationship to pupil (if applicable) | |
| Pupil's address (if different from above) | |
| Contact number(s) (if you have a preferred time within the school day, please state it) | |
| Email | |
| Details of Complaint | |
| | |
| What action have you already taken to try and resolve the complaint? | |
| | |
| What actions do you feel might resolve this complaint? (e.g. an explanation, an apology, etc.) | |
| | |