BIRKWOOD PRIMARY SCHOOL

Complaints Policy & Procedure

UPDATED OCTOBER 2026

BARNSLEY Metropolitan Borough Council

Acknowledgement

This Policy is based on the BMBC Model Policy who acknowledge and thank Hoyland Common Academy Trust (HCAT) for their support in drafting the procedure.

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Complaints Policy

1. Introduction

Birkwood Primary School is committed to dealing with concerns and complaints fairly, openly, and in a way that resolves issues as quickly and effectively as possible. We recognise that most concerns can be resolved informally, and we encourage open dialogue between parents/carers, staff, and school leaders at all times. This policy sets out our approach to handling complaints. The accompanying procedure sets out the stages a complaint will follow.

2. Aims

This policy aims to ensure that:

- Concerns and complaints are taken seriously and dealt with promptly, fairly, and courteously
- Complainants are treated with respect, and confidentiality is maintained wherever possible
- Issues are resolved at the earliest possible stage, close to the point of origin
- The school learns from complaints and uses them to improve policy and practice
- Malicious, vexatious, or repetitious complaints are managed appropriately and fairly to all parties

3. Scope

This policy applies to complaints made by parents, carers, or members of the public about the provision of facilities or services by Birkwood Primary School, including teaching and learning, pastoral care, and school administration.
It does **not** cover:

Area	Separate route
Admissions	Local Authority admissions appeals process
Exclusions	Statutory exclusion review process
Safeguarding concerns	Safeguarding & Child Protection Policy
Whistleblowing (staff)	Whistleblowing Policy
Staff grievances	Staff Grievance Procedure
SEND statutory assessments / EHCP content	SEND Tribunal / Local Authority route
Matters relating to the curriculum (statutory content)	Secretary of State, via DfE

4. Principles

- We will investigate complaints thoroughly, objectively, and without bias
- We will respond within the timescales set out in our procedure, or explain any delay
- We will keep complainants informed of progress at each stage
- We will maintain confidentiality, sharing information only with those who need to know
- A complaint will not be held against a pupil or family, and raising a concern will never affect a child's treatment at school
- Where a complaint is upheld, we will take appropriate action and reflect on any lessons for the school

5. Roles and Responsibilities

- **All staff** are responsible for listening to concerns and resolving them informally wherever possible
- **The Headteacher** (or a delegated senior leader) is responsible for investigating formal (Stage 1/2) complaints
- **The Governing Board** is responsible for ensuring this policy is reviewed, for appointing an independent complaints panel where required (Stage 3), and for monitoring complaints trends
- **The Clerk to Governors** supports the administration of panel hearings

6. Unreasonable or Persistent Complaints

The school reserves the right to apply its approach to unreasonable, persistent, or vexatious complaints in line with DfE guidance, which may include limiting contact to a single named channel or format.

Complaints Procedure

1) Introduction

Birkwood Primary School is dedicated to maintaining positive relationships with parents, carers, and the community. We value open communication and take all complaints seriously. This procedure outlines the processes for addressing complaints in a fair, transparent, and timely manner and in accordance with Department for Education (DFE) guidelines.

2) Scope and Application

This procedure covers complaints relating to school provision, facilities, and services. It aligns with Section 29 of the Education Act 2002 and DFE guidance on handling complaints.

3) Who Can Make a Complaint?

Any person directly affected by the services provided by the school, including parents, carers, and members of the public, may lodge a complaint. Third parties acting on behalf of the complainant must provide written consent to do so. Anonymous complaints will not be considered.

4) Stages of the Complaints Process

Prior to raising a concern with the Headteacher, the complainant should, wherever possible, speak with the member of staff involved to discuss the issue at hand, as concerns can often be resolved through an informal conversation.

Stage 1: Informal Concern – verbal or via email

Contact should be made with the Headteacher to discuss the concern in the first instance. All efforts will be made to resolve the issue informally and promptly.

Timeframe: Ideally an informal complaint should be resolved within 10 school days of the concern being raised.

Possible outcomes:

1) The concern is resolved informally and closed.

or

2) The complainant is not satisfied and moves to stage 2 of the process.

*Please note that there are specific complaints that are not within scope of this Procedure (see Appendix 3)

<u>Use of Artificial Intelligence (AI) when expressing a concern or making a complaint</u>

Birkwood Primary School recognises that some complainants may use Artificial Intelligence (AI) tools to help draft concerns or complaints. Whilst this can be helpful, concerns or complaints generated in this way may sometimes be overly detailed, may include incorrect references to legislation, or lack clear explanation of how the issues relate specifically to the concern or complaint being made.

