



The High School
Leckhampton

Complaints Policy

Reviewing Member of Staff: Mrs Helen Wood
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1. 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, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect for confidentiality, where necessary
- Treat complainants with respect and courtesy
- Ensure 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

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our Funding Agreement and Articles of Association.

3. Definitions and Scope

3.1 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”

In most cases, a concern can be resolved through informal means.

3.2 Scope

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.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of Special Educational Needs (SEN)
- Safeguarding matters
- Suspension and Permanent Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the Special Educational Needs Co-ordinator (SENCO); they will then be referred to this complaints policy.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned. The school would appreciate being notified.

Complaints that are not directly related to a pupil currently on role at the school are outside the scope of this procedure.

Complainants cannot expect to always know the outcome or sanction after raising a concern or complaint. We would hope that parents trust the school to deal with the matter appropriately and in line with our procedures.

4. Roles and Responsibilities

4.1 The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media
- Do not approach individual governors about the complaint
- Respect confidentiality

4.2 The Investigator

This is an individual appointed to look into the complaint and establish the facts. They will:

- Prepare a comprehensive, open, transparent and fair consideration of the complaint
- Interview all relevant parties, keeping notes securely
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher or complaints committee which includes the facts and potential solutions and recommends courses of action to resolve problems

4.3 The Complaints Co-ordinator

The complaints co-ordinator can be:

- The Headteacher or the CEO
- A Designated Complaints Governor
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure

- Make sure the process runs smoothly by liaising with staff members, the Headteacher, Chair of Governors, Clerk and the CEO and Chair of Trustees as appropriate
- Be aware of issues relating to:
 - Sharing third-party information
 - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the Governing Body

The Clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings to all relevant parties
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Panel Chair

The complaints panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case
- Ensure no member of the panel has an external interest in the outcome or any involvement in an earlier stage of the procedure

5. Principles for Investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

If the pupil is still on roll at The High School Leckhampton, 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.

If the complaint relates to a student who has left the school, the complainant must raise the complaint within two weeks of the student's last day at The High School Leckhampton (for students in year 11 who leave at the end of their examinations, this will be within two weeks of their final formal examination). The exception to this will be if the complaint relates to examination results. Due to examination board timescales, such complaints must be received within one week of the examination results day.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

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 time scales 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

If other bodies are investigating aspects of the complaint, for example the police, LA or local safeguarding teams, this may affect timescales and result in the procedures being suspended until those bodies have completed their investigations.

6. Stages of Complaint (not complaints against the Headteacher or Governors)

We have adopted a 3-stage process for dealing with complaints.

6.1 Stage 1: 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. Complainants should expect that there may be two sides to every story.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office by phone on 01242 383351.

It is not appropriate for a complaint to be directed through a Trustee or Governor. Any Trustee or Governor receiving a complaint will give advice that there is an established procedure and refer the complainant to the appropriate person. (This is because a Trustee or Governor acting unilaterally could prejudice the involvement of Trustees or Governors at a later stage.)

The school will acknowledge informal complaints within 3 school days and investigate and provide a response within 15 school days.

The informal stage may involve a meeting between the complainant and the appropriate member of staff. If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: Formal

The formal stage involves the complainant putting the complaint to the Headteacher and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf if they have the complainant's consent to do so

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should

also state what they feel would resolve the complaint by completing The High School Leckhampton Complaint Form (*Appendix 1*).

Complaints against:

- Staff (except the Headteacher) should be directed to the Headteacher
- The Headteacher should be directed to the Chair of the Local Governing Body
- The Chair of the Local Governing Body, individual Governor, whole Governing Body should be directed to the Clerk to the Governing Body

The school will acknowledge receipt of the complaint within 3 school days and will commence its formal investigation upon receipt of the completed complaint form (*Appendix 1*).

If complainants need assistance raising a formal complaint, they can contact the school office by phone on 01242 383351 or email admin@hsl.gloucs.sch.uk

The Headteacher (or other person appointed by the Headteacher for this purpose) may call a meeting to clarify concerns, and seek a resolution

The Headteacher (or other person appointed by the Headteacher for this purpose) will then conduct their own investigation. Under normal circumstances, this process will be completed within 15 school days of receipt of the Complaint Form. The written conclusion of this investigation will be sent to the complainant within 5 school days. If the person investigating 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 reasons for it. If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the Governing Body in writing within 5 school days.

6.3 Stage 3: Panel Hearing

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by or on behalf of the proprietor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of Governing Body members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. If the complainant is unable to attend the date of the review panel, the hearing may go ahead using written submissions from both parties. Any written materials will be circulated to all parties at least 5 school days before the date of the hearing.

