



# Complaints Policy

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Our school aims to be an inclusive school providing high quality teaching and learning, where everyone's contribution to school life is valued. We provide children with the opportunity to learn in a stimulating, caring, supportive and respectful environment where staff are committed to our aims. Your comments, either positive or developmental, are helpful for our future planning. As a school we are committed to continuous improvement and you are an important part of this. We recognise that there are occasions where you may need to discuss issues with us and this policy sets out the procedure for doing so.

Should you wish to register a complaint, the different stages of the process are detailed below.

Should you have any queries on the process please contact the Headteacher or School office.

The process should be followed sequentially. Occasionally it might be necessary to circumvent a stage or stages due to either the complexities of the case or the subject of the complaint. You will be kept fully informed as to what stage your complaint is being managed at.

For all complaints, a written record will be kept for each case, including the outcome and whether the complaint was resolved following an informal / formal procedure or progressed to a panel hearing. Any resulting actions taken as a result of the complaint will also be documented by the school and available to the Headteacher and the Governors and stored electronically with hardcopies available on site at the school.

In this document 'we' is the school and 'you' refers to the person making the complaint.

The Governors are those that support schools in a wider context and form the 'employer'.

## **Expectations:**

### **As a school we will:**

- Look into your complaint thoroughly and fairly.
- Deal with your complaint with honesty, integrity, and in a professional manner.
- Keep you up to date with the progress and outcome of your complaint.
- Adhere to stated timeframes for response or communicate with you where the complaint investigation will require a longer period of time to manage expectations and ensure clear and timely communication.
- Where appropriate tell you what we are going to do to put things right in terms of actions to be taken or lessons learnt for the future.
- Give you a full and clear written reply providing you with intended next steps and an indication of time scales.
- Respect the confidentiality of all individuals involved.

### **You should:**

- Inform the school of the complaint at the earliest possibility. 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.
- Follow this complaints procedure using the form provided in Appendix 1 of this document.
- Talk to staff or other adults in a calm and polite way.

### **General Principles**

- Where possible we hope that we can make an informal resolution to any complaint.
- All stages of the complaints procedure will be based on thorough investigation not assumptions.
- The responsibility for dealing with initial general complaints lies solely with us the school. The local authority / DFE will redirect complaints back to us unless all steps in this complaints procedure have already been undertaken or the nature, severity, or complexity of the complaint requires escalation to a later stage of the process – you will be informed as to what stage the complaint is being managed in line with.
- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues, where we would either involve appropriate external agencies or else conduct our own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- It is unhelpful if a complaint is shared with the wider school community. Therefore, we will make it clear to any person who raises a concern that we will treat the matter with a high degree of confidentiality and ask you to do likewise. This enables the focus to be purely on the complaint you have raised.
- Where letters are sent the time taken for delivery is not included within stated timeframes for response.
- It might be decided that any new items will be treated as a separate complaint rather than an addition to an existing complaint – we encourage complainants to raise all concerns at the initial submission of a complaint whether informal or formal.
- Complaints can only escalate to the next stage if the complainant believes the complaint has not been handled appropriately rather than disagree with the outcome(s).

## **Withdrawal of a complaint**

If you wish to withdraw your complaint, you should do so in writing.

## Scope of the complaints procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Birmingham City Council</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). More information can be found at <a href="https://www.lscpbirmingham.org.uk/index.php">https://www.lscpbirmingham.org.uk/index.php</a>.</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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</p>
	<p>matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

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 King David School 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.

### **Stage One - Complaint heard by staff member (informal stage)**

You should, wherever possible, arrange to visit us and discuss the concern directly with the member of staff concerned e.g. class teacher in the first instance.

It is in everyone's interest that complaints are resolved at the earliest possible opportunity. Complaints concerning the school curriculum and other related matters are usually settled quickly and informally by visiting us, where the staff member will discuss and consider the matter of concern to you.

Should further information be required the outcome at this stage may be to mutually agree a timeframe and a follow-up in person meeting to resolve the matter.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at potential later stages of the procedure.

At the conclusion of this informal stage, the appropriate person will provide an informal written response within 10 school days of the date of receipt of the informal complaint.

If the issue remains unresolved, the next step is for you to make a formal complaint.

## **Stage Two – Formal complaint: Complaint heard by member of the Senior Leadership Team**

At this stage you should arrange to speak with a member of the Senior Leadership Team to discuss concerns in person with a view to resolution.

Should further information be required the outcome at this stage may be to mutually agree a timeframe and a follow-up in person meeting to resolve the matter.

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person or in writing by completing Appendix 1 of this document stating why you have escalated the complaint to the formal stage and the outcome(s) you would like to see.

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

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

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Review relevant documentation
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

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

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

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

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or member of the governing body must be made to the school office.

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 escalated to the Clerk to the Governors at Birmingham City council.

### **Stage 3 – Formal complaint submitted to Headteacher**

A complaint should not be escalated based on the outcome you receive but if you feel your complaint has not been handled correctly. You can raise this at the next stage with the Headteacher by completing the complaint form (Appendix 1) and submitting this to the Headteacher. We recognise providing a complaint in writing may not always be possible. Under these circumstances a complaint may be made in person or by telephone. We will document your complaint and provide you a copy in acknowledgement. Under some circumstances we will, with your prior permission, use a recording device to ensure that you are able to access and review the discussions at a later point. If the nature of your complaint is with regard to the Headteacher this stage of the complaint will be heard by an appropriate member of the governing body.

When a formal complaint is received the matter is fully investigated by the Headteacher. We will inform you how long we expect our investigation to take and arrange a time to contact you again – we will provide an initial update or outcome normally within 10 working days as determined by the school calendar. Where the matter is not resolved within the 10 days an appropriate timeframe will be agreed.