To ensure that concerns or complaints can be considered fairly and efficiently, the school may ask complainants to clarify or re-present their concern or complaint where AI use is suspected. This may include asking the complainant to:

- Clearly separate the concern or complaint into individual points.
- Explain how any referenced legislation applies to their specific concern or complaint.
- Use clear and concise language.
- Provide relevant dated evidence, rather than general statements.

- Outline, where appropriate, the outcome they are seeking.

This approach will help the school to understand and deal with the complainants concern or complaint in a timely manner.

Stage 2: Formal Complaint in writing or email using the official BMBC complaint form

If concerns continue and cannot be resolved informally, the complainant should submit a formal complaint to the school using the BMBC complaint form, marked for the attention of the Headteacher (see Appendix 1). If the complaint is about the Headteacher, the form should be addressed for the attention of the Chair of Governors.

The nature of the complaint should be clearly outlined, including relevant details and supporting evidence.

Timeframe: A complaint must be lodged within 3 months of the incident.

If the concern meets the criteria defining a formal complaint (see Appendix 4 which outlines the criteria for unreasonable complaints), an investigation into the issues raised will be undertaken, and a written response will be provided to the complainant detailing the findings usually within 15 school days following the completion of Stage 1.

There are 3 possible outcomes to complaints managed at Stage 2 of the Procedure: -

- no evidence to support the complaint; or
- valid in part; or
- valid in total.

Outcome: 1) The complaint is resolved at stage 2 and is closed.

2) The complainant is not satisfied and may request an independent review of the case.

Use of Artificial Intelligence (AI) when making a request for an independent review of the case

Birkwood Primary School recognises that some complainants may use Artificial Intelligence (AI) tools to help draft their request for an independent review of their case. Whilst this can be helpful, a request generated in this way may sometimes be overly detailed, may include incorrect references to legislation, or lack clear explanation of why an independent review of the case is appropriate.

To ensure that requests can be considered fairly and efficiently, the school may ask complainants to clarify or re-present their request where AI use is suspected.

Stage 3: Independent Review Panel

If the complainant remains dissatisfied with the outcome of their formal complaint at Stage 2, they may request an Independent Review via a panel of school governors (see Appendix 2). This request must clearly outline the complainant's reasons for seeking a review and explain why they believe the complaint remains unresolved.

The complainant must submit their request for an Independent Review within 5 school days of receiving the Stage 2 response.

The review will be conducted by an Independent Panel comprised of school governors who have had no prior involvement in the case.

The panel will carefully consider the request for a review and determine the appropriate course of action, which may include:

1. **No Valid Grounds for Review**

   The panel may determine that there are no valid grounds for review, and therefore, the original outcome will remain unchanged. In such cases, the complainant will be informed of this in writing within 15 school days of their request for an Independent Review, and the Governing Body of the school will close the case.

2. **Reinvestigation of Complaint**

   i. The panel may decide to reinvestigate some or all aspects of the complaint process. They will assess the grounds for an independent review and decide whether a formal hearing is necessary. If a formal hearing is required, this will be communicated to the complainant within 15 school days, offering a suggested date(s) and venue for the formal hearing. After the formal hearing, an outcome letter will be sent to the complainant within 5 school days.

   ii. If a formal hearing is not required, the panel will make a decision and communicate it to the complainant through a review outcome letter within 15 school days of the complainants request for an Independent Review.

3. **Mediation:** The panel may determine that whilst there are no valid grounds for review, mediation between the school and the complainant may be an appropriate way forward which benefits all parties. The panel will determine the arrangements and format for this and communicate it to the school and complainant in writing within 15 school days of the complainants request for an Independent Review.

4. **Timescales for raising a complaint**

   Complaints must be raised within the specified timeframes set out at each stage of the procedure to ensure a timely resolution. Complaints received during school closure will be considered as received on the first school day following the period of closure.

5. **Record keeping and confidentiality**

   All complaints and actions taken will be documented in writing. Confidentiality will be maintained throughout the complaints procedure, except where disclosure is required by law.

6. **Conclusion**

   The school is committed to addressing complaints in a transparent, fair, and timely manner, following the guidelines set forth by the Department for Education. By providing clear procedures and timeframes, the school aims to uphold its commitment to excellence in education and community engagement.

