



Complaints Policy and Procedure

September 2026

The Complaints Procedure can only be followed if a pupil is currently on roll at the School

See Appendix A for Summary Timescales

The School prides itself on its excellent communication with parents, quality of the teaching and pastoral care to its pupils. However, if parents do have a complaint, they can expect it to be treated by the School in accordance with this procedure.

Aims:

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

Definitions:

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'
- A **complaint** is defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'

Resolving Complaints:

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints. At each stage in the process Birtley House School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or part. In addition, we may offer one or more of the following:

- An explanation

- An admission the situation could have been handled differently or better

- An assurance that we will try to ensure the event complained about 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 school policies in light of complaint
- An apology

Withdrawal of a Complaint:

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

Please be advised that this procedure can only be followed if a pupil is currently on roll at the School.

Timescales:

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

Stage 1 - Concerns and First Step Complaints (Informal)

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher as appropriate, either in person, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

It is hoped that most concerns will be resolved quickly and informally (usually within 48 hours). The school will acknowledge an informal complaint within **2 school days**, and investigate and provide a response within **5 school days**.

If parents have a concern / complaint they should normally contact their child's Class Teacher. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction.

Class Teachers are usually available every morning or evening.

- Class Teachers
- Assistant Head – Miss Emily Whitehead
- Deputy Head Teacher – Mrs Ellie Austin
- Headteacher – Ms P Rahman
- If the Class Teacher cannot resolve the matter alone it will be necessary to proceed to the next stage of the complaints procedure.

Stage 2 – Second Step Complaints (Formal)

- Formal complaints must be made in writing either via email or letter
- The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.
- Formal Complaints should be made directly to the Headteacher (unless they are about the Headteacher). If the complaint is about the Headteacher the complaint will be referred to the Directors with all the relevant information in order for them to investigate and seek a resolution.
- The Headteacher will make a written record of all concerns and complaints and the date on which they were received.
- The Headteacher will acknowledge receipt of the complaint in writing (either by email or letter) within **2 school days**.
- The Headteacher will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. *In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting- for example, if there is a conflict of interest.*
- 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 keep a written record of any meetings/interviews in relation to their investigation.
- At the conclusion of their investigation, the Headteacher will provide a formal written response within **21 school days (term time)** 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 Birtley House 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.
- In the event that the Headteacher and the parent fail to reach a satisfactory resolution then the parents will be advised to proceed with their complaint in accordance with Stage 3 of this procedure.

Stage 3 - Third Step Complaints - Directors' Advisory Board (DAB)

- If parents seek to invoke Stage 3 following a failure to reach an earlier resolution, they will be referred to the Directors.
- The matter will then be referred to the Directors' Advisory Board.
- The Advisory Board will meet and review all of the submitted evidence, from school and complainant, within **2 weeks (term time)**.
- At the conclusion of their investigation, the DAB will provide a formal written response within **21 school days (term time)** If the DAB 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 Birtley House School will take to resolve the complaint. The DAB will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.

Stage 4 – Fourth Step Complaints - Panel Hearing

- If parents seek to invoke Stage 4 following a failure to reach an earlier resolution, the matter will then be referred to the Complaints Panel (who have been appointed by the Directors) for consideration. The panel will consist of three persons not directly involved in the matters detailed in the complaint, two of whom shall be independent of the management and running of the School. Each of the panel members shall be appointed by the Directors. The Chair, on behalf of the panel, will then acknowledge the complaint and schedule a hearing to take place as soon as is practicable and normally within **21 days (term time only)**.
- If the panel deem it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties **not later than 4 days prior to the hearing**.
- **At the meeting:**
 - The meeting will be held in private
 - Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place
 - The complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
 - The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. Representatives from the media are not permitted to attend.
 - At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.
 - The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.
 - The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.
 - If possible, the panel will resolve the parent's concern immediately without need for further investigation.

The outcome:

The committee can:

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

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The panel will form a decision and make recommendations within **10 school days** of the hearing.

The panel will write or in an email to the parents informing them of the decision and the reasons for it. The decision of the panel will be final. The Panel's findings and, if any, recommendations will be sent in writing to the parents, the Headteacher, the Directors and where relevant the person complained of. The full outcome of the investigation in writing will be kept confidentially. Copies will remain on site for inspection by the Headteacher and Directors.

Stage 5 –Fifth Step Complaints - Final Hearing

In the case that the complainants are not satisfied with the outcome of the panel hearing, the final stage is appeal to the School's outside adjudicator (Ofsted). Ofsted's decision is final. **Pupils must be on roll for a complaint to be made to Ofsted.**

If the complainant believes the 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 3. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Birtley House School. They will consider whether the 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, by telephone on: 0370 000 2288 or by writing to: Department for Education Piccadilly Gate 10 Store Street Manchester M1 2WD.

Appendix A

Stage	Timescales
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Complaints Policy – September 2026

TO BE REVIEWED: September 2027 or as needed,

1	• Verbal / Portal Complaint • Class Teacher's Response – usually 48 hours • Resolution
2	• Parent Written Complaint to Headteacher • Headteacher's Response – within 21 school days • Resolution
3	• Complaint is escalated to the Directors • Directors to refer the complaint to the Directors' Advisory Board • Advisory Board to meet and review evidence within 2 weeks (term time) • Directors' Advisory Board Response – within 21 school days • Resolution
4	• Complaint to Complaints Panel • Acknowledgement of Complaint • Hearing scheduled within 21 school days (term time) • If necessary further details requested and submitted (not later than) 4 days prior to hearing • Hearing takes place • Final decision and Written recommendations, 10 school days from hearing date (letter and/or email)
5	• Appeal to Ofsted / DfE • Timescales provided by them

Policy for Managing Serial and Unreasonable Complaints

Complaints Policy – September 2026

TO BE REVIEWED: September 2027 or as needed

Birtley House School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. Anyone has the right to raise a new complaint at any time. We will not normally limit the contact complainants 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.

The school defines unreasonable complaints as 'those who, because of the frequency or nature of their contact with the school, hinder our consideration of their or other people's complaints'.

Examples: 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;
- 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.

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 a 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 Directors' will discuss any concerns with the complainant informally before applying an 'unreasonable' marking including suggesting that the complainant asks a third party to act on their behalf such as the local Citizen' Advice.

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 the school causing a significant level of disruption, we may specify methods of communication (such as restrict the complaint to a single point of contact via an email address) 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 harassment, aggression or violence, the concerns and actions taken will be put in writing immediately (including the decision to stop responding) and the police informed. This may include barring an individual from school premises.

Barring from the School Premises

Although fulfilling a public function, Schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the person may wish to make. Schools should always give that person the opportunity to formally express their views on the decision to bar in writing. Anyone wishing to complain about being barred can do so, by letter or email, to the Directors'. The decision to bar should then be reviewed, taking into account any representations and either confirmed or lifted. If the decision is confirmed the person should be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed, usually after 6 months.

Complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only

remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.