

Summerhill School Complaints Procedure

1. Introduction and purpose

Summerhill School aims to deal with complaints clearly, fairly and in keeping with the ethos of the school.

Given the informal nature of the school and the good relations that the school has with parents, we anticipate that many concerns will be resolved by talking directly with houseparents, teachers or senior management.

Where a matter is a complaint, it should be made through the school office by following the process described below, and will be managed by senior management under this Procedure.

This Procedure explains how complaints are made, recorded, investigated and reviewed.

2. Definitions

The Department for Education defines a concern as:

“an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The Department for Education defines a complaint as:

“an expression or statement of dissatisfaction however made, about actions taken or a lack of action”.

For this Procedure:

Formal complaint means a complaint that has escalated to Stage 2 of this Procedure, where a formal written statement of the complaint is required. The written statement should be provided through the Complaint Form at Appendix 1, or by providing the same information in writing, and must be submitted to the school office.

Parent means a parent or carer of a pupil at the school, including a person with parental responsibility.

Working day means a school day during term time, excluding weekends, bank holidays and school holidays. For the purpose of calculating timescales, anything received by the school after 5.00pm will be treated as received on the next working day.

3. Scope of this Procedure

This Procedure covers complaints as defined by the Department for Education.

As set out in the DfE best practice guidance, a complaints procedure should cover complaints about school provision, except complaints for which there are separate statutory procedures. Matters that fall outside the scope of the school's complaints procedure include:

- a. admissions to schools;
- b. school re-organisation proposals;
- c. statutory assessments of special educational needs;
- d. matters likely to require a child protection investigation;
- e. exclusion of children from school;
- f. whistleblowing;
- g. staff grievances;
- h. staff conduct complaints, where internal disciplinary procedures are appropriate;
- i. complaints about services provided by other providers using school premises or facilities;
- j. complaints about the content of the school curriculum;

Where the school determines that a matter should be handled under another school policy (e.g safeguarding and child protection policy), statutory procedure, legal process, regulatory process or external process, the school will inform the complainant.

Where part of a complaint falls outside this Procedure, the school will confirm how the remaining part of the complaint will be handled.

Data protection complaints are dealt with under the data protection complaints section of this Procedure.

4. Stage 1: Initial consideration

All complaints begin at Stage 1.

The complaint should be made through the school office. The office will pass the complaint to senior management.

Senior management will consider the complaint and will seek to resolve the matter by direct conversation, meeting, telephone call, video call or written correspondence, as appropriate to both parties.

The school will acknowledge the complaint within **5 (five) working days** and will aim to respond within **10 (ten) working days of acknowledgement**.

If further time is needed, the school will inform the complainant of the reason and provide a revised date.

In the event that the complaint cannot be resolved informally, then either the complainant or the School may choose to progress the matter further as a formal complaint under Stage 2 of this procedure as set out below. **If either chooses to do so they must communicate this in writing within 7 (seven) working days of the date of the School's Stage 1 response.**

If neither the complainant nor the school moves the matter to Stage 2 within that period, the complaint will be treated as resolved.

5. Stage 2: Formal complaint

Complaints will only progress to Stage 2 after first being considered at Stage 1, and only where the complainant or the School confirms to the other in writing **that the matter has not been resolved informally and should now move to Stage 2.**

At Stage 2, the complainant **must submit a formal written statement of complaint, addressed to the Principal**, to the school office. This should normally be done by completing the Complaint Form at Appendix 1. The complainant may instead provide the same information in another written format.

The formal written statement must be submitted within **7 (seven) working days** of the date on which the wish to escalate the matter to Stage 2 was communicated in writing and must identify the specific complaint to be investigated, the action or lack of action complained about, and the outcome sought. Generalised grievances will have to be broken down into individual complaints in order to be recorded.

The School will acknowledge the formal complaint within **5 (five) working days**, indicating how the School proposes to deal with the formal complaint, which would usually involve an investigation being undertaken as to the matters leading to the complaint. In appropriate circumstances, an alternative approach (for example mediation) may be proposed.

Once the formal written statement has been received, the complaint will be recorded in the Complaints File. At this stage, the Complaints File will record the date of the complaint, the nature of the complaint, and whether it relates to boarding.

Senior management may consult the parents and any other person involved as to the course of action and any arrangements that may need to be put in place to minimise the impact of the complaints procedure on the persons involved.

Senior management may also arrange for the complaint to be further investigated. This can include a meeting or interview with the complainant, speaking with relevant members of staff and/or pupils, reviewing records, and gathering other relevant information

The complainant will be notified in writing of the Stage 2 decision and the reasons for it, usually within **20 (twenty) working days** of the acknowledgement of the formal complaint.

There may be instances when it is not practicable to adhere to this timescale. This may include, for example, the complexity of the complaint, a multi-strand complaint, the need to gather evidence, the wellbeing of children, staffing availability or pressures, school holidays, or other reasonable cause. The School will act quickly and fairly, while always attempting to cause the minimum disruption to the happiness and well-being of the children at the school. Where further time is needed, the School will inform the complainant of the reason and provide a revised response date.

