



Complaints Policy

(including policy for managing serial and unreasonable complaints)

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Complaints Policy

1. Statement of Intent

At Bitterne Manor Primary School, we are committed to maintaining positive relationships with parents, carers and the wider community. We recognise that concerns and complaints will arise from time to time, and we view these as an opportunity to listen, resolve issues and improve our practice.

We aim to deal with concerns and complaints in a way that is:

- fair, impartial and non-adversarial
- easy to understand and use
- respectful of confidentiality where appropriate
- focused on resolving matters as quickly as possible
- mindful of the welfare of children and the wellbeing of staff

We will take concerns and complaints seriously and will seek to resolve them at the earliest possible stage. Wherever possible, issues should be addressed informally before moving to the formal stages of this procedure. This policy is intended to give complainants the opportunity to complete the complaints procedure in full, while also ensuring that the school can manage the process in a reasonable, proportionate and lawful way

2. Legal Framework

This policy is based on:

- **Section 29 of the Education Act 2002**
- **DfE guidance: School complaints procedures: guidance for maintained schools**
- **DfE Best practice guidance for school complaints procedures 2020**
- the **Equality Act 2010**
- the **Data Protection Act 2018** and **UK GDPR**
- relevant safeguarding guidance, including **Keeping Children Safe in Education**

3. Who can make a complaint

This complaints procedure is not limited to parents or carers of children currently on roll. Any person may make a complaint about any provision of facilities or services that the school provides, unless a separate statutory procedure applies. This includes, for example, parents or carers of former pupils and members of the public.

4. Difference between a concern and a complaint

The school distinguishes clearly between a **concern** and a **complaint**.

A **concern** is an expression of worry or doubt for which reassurance is sought. Concerns are usually best dealt with quickly and informally by the member of staff most closely involved.

A **complaint** is an expression of dissatisfaction about actions taken, or a lack of action, where the complainant feels that the matter has not been resolved and wishes it to be considered formally.

It is in everyone's interests that concerns are resolved at the earliest possible stage. Many issues can be addressed through clarification, discussion or an apology, without the need to use the formal complaints procedure. However, where an informal resolution is not possible, or where the matter is sufficiently serious, the formal process may be used.

5. Roles and responsibilities

- The **complainant** should set out their concerns clearly, provide relevant information when requested and treat all parties with respect.
- The **investigator** will establish the facts by speaking to those involved, reviewing relevant documents and keeping clear written records of the investigation.
- The **investigator** will act impartially, consider all evidence and make findings based on the evidence available
- The **Headteacher** (or delegated senior leader) is responsible for ensuring that Stage 1 complaints are investigated thoroughly and responded to within the stated timescales.
- The **Clerk** to the Governing Body will coordinate Stage 2, arrange meetings, circulate papers in advance and record the outcome.
- The **complaints panel** will act independently, consider the evidence presented and reach a fair and reasoned decision.

6. Scope of this policy

This procedure applies to complaints about:

- the quality of education and provision
- the school's policies or procedures
- actions or lack of action by staff
- the use of school facilities or services

Some matters fall outside this procedure because they are covered by separate statutory or internal processes. These include, but are not limited to:

- admissions
- exclusions
- safeguarding and child protection
- staff grievances
- staff disciplinary matters
- whistleblowing
- complaints about third-party providers using school premises, where those providers have their own complaints procedures

Complaints about the **delivery** of the curriculum are for the school to consider through this procedure. Complaints about the **content of the national curriculum** should be referred to the Department for Education.

Where a complaint raises a safeguarding issue, or where there is any concern about the welfare of a child, safeguarding procedures will always take priority. The complaints process may be paused while safeguarding, police, local authority or other statutory processes are undertaken. Schools must have regard to Keeping Children Safe in Education when carrying out their safeguarding duties.

7. Principles underpinning the procedure

In operating this procedure, the school will:

- listen carefully and seek to understand the issue
- establish the facts in a fair and proportionate way
- address all points raised that fall within scope
- keep appropriate written records
- communicate decisions clearly, with reasons
- explain any available next steps at each formal stage
- use complaint outcomes to inform improvement where appropriate

The school will make reasonable adjustments where needed, for example by providing information in alternative formats, supporting a complainant to set out their complaint, or making arrangements to ensure meetings are accessible.