At the meeting:

The meeting will be held in private. At the review panel meeting, 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 (*see Appendix 2*)

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We do not encourage either party to bring legal representatives and representative from the media are not permitted.

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. If a school employee is called as a witness, they may wish to be supported by union representation.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The Outcome

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 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

In making their decision, the panel will review the decisions that have been taken by the school by considering the information presented to them in the documentation submitted prior to this hearing, and the statements made during the panel hearing. The decision to either uphold or dismiss the complaint(s) will be based upon:

1. Whether the correct complaints procedure has been followed
2. Whether, on the balance of probability, the complaints are valid

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 individual who is the subject of the complaint, and make a copy available for inspection by the Headteacher.

The school will inform those involved of the decision in writing within 5 school days.

7. Complaints against the Headteacher, a Governor or the Governing Body

Complaints made against the Headteacher should be directed to the Chair of Governors in writing via the Clerk to the Governing Body. The Chair of Governors will assume the responsibilities of the Headteacher as laid out in section 6 of this policy.

Where a complaint is against the Chair of Governors or any member of the Governing Body, it should be made in writing to the Clerk to the Governing Body in the first instance. If the complaint is against a Governor, the Chair of Governors will assume the responsibilities of the Headteacher (in liaison with the Headteacher), as laid out in section 6 of this policy. If the complaint is against the Chair of Governors or the whole Governing Body, the Headteacher will liaise with the Trust's CEO and legal advisor in order for them to facilitate an independent review of the complaint.

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE. The DfE will check whether the complaint has been dealt with properly by the school. The DfE will not overturn a school's decision about a complaint. However, it will look into:

- Whether the school was in breach of its funding agreement
- Whether the school failed to act in line with its duties under education law
- Whether the school acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

9. Persistent Complaints

9.1 Unreasonable and Persistent Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refused to co-operate with the complaints investigation process
- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that

the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out

- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value
- Raises large numbers of detailed, unimportant questions and insists they are fully answered, often to their own timescale
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Makes unjustified complaints about staff who are trying to deal with issues, and seeks to have them replaced
- Publishes unacceptable information on social media or other public forums
- Makes excessive demands on school time while the complaint is being dealt with
- Uses tweets to intimidate or offensive language

Please note – the above list is not intended to be exhaustive. It is at the discretion of the school what is deemed to be unreasonable.

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we reserve the right to contact the police. We may also bar an individual from school premises.

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant make insulting personal comments about or threats towards staff

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

9.2 Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint Campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record Keeping and confidentiality

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Data Protection Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing Body in case a review panel needs to be organised at a later point.

Where the Governing Body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Governing Body, who will not unreasonably withhold consent.

11. Covert Recordings

Covert recordings of conversations or videos of teachers, without express permission from the school, before the recording has begun, is forbidden. Any such recording may not be used as part of the complaints procedure.

12. Learning Lessons

The Governing Body will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

13. Monitoring Arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. They will track the number and nature of complaints, and review underlying issues as stated in section 12.

The complaints records are logged and managed by The Headteacher's PA.

This policy will be reviewed by Governing Body every 2 years.

At each review, the policy will be approved by The Governing Body.

14. Links with Other Policies

- Policies dealing with other forms of complaints include:
- Child protection and Safeguarding Policy
- Admissions policy
- Suspension & Permanent Exclusion Policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report
- Privacy notices

Appendix 1: Complaint Form

Please complete and return this form to the Headteacher's PA, at the school or via email – admin@hsl.gloucs.sch.uk

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". The school will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

Please detail your dissatisfaction about actions taken or a lack of action:

NAME:
STUDENT'S NAME (if parent/guardian):
Your relationship to the student:
Address (including postcode):
Daytime contact number:
Evening contact number:
Mobile contact number:
Email address:
Please provide details of your complaint:

What action, if any, have you already taken to try and resolve your complaint? Who did you speak to / liaise with and what was the response?
Desired outcome: What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please could you attach and detail below the reason for the attachment(s).
Signature
Date

Appendix 2: Procedure for Complaint Review Hearing

Chair makes introductions and confirm order of procedure as set out below.

1. The Complainant presents their complaint
2. The Headteacher outlines the school's response to the complaint
3. All parties may then ask questions
4. The Complainant will summarise their position
5. The Headteacher will summarise the school's position
6. The Headteacher & Complainant leave the room to allow the Panel to deliberate
7. The Clerk to the Panel will write to all parties with the outcome of the hearing as soon as possible

Rights Respecting School Statement

The contents of this policy have been reviewed taking into account The High School Leckhampton's responsibilities as a Rights Respecting School. In particular, our commitment to the following articles of the Convention of The Rights of The Child:

Article 28: (Right to Education): *The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable.*

Article 29: (Goals of Education): *Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to love peacefully, protect the environment and respect other people.*