The Stage 2 response will state whether the complaint is upheld, partially upheld or not upheld, and will identify any action the School considers appropriate.

The Complaints File will be updated to record the action taken, the outcome, and whether the complaint is resolved at Stage 2 or proceeds to a panel hearing.

If the complainant remains dissatisfied after the Stage 2 response, they may request that the complaint be referred to a complaints panel under Stage 3 of this Procedure. This request should be made through the school office within **seven working days** of the Stage 2 response.

6. Stage 3: Panel hearing

Stage 3 refers to a hearing before a complaints panel.

A complaints panel hearing, referred to in this Procedure as the Hearing, is a review of the aspects of the Stage 2 decision with which the complainant remains dissatisfied. The panel is not required to consider a new complaint, or a new aspect of an existing complaint, at Stage 3.

Requesting a Hearing

If no written request for Stage 3 is received by the School within **7 (seven) working days** of the Stage 2 response, the opportunity to proceed to Stage 3 will lapse and the complaint will be formally closed by the School.

A written request for a Hearing should include:

- a. the complainant's contact details;
- b. the parts of the Stage 2 response with which the complainant remains dissatisfied;
- c. the reasons why the complainant remains dissatisfied;
- d. any documents on which the complainant wishes to rely;
- e. the outcome sought;
- f. whether the complainant wishes to attend the Hearing;
- g. whether the complainant wishes to be accompanied at the Hearing.

The School will acknowledge the request for a Hearing within **5 (five) working days**.

The School will make every reasonable effort for the Hearing to take place within **20 (twenty) working days** of acknowledgement of the request.

If further time is needed to appoint a suitable panel, arrange attendance, gather documents, manage the complexity of the complaint, or for another reasonable cause, the School will inform the complainant of the reason and provide a revised hearing date.

Preparations for the Hearing

The Hearing will normally take place in person, but may take place by video call where the School considers this appropriate.

The panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member will be independent of the management and running of the School. One member of the panel will be appointed as Chair.

The School will also appoint a Clerk. From that point onwards, the Clerk will manage communications with the complainant and the School about the Hearing and its arrangements, to ensure the process is managed fairly and transparently.

The Clerk will give reasonable written notice to the parties confirming the date, time and place of the Hearing.

The Clerk will invite the complainant to submit any documents they wish the panel to consider.

The School may also provide documents to the panel, including evidence gathered during the investigation, the Stage 2 outcome and reasoning, relevant records or policies, and any response required to the complainant's Stage 3 submission.

The Clerk will then promptly circulate all submissions from the complainant and the school to the panel members and all parties attending the Hearing.

The complainant may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal school procedure and is not a legal proceeding. Legal representation is therefore not appropriate or necessary.

The panel will usually wish to hear directly from the complainant. If the complainant is accompanied by a legally qualified person, that person will not be permitted to act as an advocate or address the Hearing unless invited to do so by the Chair.

Scope of the Hearing

The Hearing will review the aspects of the Stage 2 response with which the complainant remains dissatisfied.

The Panel's role is to assess process, fairness and reasonableness. This includes considering whether the School's actions, handling of the complaint and decision-making were reasonable, proportionate **and in line with its own published policies and procedures**, taking into account the information available at the relevant time.

The panel may consider both the matters raised in the complaint and the way in which the complaint was handled at the previous stages.

The Panel is not a court, tribunal, regulator or enforcement body. It will not:

- a. determine legal liability;
- b. award compensation;
- c. determine compliance with external legislation or regulatory regimes;
- d. decide whether statutory or regulatory reporting thresholds were met;
- e. impose staff disciplinary sanctions;
- f. make findings that properly fall within the jurisdiction of a court, regulator, statutory agency or other external body.

Conduct of the Hearing

The Hearing will proceed unless the complainant confirms in writing before the Hearing that they are satisfied with the outcome of the complaint and no longer wish to proceed.

If the complainant does not attend the Hearing, the panel may proceed in their absence and consider the complaint on the basis of the written material and any representations available to it.

The Panel will normally hear representations from the complainant and from the School representative or representatives.

The School's representative may also be accompanied, with the same provisos as regards legally qualified individuals as apply to the complainant.

The Panel is not required to hear oral evidence from witnesses. The Chair may permit oral evidence from a witness, or may take written statements or records into account, where the Chair considers this appropriate.

Statements made at the Hearing will not be given under oath. Those attending may take their own notes for personal reference.

The Clerk may provide administrative support for the Hearing and may advise the Chair and Panel on governance and regulatory matters where required. The Clerk's role is to support the fair and orderly management of the Hearing and to keep the procedural record.

The Chair will determine the conduct of the Hearing, including the order and timing of proceedings, the issues to be addressed, and the extent to which questions, documents or oral representations are permitted.

The Chair may adjourn the Hearing where they consider this appropriate. This may include where further information is required, where a welfare or practical issue arises, where the conduct of the Hearing requires it, or where time is needed to consider a particular matter properly.

Any person who is dissatisfied with any aspect of the way the Hearing is conducted should raise this with the Chair before the proceedings continue. The concern will be recorded in the minutes.