The school will ensure that all individuals involved in the complaints process understand their roles and responsibilities and act in a fair, impartial and timely manner.

8. Raising a concern informally

Most concerns can be resolved informally and quickly. In the first instance, concerns should normally be raised with the member of staff most directly involved, usually the class teacher. Where appropriate, concerns may instead be raised with a senior leader or the Headteacher.

If a complainant finds it difficult to discuss a matter with a particular member of staff, the school will consider whether another member of staff is better placed to deal with it. The key consideration is that the concern is handled objectively and fairly.

At the informal stage, the member of staff dealing with the matter will seek to:

- clarify the concern
- understand what outcome is being sought
- explain any action taken or proposed
- resolve the issue as quickly as possible

If the matter is not resolved informally, the complainant may make a formal complaint.

9. How to make a formal complaint

A formal complaint should normally be made in writing, by letter or email, or by using the school's complaint form. The complaint should include:

- the nature of the complaint
- relevant dates, times and details
- any steps already taken to resolve the issue
- what outcome is being sought

Where a complainant needs help to do this, the school will consider reasonable support.

Complaints should usually be raised within **3 months** of the incident, or within **3 months of the last incident** where there has been a series of related incidents. The school may, however, consider complaints outside this timescale where there are exceptional circumstances.

Complaints received during school holidays or closure periods will be treated as received on the first school day after the holiday or closure period, unless the matter is urgent, for example where there is a safeguarding or health and safety issue.

Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors may decide that the issues raised warrant investigation.

Complaints may be made by a third party acting on behalf of a complainant, provided the school is satisfied that the third party has the complainant's consent.

10. Routing of complaints

To ensure fairness and avoid conflicts of interest:

- complaints about a member of staff should be addressed to the **Headteacher**
- complaints about the **Headteacher** should be addressed to the **Chair of Governors**
- complaints about a **governor** should be addressed to the **Clerk to the Governing Body**
- complaints about the **Chair of Governors**, the **entire governing body**, or the **majority of the governing body** should be addressed to the **Clerk**, who will arrange for an appropriately independent process

Complainants should not approach individual governors directly to pursue complaints. Governors have no role in the early handling of individual complaints, and doing so may prejudice their ability to sit on a panel later.

11. Stage 1: formal investigation

Stage 1 complaints will normally be considered by the Headteacher, unless the complaint is about the Headteacher or there is another reason why this would not be appropriate. The Headteacher may delegate the investigation to another suitably senior member of staff, but not the final decision.

The school will acknowledge receipt of a Stage 1 complaint within **2 school days**.

At this stage, the person investigating the complaint may:

- seek clarification about the complaint and the outcome sought
- speak to the complainant
- speak to staff and, where appropriate, pupils or other witnesses
- review records, policies, correspondence and other relevant documents
- keep a written record of the investigation

The purpose of Stage 1 is to establish the facts and reach a decision. Written records will be kept of meetings, interviews and evidence considered.

Staff involved in the investigation may be accompanied at meetings where appropriate.

The outcome of a Stage 1 investigation is either that the complaint is upheld in full, upheld in part, or not upheld. Where appropriate, outcomes may include an explanation, an apology, an acknowledgement that improvements could have been made, or actions to prevent a recurrence.

A formal written response will normally be sent within **15 school days** of receipt of the complaint. The response will include:

- a summary of the complaint
- the findings of the investigation
- the decision reached
- the reasons for that decision
- any action the school has taken, or proposes to take
- details of how to escalate the complaint to Stage 2 if the complainant remains dissatisfied

If the school is unable to meet the 15-school-day timescale, it will explain why and give a revised date.

In some circumstances, the investigation may need to be paused, for example where other agencies such as the police or local authority are involved. The complainant will be informed if this occurs.

12. Stage 2 Formal Complaint

12.1 Complaints Panel

If the complainant remains dissatisfied after Stage 1, they may request a review by a complaints panel. This request should normally be made within **5 school days** of receiving the Stage 1 outcome.

The Clerk will acknowledge receipt of the Stage 2 request within **2 school days** and will aim to arrange a panel hearing within **10 school days** of receiving the request. If this is not reasonably possible, the Clerk will explain why and provide a revised timescale.

