



# Complaints Policy

## PURPOSE

This policy outlines the process and timelines to make a complaint about Ark Schools as a Trust or any individual Ark school. This policy applies to any person who wishes to make a complaint, including members of the public.

Date of last review:	May 2021	Author:	Governance Team
Date of next review:	September 2022	Owner:	Director of Governance
Type of policy:	<input checked="" type="checkbox"/> Network-wide <input type="checkbox"/> Tailored by school	Approval:	Management Team
School:	N/A	Key Contact Name:	Governance Team
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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	

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## 1. Introduction

Ark Schools is committed to providing the very best education and school experience to pupils across all our schools. We welcome any feedback as an important part of continuous improvement and accept that this will not always be positive.

When concerns are raised, they will be dealt with promptly through a fair, transparent process and without prejudice.

The following policy explains how to raise a concern or make a complaint and what process Ark Schools staff will follow to resolve the matter as quickly as possible.

## 2. Related processes

In some specific situations an alternative policy will need to be followed to deal with the concern appropriately. This is usually because a statutory process must be followed to meet our legal duty. The following list details some specific situations where this applies:

Subject of concern	Appropriate Policy	Available from
Pupil admissions	Individual school's Admissions Policy	School's website
Pupil exclusion	Individual school's Behaviour Policy and Ark Schools Exclusions Policy	School's website
Staff grievance, capability or disciplinary	Ark Schools has network-wide policies for grievance, capability and disciplinary	Internal policies ( <i>available for staff on the Ark Library</i> )
Anonymous complaints	Ark Schools Whistleblowing Policy	<a href="mailto:Governance.team@arkonline.org">Governance.team@arkonline.org</a>
Subject Access (Data Protection) and Freedom of Information requests	Ark Schools Data Protection & Freedom of Information Policy	<a href="mailto:dataprotection@arkonline.org">dataprotection@arkonline.org</a>
Safeguarding and Child Protection	Individual School's Safeguarding and Child Protection Policy	School's website

### Please note:

- Where a complaint concerns a third party used by Ark Schools or by an individual Ark school **please contact the third party directly.**
- Where a complaint concerns a pupil's statutory assessment of Special Educational Needs **please contact the Local Authority directly.**

## 3. Safeguarding

Wherever a complaint indicates that a child's safety or wellbeing is at imminent risk, Ark Schools has a duty to report this immediately to the relevant Local Authority. Any action taken will follow the Safeguarding and Child Protection Policy, available from the school's website.

#### **4. Raising concerns**

Most concerns can be dealt with outside of the formal complaints process and should be raised by phone, email or in person with a relevant member of staff. The best person to speak to initially will be the member of staff who will have the best understanding of the situation and can best answer your queries, for example:

- A concern regarding homework allocation for a particular subject could be raised with the subject teacher.
- A parent's concern about their child's friendship with another child in their class could be raised with the class or form teacher.
- A concern about a member of staff could be raised with the Head of Department or Principal.

Wherever possible, informal concerns will be responded to quickly and resolved amicably. Ideally, your concern will be addressed within 24hrs or a meeting may be arranged with you to discuss the issue. However, where a matter is regarding classroom-based staff please be mindful of their availability and reasonable in your expectation of response times, particularly to concerns received by email.

