



COMPLAINTS POLICY

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Policy Reviewer	Director – Kane Wilson

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We welcome feedback on what parents feel we do well, or not so well. We will carefully consider all feedback, whether positive or negative, and will review our practices and policies accordingly.

We will treat all concerns and complaints seriously and courteously and will advise parents of the procedures for dealing with their concerns. In return, we expect parents to behave respectfully towards all members of our community. In particular, any disagreement with The Ark should not be expressed inappropriately including via social media or in front of pupils.

All staff and members of the governing board will receive a copy of this policy and will be familiar with the procedures for dealing with parental concerns and complaints. The policy is on The Ark's website and available to parents on request.

WHO CAN MAKE A COMPLAINT?

This complaints procedure is not limited to parents or carers of children that are registered at The Ark. Any person, including members of the public, may make a complaint to The Ark 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 Ark 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, **Helen McGloughlin** will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, **Helen McGloughlin** will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Ark 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 of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with the Lead Coordinator – Helen McGloughlin. If the issue remains unresolved, the next step is to make a formal complaint.

Complaints against staff (except Lead Coordinator) should be made in the first instance, to Helen McGloughlin. Please mark them as Private and Confidential.

Complaints that involve, or are about, the Lead Coordinator should be addressed to the host school headteacher, via the host 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 Ark. You can also ask third party organisations like the Citizens Advice to help you.

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

ANONYMOUS COMPLAINTS

We will not normally investigate anonymous complaints. However, the directors, 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 The Ark other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
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 lado@leeds.gov.uk or contact Duty and Advice - Report a child protection concern
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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about The Ark should complain through The Arks 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 Arks internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under The Ark'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.

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

If a complainant commences legal action against The Ark 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, The Ark wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

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

WITHDRAWAL OF A COMPLAINT

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

COMPLAINT PROCEDURE

STAGE 1

Formal complaints must be made to the Lead Coordinator (unless they are about the Lead Coordinator). This may be done in person, in writing (preferably on the complaint form), or by telephone.

The Lead Coordinator will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **three** working days.

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

Note: The Lead Coordinator may delegate the investigation to another member of the team but not the decision to be taken.

During the investigation, the Lead Coordinator (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 Lead Coordinator will provide a formal written response within **fifteen** working days of the date of receipt of the complaint.

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

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

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

If the complaint is about the Lead Coordinator, or one of the directors, the host school will be appointed to complete all the actions at Stage 1.

Complaints about the Lead Coordinator or Directors must be made to the host school office.

STAGE 2

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

A request to escalate to Stage 2 must be made to the host school office, within **ten** school days of receipt of the Stage 1 response.

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

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

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

If the complainant rejects the offer of three proposed dates, without good reason, the host school will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from the host school available, the host school will source any additional, independent governors through another local school or through their LA's Governor Support Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

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

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

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 **ten** school days before the meeting, the host school 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 **five** school days before the meeting.

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

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

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

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

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

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

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

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

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

If the complaint is:

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

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions **The Ark** 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 Ark did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

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

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester

M1 2WD.

MANAGING SERIAL AND UNREASONABLE COMPLAINTS

The Ark is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our provision. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Ark defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the setting, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where The Ark's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with The Ark that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Directors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Lead Coordinator will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Ark causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from The Ark.

MANAGING COMPLAINT CAMPAIGNS

Occasionally we may become the focus of a campaign and receive large volumes of complaints all based on the same subject and/ or from complainants unconnected with The Ark.

If this happens we will:

- send a template response to all complainants, or
- publish a single response on The Ark's website.

COMPLAINT FORM

Please complete and return to Helen McGloughlin by email at info@thearksmallholding.co.uk who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:

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:

ROLES AND RESPONSIBILITIES

COMPLAINANT

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

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

INVESTIGATOR

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

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

The investigator should:

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

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

COMPLAINTS CO-ORDINATOR

The Complaints co-ordinator is the contact point for the complainant and the committee and should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher of host schools, Chair of Directors, and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within the agreed timescale
- notify all parties of the committee's decision
- circulate the minutes of the meeting if requested.