The Stage 2 panel will consist of at least **three impartial governors** who have had no prior involvement in the matter. If there are insufficient eligible governors, the school may appoint suitably independent governors from another school or arrange another independent mechanism that secures fairness and impartiality.

The panel's role is not to reinvestigate the complaint from the beginning unless this is necessary. Its role is to review whether the complaint was handled fairly, reasonably and in accordance with the procedure, and to consider the substance of the complaint in light of the evidence presented.

The Clerk will ensure that all relevant documents are circulated to the panel at least 2–5 school days before the hearing, where reasonably practicable.

The panel may decide to consider the matter through:

- a meeting with the parties, or
- written submissions, where this is fair and proportionate

Where a meeting is held, the complainant may be accompanied by a relative, friend or advocate. The meeting will be conducted as informally as possible. Legal representatives will not normally be appropriate, although the panel may make exceptions where fairness requires it.

The panel will consider:

- the written complaint
- the Stage 1 investigation and outcome
- any relevant written submissions from either party
- any oral evidence presented at the hearing, where applicable

The panel will base its decision on the evidence available and will provide clear reasons for its conclusions.

The panel will then decide to:

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

Where a complaint is upheld, the panel may:

- recommend an apology, explanation or other remedial action
- recommend changes to practice, systems or procedures
- identify lessons to be learned

The Chair of the panel will write to the complainant, usually within **3 school days** of the hearing or final review, setting out:

- the panel's decision
- the reasons for it
- any recommendations or actions arising
- information about referral to the Department for Education if the complainant remains dissatisfied with the way the complaint has been handled

This is the final stage of the school's internal complaints procedure.

12.2. Conduct of the panel process

To protect the fairness and integrity of the process:

- meetings will normally be held in private
- documents will only be shared where they are relevant and lawful to share
- the panel will not normally consider new complaints or unrelated matters introduced for the first time at Stage 2
- covert recordings will not normally be accepted as evidence
- electronic recording of meetings will not normally be permitted unless this is required as a reasonable adjustment or expressly agreed in advance
- the welfare of children and the rights of individuals under data protection law will be taken into account throughout

Where the complaint involves allegations or issues concerning staff conduct, the school may decide that those aspects should be considered under disciplinary procedures instead. In those circumstances, the complainant will not be informed of confidential employment outcomes, although they will be told that the matter has been addressed through the appropriate process.

13. Next steps after Stage 2

If, after completing Stage 2, the complainant believes that the school failed to follow its published procedure or acted unlawfully or unreasonably in the exercise of its duties under education law, they may refer the matter to the Department for Education. DfE does not normally reinvestigate the substance of the complaint; it considers whether the school has followed the law and its own procedure properly. Maintained schools guidance and the governance guide both reflect that role.

The school's final response should signpost the complainant to the Department for Education's complaints route, which is currently through the DfE customer help portal

14. Failure to engage with the process

The school will make reasonable efforts to engage with complainants and to facilitate their participation in the process. However, complaints cannot remain open indefinitely.

Where a complainant:

- declines reasonable meeting dates without good reason
- fails to provide requested information needed for the complaint to be investigated
- repeatedly does not respond within a reasonable timeframe
- otherwise prevents the complaint from progressing

the school may decide to proceed on the basis of the information available and issue a formal response.

This is necessary to ensure that complaints are handled fairly, efficiently and within reasonable timescales.

15. Duplicate complaints, collective complaints and complaint campaigns

After a complaint has completed the school's procedure, the school may receive a further complaint about the same issue from, for example, another family member. Where the substance of the complaint has already been fully considered, the school may advise the new complainant that the matter has already been addressed and that the local process is complete. If any genuinely new issues are raised, those new aspects will be considered.

Where the school receives multiple complaints based on the same subject, or complaints from people unconnected with the school as part of a campaign, the school may adopt a proportionate alternative process. This may include:

- issuing a template response
- nominating a single point of contact
- publishing a single response on the school website
- declining to respond individually where doing so would be disproportionate and the issues have already been addressed

Any such approach will be set out transparently and applied fairly. DfE guidance recommends that alternative arrangements for complaint campaigns are included in the published policy.

16. Withdrawal of a complaint

A complainant may withdraw their complaint at any stage. This should normally be confirmed in writing.