#### **5. Complaints that result in staff capability and disciplinary**

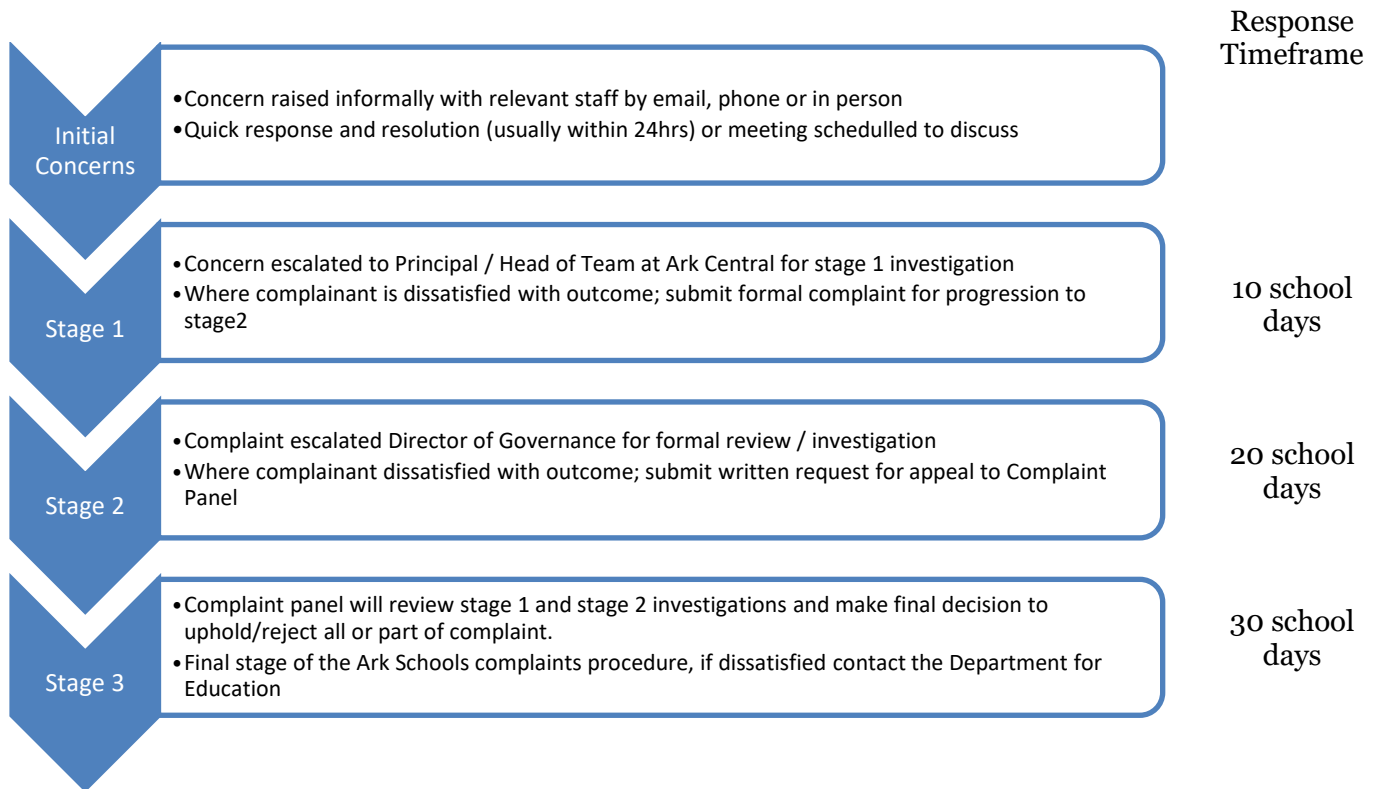
If, at any stage, it is necessary to undertake staff disciplinary or capability proceedings as the result of a complaint, the details of this action will remain confidential to the individual's line manager and any relevant member(s) of the Ark Central team directly involved in the proceedings. The complainant will be notified that the matter is being addressed but are not entitled to be informed of or participate in proceedings or receive any detail about them.

#### **6. Procedure and Timeframes**

Wherever possible, please raise initial concerns with the relevant member of staff as detailed in section 4 of this policy. If you are not satisfied with the response and believe the issue has not been resolved, please follow the procedure below.

For the majority of complaints, Ark Schools staff will follow the timescales in this policy. However, in complex cases more time may be needed to conduct a full and fair investigation or convene a panel of governors/trustees. In this instance, extended timescales will be confirmed at the earliest possible opportunity.

Ark Schools reserves the right not to investigate complaints that have been made more than three months after the subject of the complaint took place unless in exceptional circumstances; for example: where new evidence has come to light; if the complaint is about an especially serious matter or where there is reasonable justification for why the complainant couldn't raise the matter sooner. The Principal (or Head of Team for complaints about Ark Schools as a Trust) will make the decision on whether or not to invoke the complaints procedure in this instance and inform the Regional Director/Director of Governance of the decision.



## 7. Complaints about the Principal or Governors

Where a complaint regards a Principal this should first be raised directly with the Principal to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should submit a complaint to [governance.team@arkonline.org](mailto:governance.team@arkonline.org). The Director of Governance will then appoint a senior member of staff to begin the complaints process at stage 1.