A record of the complaint will be logged and reported to governors.

The aim at this stage is to conclude the complaint. If you wish to appeal the outcome, please refer to the guidance for Stage Four. Complaints should only be escalated to the next stage if you believe the complaint has not been handled appropriately rather than you disagree with the outcome(s).

#### **Contact Details for Headteacher:**

Should you need to escalate a complaint to the Headteacher please contact:

Nina Capek via email [nina.capek@kingdavid.bham.sch.uk](mailto:nina.capek@kingdavid.bham.sch.uk)

#### **Contact details for the governing body:**

Should you need to escalate a complaint at this stage to the governing body please contact:

Dr Barry Henley [barry.henley@kingdavid.bham.sch.uk](mailto:barry.henley@kingdavid.bham.sch.uk)

### **Stage 4 - Complaint heard by the Local Governing Body Appeal Panel**

At this stage you should contact the governing body to state the reason(s) why you are not satisfied with the process of the complaint. A reminder that complaints should only be escalated to the next stage if the complainant believes the complaint has not been handled appropriately rather than disagreement with the outcome(s).

If your complaint relates to the governing body, you should contact Birmingham City Council who will handle this stage of the complaint.

You should include detail as to why you disagree with the way it's been handled, details of this and the resolution you would like to see achieved.

#### **Contact details for the governing body:**

Should you need to escalate a complaint at this stage to the governing body please contact:

Dr Barry Henley [barry.henley@kingdavid.bham.sch.uk](mailto:barry.henley@kingdavid.bham.sch.uk)

The complaints panel will consist of at least two people who were not directly involved in the matters detailed in the complaint. One member of the panel will also be independent of the management and running of the school (this may include a representative from the governing body of another school).

When a complaint has reached this stage, a panel will convene within 15 working days as determined by the school calendar. You will be invited to submit further representations to the panel, both written and orally. You will also be invited to attend the meeting (if you wish to) and to be accompanied if you wish to include an extra person in the meeting. Following the meeting you will receive a written outcome usually within ten working days. Copies will be sent to the governors and Headteacher.

You may bring someone along to the panel meeting 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. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend.*

Any written material will be circulated to all parties at least 2 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 panel 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 panel will consider the complaint and all the evidence presented. The panel 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 panel will:

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

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

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 school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

If the complaint is:

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

Stage 4 will be heard by an independent panel.

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.

### **Policy for Unreasonable Complainants**

1. We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to you. We will not normally limit the contact you have with the school. 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.
2. We define unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'. The complaint itself may also be deemed unreasonable if unsubstantiated and in such cases will not be accepted as a complaint. Or if the volume of complaints is deemed to be unreasonable.
3. A complaint may be regarded as unreasonable when the person making the complaint:
  - 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 while still wishing their complaint to be resolved;
  - refuses to accept that certain issues are not within the scope of a complaints procedure;

- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- is deemed to be acting unreasonably to the point of harassment of an individual or individuals;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- complaints about matters that are being dealt with using our internal behaviour policy

4. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the school while a 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 Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact our school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our school.

In these cases, we will not provide responses beyond the initial complaint and will communicate our expectations, actions and communication plan.

Please also bear in mind that whilst your concerns may be valid and important to you, complaints that fall under this heading, take time away from school improvement and making every day count for the children within our school.

### **Monitoring and Review**

The day-to-day monitoring of this policy is the responsibility of the Headteacher and Leadership Team. This policy will be reviewed on a yearly cycle by the Governing Body.

### **Equality Duty**

In developing this policy, and in its implementation, we have had due regard to the provisions of the Equality Act 2010 and in particular our need to:

- Eliminate discrimination and other conduct that is prohibited by the Equality Act 2010,
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it,
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.
- The protected characteristics are sex, race, disability, religion or belief, sexual orientation, gender reassignment and pregnancy or maternity.

### **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.

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against King David Primary in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Next Steps**

If the complainant believes our school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or

unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 4.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by our school. They will consider whether our school 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](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate 9  
Store Street  
Manchester M1 2WD.

## Appendix 1: School Formal Complaint Form

Once completed please return to: [enquiries@kingdavid.bham.sch.uk](mailto:enquiries@kingdavid.bham.sch.uk)

Your name:	
Relationship with school (e.g. parent of a pupil on the school roll):	
Pupil's name (if relevant to your complaint):	
Telephone number:	
E-mail address:	
Please give concise details of your complaint, (including dates, names of witnesses etc.), to allow the matter to be fully investigated: You may continue on separate paper, or attach additional documents, if you wish.	
Number of additional pages attached =	
What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)	
What actions do you feel might resolve the problem at this stage?	
Signed:	Date:
<b>School use</b> <b>Date form received:</b>  <b>Received by:</b>  <b>Date acknowledgement sent:</b>  <b>Acknowledgment sent by:</b>  <b>Complaint referred to:</b> <b>This document will be provided at each stage of the complaints process and will be stored and disposed of in line with the school guidance on retention. By signing this form, I agree to these conditions.</b>	

**Appendix 2: School Complaint Review Request Form**

If you wish to request a review of the decision made in respect of your complaint, please complete this form and return it to the school.

Your Name	
Your address	
Contact telephone number/mobile number	
Contact email address	
When did you submit your formal complaint?	
Why are you dissatisfied by the decision made in respect of your complaint? <i>You may continue on a separate piece of paper or attach additional documents.</i>	
What actions would you like to be taken to resolve your complaint at this stage?	

Signed:  
Please return this form to: King David School

Date:

**School use**

**Date form received:**

**Received by:**

**Date acknowledgement sent:**

**Acknowledgment sent by:**

**Complaint referred to:**

**This document will be provided at each stage of the complaints process and will be stored and disposed of in line with the school guidance on retention. By signing this form, I agree to these conditions.**