The school may still take action where wider issues are identified, including safeguarding, staff conduct or systemic concerns.

17. Managing serial, unreasonable and vexatious complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service. However, we do not expect staff to tolerate behaviour that is abusive, threatening or unreasonable, or that places a disproportionate burden on the school's time and resources.

A complaint or complainant may be regarded as **serial, unreasonable or vexatious** where the nature or frequency of contact hinders the proper consideration of the complaint. This does not mean that the complaint itself is not important. It means that the way in which the matter is being pursued is no longer reasonable.

Examples of unreasonable behaviour may include:

- refusing to set out the grounds of the complaint or the outcome sought, despite support being offered
- refusing to co-operate with the investigation while still expecting it to proceed
- repeatedly changing the basis of the complaint as the investigation progresses
- raising large numbers of detailed but insignificant questions and insisting on immediate responses
- submitting excessive volumes of correspondence or documentation that are disproportionate to the issues raised
- repeatedly making the same complaint after the procedure has been completed and the issue has been fully addressed
- insisting on outcomes that are unrealistic or outside the school's power
- making unjustified allegations about staff
- seeking to have staff replaced without proper grounds
- using aggressive, abusive, offensive or discriminatory language

- threatening staff or seeking to intimidate those involved
- knowingly providing false or misleading information
- publishing unacceptable, misleading or confidential information on social media or other public forums in a way that undermines the fair handling of the complaint

Where possible, the Headteacher or Chair of Governors will explain concerns about the complainant's conduct informally before any formal restrictions are imposed.

If the behaviour continues, the school may take proportionate steps to manage contact. These may include:

- asking the complainant to communicate only in writing
- requiring communication through a single named point of contact
- limiting the number or frequency of contacts
- responding only to significant new issues
- declining to respond to matters that have already been fully considered
- implementing a communication plan for a defined period
- restricting access to the school site, where necessary to protect staff and pupils
- informing the police where behaviour amounts to harassment, abuse, threats or violence

Any restrictions imposed will be:

- proportionate
- reasonable in the circumstances
- clearly explained in writing
- kept under review

The fact that a complainant is persistent does not, in itself, make them unreasonable. The school will consider each case carefully and will distinguish between a complainant who is understandably anxious or upset and one whose conduct has become unreasonable.

18. Social media and public commentary

The school expects concerns and complaints to be raised through the proper channels so that they can be considered fairly and resolved wherever possible.

Using social media or public forums to pursue a complaint does not form part of the school's complaints procedure and may make resolution more difficult. Where online behaviour becomes abusive, threatening, defamatory, misleading, or breaches confidentiality, the school may address this separately and take such steps as are necessary to protect staff, children and the integrity of the process.

19. Equality, accessibility and support

The school will make reasonable adjustments for complainants who may need support to access this procedure. This may include:

- providing information in an alternative format
- arranging interpretation or communication support
- adjusting meeting arrangements
- allowing a supporter or advocate to assist the complainant

Where the complainant is a child or young person, the school will consider what support is needed to enable them to participate appropriately, while keeping their welfare as the central consideration.

20. Record keeping, confidentiality and learning lessons

The school will keep secure written records of:

- complaints received

- correspondence and evidence considered
- action taken during the investigation
- outcomes and decisions reached
- any recommendations or follow-up action