Where a complaint regards a Governor, a complaint should be submitted to [governance.team@arkonline.org](mailto:governance.team@arkonline.org). The Director of Governance will then begin the complaints process at stage 1.

## 8. Complaints about the Regional Director or Senior Management Team

Where a complaint regards a Regional Director (RD) this should first be raised directly with the RD to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Director of Governance (see section 13 for contact details) who will then begin the complaints process at stage 1.

Where a complaint regards a member of the Senior Management Team at Ark Schools' central office the same process applies but with the CEO responsible for the investigation.

## 9. Complaints about the Chief Executive Officer or the Trustees

Where a complaint regards the CEO this should first be raised directly with the CEO to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Director of Governance. The complaints process will then begin at stage 1 with the Chair of Trustees as the individual responsible for the investigation.

Where a complaint regards a Trustee this should be raised with the Director of Governance. Informal resolution will be sought but where this fails the complaints process will begin at stage 1 with a Trustee (who is unrelated to the complaint) responsible for the investigation.

## 10. Stages of a complaint

Complaints will usually be handled in the order and procedure outlined below, from Stage 1 to Stage 3 consecutively. However, in exceptional circumstances and at the discretion of the Director of Governance the process may begin at Stage 2. The first point of contact for making a complaint is the **school's main email address** (available on the school's website) or the Governance Team ([governance.team@arkonline.org](mailto:governance.team@arkonline.org)) who can forward your complaint onto the relevant party.

At each stage of the process, the complainant should clarify what their complaint is regarding and what outcomes would resolve the matter for them. Complainants are not able to change the subject of their complaint or add new, unrelated concerns throughout the process. New concerns should be raised as a separate complaint.

### Stage 1

If an initial concern has been raised and the complainant feels the issue has not been addressed or if the school/department recommends the initial concern warrants more detailed investigation, a stage 1 investigation will be conducted following the below process:

- i. Complainant contacts the **main school email address** (available on the school's website) or [governance.team@arkschools.org](mailto:governance.team@arkschools.org) to request their concern is investigated.

The complainant should explain in writing:

- A summary of the complaint
  - Who has been involved (*use job titles if names are not known*)
  - Anything that has already been done to resolve the matter and why this is not satisfactory
  - What is needed to resolve the complaint (*e.g. an explanation / apology / further action*)
- ii. Within two school<sup>1</sup> days a response will be given to acknowledge receipt of the complaint, confirm who the complaint has been forwarded to for investigation and the timescales for a response.
  - iii. The Principal (or Head of Team for complaints about Ark Schools) may conduct the stage 1 investigation themselves or instruct an appropriate member of their team to conduct the investigation.
  - iv. The outcome(s) of the investigation will be provided to the complainant in writing within ten school days of confirming an investigation will be undertaken.
  - v. If the complainant is not satisfied with the outcome they may request the complaint is escalated to stage 2 by submitting a formal complaint to [governance.team@arkonline.org](mailto:governance.team@arkonline.org). Where possible, **please use the Formal Complaint Form (available at appendix A)** to submit a formal complaint although any complaint marked as 'formal' and submitted in writing will be accepted.
  - vi. Written records of the complaint and stage 1 investigation will be held at the school for twelve months, in line with the principles of the Data Protection Act 2018.

### Stage 2 (Formal Complaint)

If the complainant is not satisfied with the outcome at stage 1, they may submit a formal complaint to [governance.team@arkonline.org](mailto:governance.team@arkonline.org) outlining what they are not satisfied with and what outcomes they are seeking to resolve the matter.

- vii. Within two school days a response will be given to acknowledge receipt of the formal complaint, confirm who the complaint has been forwarded to and the timescales for a response.

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<sup>1</sup> A school day does not include weekends, bank holidays or periods of time when the school is closed for school holidays.

- viii. The Director of Governance may conduct the stage 2 formal investigation themselves or appoint an appropriate person to review the complaint (the Reviewer), The Reviewer may conduct the investigation themselves or instruct another person to assist them (the investigator)
- ix. The Reviewer/investigator will consider any evidence they deem relevant to the complaint; this may include but is not limited to:
  - The formal complaint from the complainant
  - Written records from Stage 1
  - Previous correspondence regarding the complaint
  - A statement from the complainant
  - A statement from any individual who is the subject of the complaint
  - Any supporting evidence from either party
  - Interview with anyone relevant to the complaint
- x. The Reviewer/ investigator may decide to meet with the complainant, or anyone who is the subject of the complaint, if they feel it would be appropriate for the investigation; however, there is no expectation that an investigation will always include this.
- xi. The Reviewer will consider the findings and evidence from the formal investigation and confirm the outcome in writing within twenty school days of confirming a formal investigation will be undertaken.

