Part of the Branches Education Group

COMPLAINTS PROCEDURE

Approved By	Rebecca Warhurst	Head Teacher	Aug 2026
Amendments Made			
Linked Policies			
Signed	R.Warhurst	Head Teacher	Aug 2026
	L De Hayes	Governance Chair	Aug 2026
Date Next Review	Aug 2027		
Number of complaints registered under this formal procedure during the last academic year:	0		

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1.0 Who Can Make a Complaint?

Any person, including parents, carers of pupils currently at our school, or members of the public, may make a complaint about any provision or services we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to suspensions, permanent exclusions or admissions), we will use this Complaints Procedure.

2.0 The Difference Between a Concern and a Complaint

A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. Silver Birch School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. It is more important to be able to consider the concern objectively and impartially.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Silver Birch School will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

3.0 How to Raise a Concern or Make a Complaint

A concern or complaint can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Directors or those responsible for governance to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints which become escalated to Stage 2 of the procedure.

Complaints against the School or its staff (except the Headteacher) should be made to the Headteacher via the school office**.** Please mark the complaint as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to Governance Chair, via the school office. Please mark the complaint as Private and Confidential.

Complaints about the Governance Chair, any other person responsible for governance should be addressed to the CEO/Proprietor via the School office. Please mark the complaint as Private and Confidential.

If you prefer not to write a letter, then there is a Complaint Form included at the end of this document. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice Bureau to help you.

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

4.0 Anonymous Compaints

We will not normally investigate anonymous complaints. However, the Headteacher or Directors, as appropriate, will determine whether the complaint warrants an investigation.

5.0 Timescales

You must raise the complaint within three months of the incident. Where a series of related incidents have occurred, you must raise the complaint within three months of the last of these incidents. We will consider complaints made outside the timeframe only in exceptional circumstances.

5.1 Complaints Received out of Term Time (in school holidays)

Complaints submitted out of term time will be considered as having been received on the first school day after the holiday period.

6.0 Scope of This Complaints Procedure

This procedure covers all complaints about any facilities or services provided by Silver Birch School, 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	Concerns about admissions, statutory assessments of Special Educational Needs should be raised with the pupil's placing Local Authority.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). LADO – 01254 666400 / Emergency duty team – 01254 587547 or complete an online referral at Local Authority Designated Officer (LADO) | Blackburn with Darwen Borough Council
• Suspension or exclusion of children from school*	Further information about raising concerns about suspension or permanent exclusion can be found at: https://www.gov.uk/school-discipline-suspensions/suspensions

Exceptions	Who to contact
	**Complaints about how we manage behaviour and suspensions can be made through this Complaints Procedure.* Should you wish to find out more information, please refer to the following policies: (1) our Behaviour, Rewards and Sanctions Policy and (2) our Suspension and Exclusion Policy. These can be found on our web page or can be requested from the school office.
• Whistleblowing	We have an internal whistleblowing procedure for our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through our Complaints Procedure. You may also be able to complain direct to the Local Authority 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 internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, as appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

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

If a complainant starts legal action against our School in relation to a complaint, we will consider whether to suspend this Complaints Procedure in relation to their complaint until those legal proceedings have concluded.

7.0 Resolving Complaints

7.1 Our Aim

At each stage of this procedure, our school will always want to resolve the complaint.

If appropriate, following investigation, we will acknowledge that the complaint is upheld in whole or in part.

In addition, we may offer one or more of the following:

- an explanation,
- an admission that the situation could have been handled differently or better,
- an assurance that we will try to ensure the event complained of will not recur,

- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made,
- an undertaking to review school policies in light of the complaint,
- an apology.

7.2 Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. We will acknowledge receipt of such a request.

8.0 The Complaints Process

8.1 Stage 1 - Raising a Concern

We believe that it is in everyone's best interests to resolve any concerns or complaints at the earliest possible stage and at the lowest possible level. Many issues or concerns can be resolved informally, without the need to make a formal complaint. Our school takes all concerns seriously and we try hard to resolve any issues quickly.