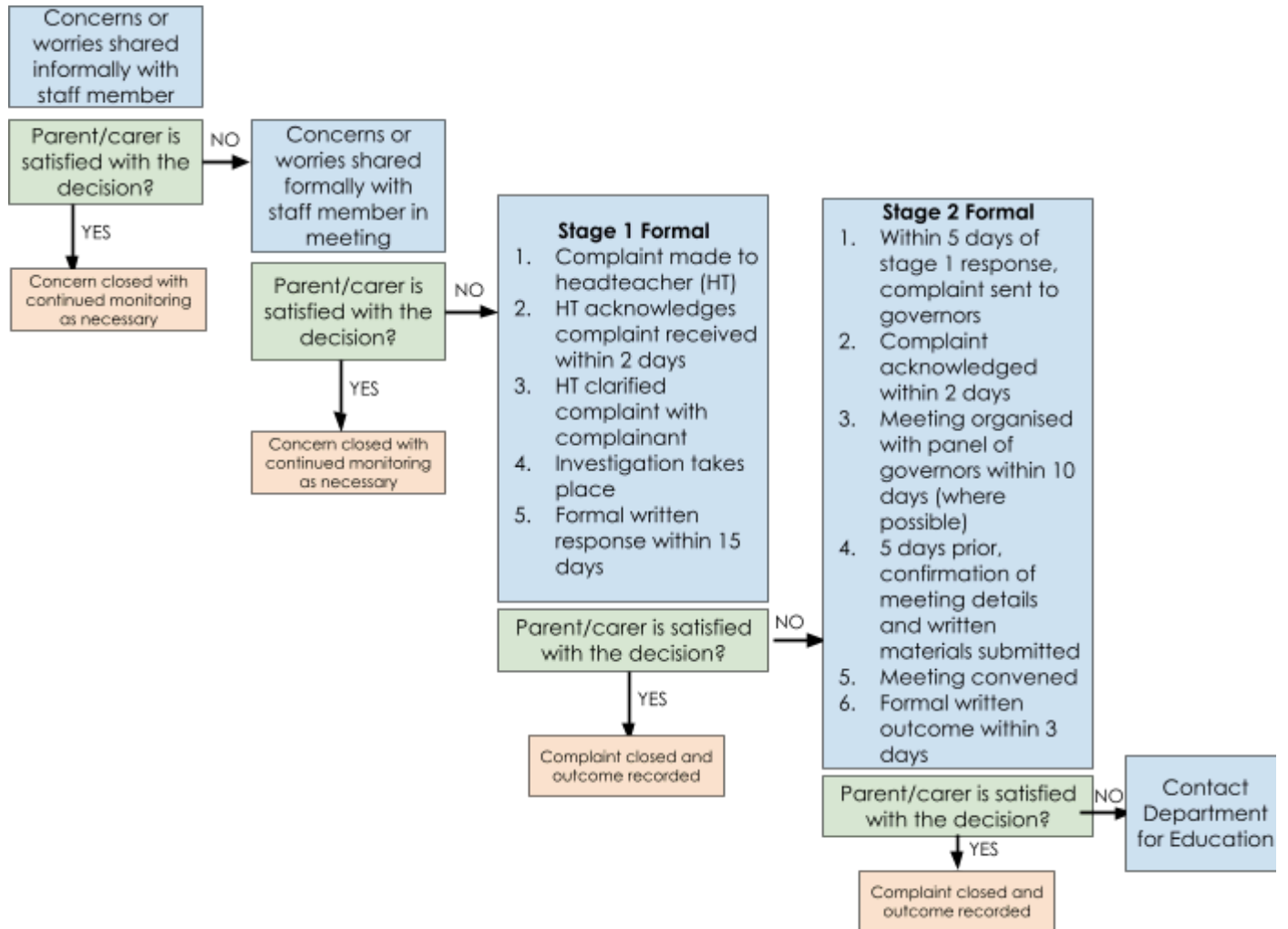
Records will be handled in accordance with data protection law.

A summary of complaints, including themes and outcomes, will be reported to the governing body to support monitoring and improvement. The governing body will monitor the operation of this procedure and will review patterns or recurring themes in complaints, so that lessons can be learned and improvements made where appropriate. DfE guidance states that an effective complaints procedure should provide information to senior leaders so that services can improve.

21. Publication and review

The governing body is responsible for this policy. Maintained schools must publish their complaints procedure online. This policy will be reviewed at least annually, or sooner if there are changes to law, guidance or local arrangements.

APPENDIX A: Staged Approach to Handling Complaints



APPENDIX B: Complaints Form

Complainant's Name	
Child's name (if relevant)	
Your relationship to the child (if relevant, eg. parent)	
Address:	
Postcode:	
Telephone (day): Telephone (evening):	
Please give details of your complaint, including whether you have spoken to anybody at the school about it.	

<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please list these below:</p>	
<p>Signature Date</p>	
<p>Initial response and acknowledgement by: (Official Use Only) Date: Signed:</p>	
<p>Data Protection Act 1998 – We will only process your personal data to respond to your complaint. In general, this will be used for administrative and statistical purposes.</p>	