The Reviewer can:

- Uphold the complaint and direct relevant action to resolve it
  - Reject the complaint, stating the rationale for this decision, and provide the complainant with details of the stage 3 appeals process
  - Uphold the complaint in part (i.e. uphold part of the complaint but not all of it) and direct relevant action to resolve the specific aspect of the complaint which has been upheld.
- xii. If the complainant is not satisfied with the outcome of the stage 2 formal investigation, they may appeal to a Complaint Panel (stage 3). This request should be made in writing to [governance.team@arkonline.org](mailto:governance.team@arkonline.org).

### **Stage 3 –Complaint Panel (final stage)**

If the complainant is not satisfied with the decision made at stage 2: formal investigation, or unhappy with the investigation process, they may request an appeal to a Complaint Panel.

Where the complaint is regarding an individual Ark school the Complaint Panel will be made up of two Governors from the school's Local Governing Body (LGB) and one person who is independent of the management and running of the school.

Where the complaint is regarding Ark Schools as a Trust, the Complaint Panel will be made up of two Ark Schools Trustees and one person independent of the Trust.

The complainant must request an appeal panel in writing within 10 school days of receiving the decision after the stage 2 formal investigation or it will not be considered, except in exceptional circumstances. The request should outline what the complainant is dissatisfied with from the stage 2 response and what outcomes would resolve the matter for them. Any aspect of the complaint which was upheld at stage 2 may not be escalated to stage 3.

Requests should be sent to [governance.team@arkonline.org](mailto:governance.team@arkonline.org); on receipt of this request, the following process will be followed:

- xiii. The Complaint Panel clerk will write to the complainant within five school days to confirm receipt of the request and provide details of further action to be taken.
- xiv. The clerk will convene a panel of two governors/trustees and one independent person. All three panel members will have had no prior involvement in the matter.

- xv. The appeal meeting will take place within thirty school days from the date the clerk acknowledged the complainant's request for an appeal panel.
- xvi. All supporting evidence and paperwork will be circulated to panel members and attendees five school days prior to the meeting. No late papers or written evidence will be considered unless in exceptional circumstances.
- xvii. In addition to the three panel members the following parties will be invited to attend the meeting:
  - The complainant
  - The person responsible for the stage 2 formal review
  - Where the complaint regards a member of staff; the staff member who is the subject of the complaint

The complainant is able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is about a member of staff, that member of staff may also bring a companion with them.

The companion will be a friend or colleague. Neither party may bring legal representation with them.

- xviii. If the attendance of any pupil is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken when a panel hearing involves the attendance of children and, where possible, alternative methods of providing the child's evidence/input will be used.
- xix. The panel can make the following decisions:
  - 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 Trust or school's systems or procedures to ensure that problems of a similar nature do not recur.
- xx. All parties who attend the meeting will be informed in writing of the outcome of the appeal within five school days of the hearing date. A copy of the panel's findings and recommendations will be provided to the complainant and, where relevant, the person complained about.

Stage 3: Complaint Panel is the final stage of Ark Schools' complaints process. The Trust or school will not consider the complaint beyond this point. If the complainant remains dissatisfied and wishes to take the complaint further, they should contact the Department for Education (see section 13 for details).

## **11. Reporting and Recording Complaints**

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

Where a complaint progresses to stage 3 (Governor Panel), the findings and recommendations made by the panel will be sent in writing to all parties and made available for inspection on the school premises by a representative of Ark Schools and the Principal.

All correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **12. Serial, Unreasonable and Duplicate Complaints**

### **i. Serial Complaints**



Where a complainant raises an issue that has already been dealt with via the complaints process in this policy, and the procedure has been completed, the issue will not be reinvestigated unless in exceptional circumstances, such as where new and relevant evidence has been provided.

If a complainant persists in raising the same, or substantially similar, issue the Director of Governance will confirm in writing that their complaint has been dealt with fully in line with this policy and the case is now closed. They will also provide details of how to raise the issue with the Department for Education if they wish to take the matter further.