As a first step, we ask that you direct your concerns to the member of staff in question or class teacher who will work with you to understand the nature of the concern and the desired outcome.

If someone finds it difficult to discuss a concern with a particular staff member, we will respect your view and the staff member will direct the complainant to another member of staff.

In the same way, if the staff member directly involved feels unable to deal with your concern, the Headteacher will refer your complaint to another staff member who will ensure that the concern is reviewed in an objective and impartial manner.

We understand that may be occasions when someone would prefer to raise a concern formally, in which case, we will do our best to resolve the matter internally, through the stages outlined within this Complaints Procedure.

8.2 Stage 2 - Raising a Formal Complaint

Formal complaints must be made to the Headteacher (unless the complaint is about the Headteacher), via the school office. This should be done in writing (preferably on the Complaint Form).

The Headteacher will record the date the complaint is received. They will write to you either by email or letter to acknowledge receipt of your complaint within two school days.

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

Note: The Headteacher could choose to delegate an investigation to another school leader, with the Headteacher making decisions about next steps.

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

- if necessary, interview those involved in the matter and/ or those complained about, allowing them to be accompanied if they wish,

- keep a written record of any meetings and interviews in relation to the investigation.

Outcome: at the conclusion of the investigation, the Headteacher will provide a formal written response within 20 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 Headteacher's 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 any actions our School will take to resolve the complaint. A copy will be forwarded to the complainant, and where relevant, the person complained about.

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

If the complaint is about the Headteacher a director will be appointed to complete all of the Stage 2 actions.

Complaints about the Headteacher must be addressed to the H.R. Advisor via the school office.

The Headteacher will log the complaint and its outcome in the School's Complaints Book.

8.3 Stage 3 – Escalation to a Complaints Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they should write to the Headteacher giving specific details of their concerns and ask for the matter to be given further consideration. This will be forwarded to a named Director.

Any request to escalate a complaint to Stage 3 must be made in writing to the Headteacher, via the school office. This must be received by the office within 5 school days of receipt of the Stage 2 response.

The Headteacher will record the date the request to escalate the complaint to Stage 3 is received. The nominated Director will acknowledge receipt of the complaint in writing, either by letter or email, within 2 school days.

Requests received outside this timeframe will only be considered if exceptional circumstances apply. The nominated Director will check that where relevant, the complainant has completed Stages 1 and 2. The Director will request clarification about the reason for escalation of the complaint to Stage 3 and then inform both the Chief Executive Officer and proprietor. The Director will organise a date and time for a Panel to hear the complaint as soon as possible. They will invite the complainant and any representative to the meeting.

The Director will aim to hold a Complaints Panel meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the designated Director will keep the complainant informed of an anticipated date.

If the complainant declines to attend three proposed Panel Hearing dates, without good reason, the Director will proceed with the meeting in the absence of the complainant's, on the basis of written submissions from both parties.

Provide a panel of at least three people independent of the school's management, including at least one person unconnected to the school. Before the meeting, they will decide who will Chair the Complaints Panel meeting.
The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's views and needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Legal representatives or representatives from the media are not permitted to attend.

Note: Complaints about staff conduct will not usually be dealt with under this Complaints Procedure. Complainants will be advised that any complaints about staff conduct will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

At least 5 school days before the meeting, the complaint will be:

- informed of the date, time and venue of the meeting. Reasonable steps will be taken to ensure that the date and location are suitable for all parties,
- asked to provide copies of any additional documents to be considered by the Panel at least 5 school days before the meeting.

Documents will be shared with all parties at least 3 school days before the meeting date. The Panel will not normally accept as evidence, recordings of conversations which were obtained covertly and without the informed consent of all parties being recorded.

The Panel will not consider any new complaints at this stage or evidence which does not relate to the original complaint. New complaints must follow this Complaints Procedure.

8.4 The Complaints Panel Meeting

The Complaints Panel Meeting will be held in private. Electronic recordings of meetings or conversations are not permitted, unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending the meeting must be sought in advance of any meetings or conversations taking place. Consent for this will be recorded in the meeting minutes.

The Complaints Panel will consider the complaint, how it was investigated, 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 avoid similar issues in the future.