Appendix 1 - Stage 2: BMBC Formal Complaint Form

Stage 2: BMBC Formal Complaint Form

Please complete and return to the school. The school will acknowledge receipt and explain what action will be taken.

School name:
Your name:
Pupil name:
Your relationship to the pupil:
Address:
Day time telephone number:
Evening telephone number:
Mobile telephone number:
Email address:
Please give the details of your complaint (attach additional sheets if necessary):
What action, if any, have you already taken to try to resolve your complaint? Who did you speak to and what was the response?

What outcome would you like to see from the school/college to address your complaint? **e.g. An apology; an explanation of what went wrong; a practical action to correct the problem; recommendations to the school/college to avoid a similar situation happening again.**
Are you attaching any supporting paperwork? If so, please give details.
Signature:
Date:
Date received in school:
Acknowledgment sent on: **by:**

Appendix 2 - Stage 3: BMBC Complaint Independent Review Form

Stage 3: Complaint Independent Review Form

Please complete and return to the school. The school will acknowledge receipt and explain what action will be taken.

School name:
Your name:
Pupil name:
Your relationship to the pupil:
Address:
Day time telephone number:
Evening telephone number:
Mobile telephone number:
Email address:
The Complaint Independent Review
Please give specific details of your reasons for an Independent Review against the way your complaint was handled by the school: (attach additional sheets if necessary)
What action, if any, have you already taken to try to resolve your complaint? Who did you speak to and what was the response?

Signature:
Date:
Date received in school:
Date acknowledgement sent on: **by:**

Appendix 3: Complaints not in the scope of this complaint's procedure

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

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Barnsley Local Authority.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding Procedure 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 or the Multi-Agency Safeguarding Hub (MASH). LADO – 01226 772341 or MASH 01226 772423 – mash@barnsley.gov.uk
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour Procedure can be made through the school's complaints procedure.*
• Whistleblowing	The school has 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. Other concerns can be raised directly with Ofsted by telephone on 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain directly 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 school's/ college internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use School / College premises or facilities	Providers should have their own complaints procedure to deal with complaints about their service. Please contact them directly.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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

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.'

Where a parent/carer raises an issue, it will be important to establish whether the parent/carer has a concern regarding a particular issue which they wish to be addressed, or whether the parent/carer has a complaint which they would like investigating.

Sometimes parents/carers use the term 'complaint', when in fact they are raising a concern that can be dealt with quickly and informally, normally by arranging a meeting with school leaders.

Raising a complaint with the DFE

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

Raising a complaint with Ofsted

Ofsted will not usually consider a complaint if the parent/carer has not in the first instance followed the school's complaints procedure.

Referring the complaint to the Secretary of State

If the parent/carer considers that the school has acted unreasonably, they can write to the Secretary of State for Education. Complaints are handled by the Department for Education (DfE). The DfE role is not to investigate individual complaints, but to ensure that the school's published procedure is correct and was followed within the correct timescales, and that the parent/carer was provided with an outcome to their complaint.

Appendix 4: Unreasonable Complaints

Birkwood Primary School is committed to dealing with all complaints fairly and impartially, and to providing an efficient and high-quality service to those who complain. We do not expect our staff to tolerate unacceptable behaviour and we will take action to protect staff from such behaviour, including behaviour which is abusive, offensive or threatening.

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

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 complaint's 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 considered and commented on, or raises a high volume of detailed but irrelevant questions, and insists they are fully answered, often immediately and within their own timescales.
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to replace them.
- 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 a complaint where the school's complaint's 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 or by telephone whilst the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint acts face-to-face, by telephone or in writing:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- By knowingly submitting a false claim;
- using falsified information;
- publishing unacceptable information in a variety of media such as via social media websites and newspapers.

Complainants should limit the number of communications with the school while a complaint is being progressed. It is unhelpful if repeated correspondence is sent (either by letter, phone, email or text) as this could delay the outcome being reached and communicated.

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

If inappropriate behaviour continues the school will write to the complainant explaining that their behaviour is unreasonable and asking them to refrain. For complainants who excessively contact the school causing a significant level of disruption, the school may decline to investigate the complaint and/or seek advice from the local authority.

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, along with the local authority. This may include banning an individual from the school premises and grounds.

Monitoring and Review

This policy will be reviewed annually by the Governing Board, or sooner if required by changes in legislation or guidance, or following learning from a complaint.

This policy will be reviewed in October 2027.

Signed _____ Headteacher Date _____

Signed _____Chair of Governors Date _____