## **ii. Unreasonable Complaints**

The Principal/Head of Team will use their discretion to choose not to investigate complaints which are deemed to be unreasonable or persistent. Where this decision has been made, they must inform the Regional Director (RD)/Director of Governance (DoG) of this decision, explaining the nature of the complaint and their reasons for choosing not to investigate. If the RD/DoG deems it appropriate they may redirect the Principal/Head of Team to investigate the complaint. The complaints procedure will then commence.

Unreasonable complaints include, but are not limited to, the following scenarios:

- the complainant refuses to cooperate with the school's relevant procedures
- the complainant changes the basis of their complaint as the investigation progresses
- the complainant seeks an unrealistic outcome
- the previous stage upheld the complaint or in the reasonable opinion of the RD/DoG provided recommendations that would address all the issues raised
- excessive demands are being made of the time of staff and governors which are clearly intended to aggravate and/or cause disruption
- the complainant acts in a way that is offensive, abusive or discriminatory

If the RD/DoG upholds the decision not to investigate an unreasonable complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made this decision, then the complainant may write to the Department for Education (see section 13 for contact details).

## **iii. 'Frivolous' and 'Vexatious' Complaints**

In cases where the school or Trust have taken every reasonable step to address a complainants' concerns and given a clear statement of the position and/or options the decision may be taken that no further response will be made to the complainant. The Principal will make a recommendation to the DoG providing full reasonings. The DoG will either confirm the Principal's recommendation and inform the complainant or direct that the complaint be addressed using the process set out above.

The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

## **iv. Duplicate Complaints**

When a complaint has been through the full complaints process and is closed, any subsequent complaint received from a spouse, partner, grandparent or child (where the child is a subject in the complaint) about the **same** subject matter will be deemed a duplicate complaint.

In this instance, the complainant will be informed that the matter has already been

considered and the full complaint process completed. Ark Schools will therefore not re-investigate the matter. The complainant will be advised to contact the Department for Education if they are unhappy with Ark Schools' handling of the original complaint.

Before deciding that a complaint will be treated as 'duplicate', Ark Schools will take care to ensure there are no new aspects to the complaint that have not previously been considered. Any new aspect identified will be investigated through the full complaint process as a new complaint.

### 13. Contact Details

- i. Initial concerns and stage 1 complaints should be submitted to the **school's main email address** (available on the school's website). Stage 1 complaints can also be submitted to the Governance Team ([governance.team@arkonline.org](mailto:governance.team@arkonline.org)) who will forward your concern to the relevant person.
- ii. Queries about the complaints process and stage 2/formal complaints should be sent to [governance.team@arkonline.org](mailto:governance.team@arkonline.org).
- iii. Complaints about Governors, Directors and Trustees should be sent to [governance.team@arkonline.org](mailto:governance.team@arkonline.org), addressed to the Director of Governance.
- iv. If the complainant feels that Ark Schools has acted unreasonably in the handling of a complaint, they can complain to the Department for Education **after** the complaints process has been fully completed. Please note that 'unreasonable' is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.  
[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)  
Tel:0370 000 2288

Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

### 14. Relevant Legislation and Guidance

[The Equality Act 2010](#)

[The Data Protection Act 2018](#)

[Education Act 2011](#)

[The Education \(Independent School Standards\) Regulations 2014](#)

The Department for Education: [Best Practice Guidance for school complaints procedures 2019](#)

## Ark Schools Formal Complaints Form

This form should be used to raise a formal complaint only *after* a matter has been raised with the school at stage 1 of the complaints process and you are not satisfied with the response. Please refer to the Ark Schools Complaints Policy (available on the school’s website) when completing this form.

**Formal complaints should be submitted to [governance.team@arkonline.org](mailto:governance.team@arkonline.org).**

School Name ( <i>where applicable</i> )	
Name	
Name of pupil, year group and your relationship to them ( <i>where applicable</i> )	
Contact email address	
Contact telephone	
Contact address	
Details of the complaint	
What action has been taken so far, which staff member has dealt with the matter and what solution has been offered ( <i>where relevant</i> )?	
The reason this was not satisfactory for you	
What action would you like to be taken to resolve the matter?	

Signed.....

Date.....