Within 5 school days from the date of the meeting, the Chair of the Complaints Panel will provide the complainant, where relevant; the person complained about, and the school with a full explanation of their decision and the reason(s) for it, in writing.

The outcome 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 response will also advise the complainant of how to escalate their complaint should they remain dissatisfied; ***see 9.0 Next Steps below.***

The Headteacher will update the Complaints Log with the outcome of the Panel Hearing**.**

9.0 NEXT STEPS

If the complainant believes the school did not handle their complaint in accordance with this 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 the school. They will consider whether Silver Birch 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, Store Street, Manchester**,** M1 2WD.

10.0 Group or Collective Complaints

Any complaint which claims to be representing more than one person will be treated and dealt with as anonymous. The exception would be where a complaint is from a family group who are represented by one or more family members. If the group or collective complaint has been sent from one named person, then the school may, if appropriate, respond directly to that person as the complainant.

Similarly, the School will not respond to complaints that involve other pupils in school unless the issue relates directly to the complainant's own child. Neither will we provide information about any pupil to anyone other than those with parental responsibility or hold statutory status with that child or young person.

11.0 Unreasonable Behaviour in Relation to Complaints

Silver Birch School is committed to dealing with all concerns and complaints fairly, consistently, objectively and in a timely manner. We aim to provide a high-quality service and to ensure that all complainants are treated with courtesy, dignity and respect.

The school recognises that raising a concern or complaint can be stressful, particularly where a child is involved. We will therefore seek to resolve concerns through positive and constructive communication wherever possible.

Whilst we do not normally limit the contact that individuals have with the school, we have a duty of care to protect the wellbeing, safety and welfare of our pupils, staff and wider community. We therefore do not accept behaviour that is abusive, threatening, discriminatory, harassing, intimidating or unreasonable.

Behaviour may be considered unreasonable where an individual's actions hinder the effective consideration, investigation or resolution of a complaint. Examples may include, but are not limited to:

- Refusing to clearly identify the substance of a complaint or the outcome being sought despite reasonable support being offered.
- Refusing to engage with or cooperate in the agreed complaints process.
- Persistently pursuing matters that are outside the scope of the school's Complaints Procedure.
- Demanding outcomes or actions that are unreasonable, disproportionate or outside the school's authority.
- Repeatedly changing the basis of a complaint as an investigation progresses.
- Repeatedly raising the same issues after the complaints process has been completed and all avenues of review have been exhausted.
- Making excessive demands on staff time through frequent, lengthy or repetitive communication.
- Sending large volumes of correspondence which contain repetitive, irrelevant or excessive information.
- Recording, publishing or sharing information about staff, pupils or other members of the school community in a manner that breaches confidentiality, data protection requirements or safeguarding considerations.
- Using abusive, offensive, discriminatory or threatening language.
- Engaging in harassment, intimidation, aggressive behaviour or acts of violence.
- Knowingly providing inaccurate, misleading or false information.
- Using social media or other public platforms to make malicious, defamatory or unfounded allegations about members of the school community.

The school encourages complainants to communicate through a single agreed channel and to avoid excessive correspondence while a complaint is under investigation. Repeated contact may delay the school's ability to investigate and respond effectively.

Before implementing any restrictions, the Headteacher, Director of Education or Chair of Governance will seek to discuss concerns with the complainant and explain why their behaviour is causing difficulties. Wherever possible, an informal resolution will be sought.

Where unreasonable behaviour continues, the school may implement proportionate measures to manage communication. These may include:

- Requiring communication through a single point of contact.
- Restricting communication to specified methods, such as email or letter.
- Limiting the frequency of contact.
- Declining to respond to issues that have already been fully investigated and addressed.
- Introducing a time-limited communication agreement.

Any restrictions imposed will be proportionate, based on the circumstances, communicated in writing and reviewed regularly, normally within six months.

The school reserves the right to take appropriate action where behaviour presents a risk to the safety or wellbeing of pupils, staff or visitors. In cases involving harassment, intimidation, threatening behaviour,

abuse, discrimination, aggression or violence, the school may contact the police, seek legal advice, issue warnings, restrict access to the premises or take other appropriate action. Any such decisions will be communicated in writing where appropriate.

This approach ensures that legitimate complaints continue to be heard and investigated fairly, while protecting staff and maintaining the safe and effective operation of the school.

12.0 REFERENCES

- Independent School Standards Regulations 2014 (Part 7: Manner in Which Complaints Are Handled)
- Keeping Children Safe in Education 2026, Department for Education [gov.uk]
- Best Practice Guidance for School Complaints Procedures, Department for Education
- School Complaints Toolkit, Department for Education
- Education Act 2002
- Education and Skills Act 2008 (Section 109)
- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 2018
- UK General Data Protection Regulation (UK GDPR)
- Working Together to Safeguard Children (current version)
- Information Commissioner's Office (ICO) Guidance for Schools
- DfE Data Protection Toolkit for Schools
- Online Safety Act 2023
- Cyber Security Standards for Schools and Colleges

13.0 APPENDICES

13.1 Appendix 1: Complaint Form

13.2 Appendix 2: Roles and Responsibilities

13.3 Appendix 3: Key Contacts

13.1 APPENDIX 1: COMPLAINT FORM

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your Name:
Pupil's Name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number** (if different)**:**
Please provide details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please provide details.
Signature: **Date:** **Print Name:**
Official use – School to complete:
Date acknowledgement of receipt of complaint sent:
Sent by who (Name and role):
Complaint referred to (Name and role):
Date:

13.2 APPENDIX 2: ROLES AND RESPONSIBILITIES

Complainant

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

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

Investigator

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

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

The investigator should:

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

The Headteacher or Complaints Panel will determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator *(this could be the Headteacher, or other staff member providing administrative support)*

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure,
- liaise with staff members, Headteacher, Governance Chair, LAs (as appropriate) to ensure the

smooth running of This Complaints Procedure,

- be aware of issues regarding:
  - sharing third party information,
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person,
- keep records.

Administrator

The Administrator is the contact point for the complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR),
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible,
- collate any written material relevant to the complaint (for example, Stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale,
- record the proceedings,
- circulate the minutes of the meeting,
- notify all parties of the Panel's decision.

Panel Chair

The Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Administrator) to provide any additional information relating to the complaint by a specified date in advance of the meeting,
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy,
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person,
- the remit of the Panel is explained to the complainant,
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed,
- key findings of fact are made,
- the Panel is open-minded and acts independently,
- no member of the Panel has an external interest in the outcome of the proceedings or any

involvement in an earlier stage of the procedure,

- the meeting has notes/ minutes taken,
- they liaise with the Administrator (and complaints co-ordinator, where one is allocated).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so,

  No person may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it,

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting,

  Parents/ carers often feel emotional when discussing an issue that affects their child,

- extra care needs to be taken when the complainant is a child/ young person and present during all or part of the meeting.

Careful consideration of the atmosphere and **proceedings** should ensure that the child/ young person does not feel intimidated. The Panel should respect the views of the child/ young person and give them equal consideration to those of adults.

If the pupil is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/ young person's parent or carer is the complainant, the Panel should give the parent or carer the opportunity to say which parts of the meeting, if any, the child/ young person needs to attend.

However, the parent or carer should be advised that agreement might not always be possible if the parent or carer wishes the child/ young person to attend a part of the meeting that the Panel considers is not in the child/ young person's best interests. The welfare of the child is paramount.

13.3 APPENDIX 3: KEY CONTACTS

School and Branches – Key Contacts	
ROLE	**NAME**
School Administrator	
Headteacher	Rebecca Warhurst
Director	Paula Harris
Governance Chair	Louise De Hayes

External Contacts			
Organisation	**Web Link**	**Telephone**	**Address**
DfE	www.education.gov.uk/contactus	0370 000 2288	Department for Education Piccadilly Gate, Store Street, Manchester, M1 2WD.
Citizens Advice Bureau	https://www.citizensadvice.org.uk/	0800 1448848	Find your nearest Citizens Advice