The Panel Clerk will take minutes of the Hearing in accordance with the Chair's instructions. The minutes will not be a verbatim record, but will be intended to provide an accurate summary of the issues discussed, the representations made, the questions raised, the clarifications given and any procedural decisions taken during the Hearing.

When the Chair considers that the Panel has had sufficient opportunity to consider the documents and hear any representations, the Chair will close the Hearing.

The Hearing is a private proceeding. Notes, records, documents, statements or information relating to the Hearing must not be published or shared with third parties, including the press or media, except where required by law, regulation, inspection or the proper handling of the complaint.

Decision and records

After the Hearing has concluded, the Panel will consider the complaint in private.

The Panel will make its findings on the balance of probabilities.

The Panel may uphold, partially uphold, or not uphold the complaint. The Panel may also make recommendations.

The Panel will provide its findings and any recommendations in writing, normally within **10 working days** of the Hearing.

The written outcome will be provided to the complainant and, where appropriate, to any individual who has been the subject of the outstanding complaint.

The minutes of the Hearing will be kept with the Complaints File. The complainant and the School representative or representatives will have the opportunity to comment on the accuracy of the minutes within the timeframe set by the Chair. The Chair will determine the final form of the record.

The Panel's findings and recommendations will also be kept in the Complaints File and made available for inspection on the school premises by the proprietor and the Headteacher.

Correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State, or a body conducting an inspection under section 109 of the Education and Skills Act 2008, requests access to them, or where disclosure is otherwise required by law.

The decision of the Panel at Stage 3 is final. There is no further stage within the school's Complaints Procedure.

7. Clarifications and new matters

A complaint must be sufficiently clear and specific for the School to understand the matter complained about, the basis of the complaint and the outcome sought.

Where a complaint is unclear, broad, or contains separate issues, the School may ask the complainant to clarify the complaint before it is recorded or investigated further.

Where separate issues are raised, the School may ask for them to be set out separately. Related issues may be considered together where the School considers this fair and practicable.

At Stage 2, the School may accept clarification, evidence, or further information relating to the formal complaint already submitted.

New complaints raised after the formal written statement has been submitted will normally be treated as separate complaints and will begin at Stage 1, unless the School considers that it is fair and practicable to deal with them together.

At Stage 3, the Panel will consider the complaint already considered at Stage 2 and the complainant's reasons for remaining dissatisfied. New complaints will not normally be added at Stage 3. Where a new matter is raised, it will normally be treated as a separate complaint and begin at Stage 1.

Complaints involving several issues, unclear issues, or substantial later clarification may require additional time. Where this applies, the School will inform the complainant and provide a revised timescale.

8. Managing repeated or unreasonable complaints

The School will consider complaints carefully and will seek to respond helpfully and fairly. The School also has a responsibility to protect pupils, staff and the wider school community from conduct or complaints that place unreasonable demands on the School or interfere with the proper handling of concerns.

8.1 Serial or persistent complaints

A complaint may be treated as serial or persistent where all stages of this Procedure have been completed and the complainant seeks to reopen the same issue.

Where the complainant contacts the School again about the same issue after the Procedure has been completed, the School may confirm that the matter is closed and that no further response will be provided on that issue.

During an ongoing complaint, the School may manage unreasonable conduct under section 8.2.

A complaint will not be treated as serial or persistent because the complainant has referred the matter to their MP.

Any decision to treat correspondence as serial or persistent will apply to the subject matter of the complaint, not to the complainant personally.

Before deciding not to respond further, the School will consider whether:

- a. it has taken reasonable steps to address the complaint;
- b. the complainant has been given a clear statement of the School's position and any remaining options;
- c. the further correspondence raises substantially the same points.

The School will not stop responding simply because a complainant is difficult to deal with or asks complex questions.

8.2 Unreasonable conduct

A complaint may have merit even where the manner in which it is pursued is unreasonable. This section concerns the conduct of the complainant, not the merits of the complaint itself.

Conduct may be treated as unreasonable where it includes:

- a. refusal to clarify the complaint, the basis for it, or the outcome sought;
- b. refusal to follow this Procedure, despite reasonable assistance being offered;
- c. obsessive, persistent, harassing, prolific or repetitious communication;
- d. abusive, aggressive, threatening, defamatory or insulting language or behaviour;
- e. information which the School reasonably considers to be false, misleading or materially misrepresented;
- f. irrelevant, trivial, disproportionate or excessive questions or demands;

- g. unjustified complaints about staff or panel members involved in managing the complaint or in addressing its underlying issues;
- h. requests to remove or replace staff, clerks, panel members or others involved in the process, where the School has followed applicable guidance and ordinary sector practice;
- i. disclosure of confidential, inaccurate or inappropriate information about the complaint, the School's response, pupils, staff or others to third parties;
- j. conduct intended to cause disruption, annoyance or unnecessary pressure.

Where the School considers that conduct is unreasonable, it may take proportionate steps to manage it. These may include appointing a single point of contact, setting reasonable limits on the method or frequency of communication, declining to respond to abusive or repetitive correspondence, or setting other reasonable communication arrangements.

Where unreasonable conduct, or the position taken by a parent in connection with a complaint, affects the welfare of pupils or staff, the proper operation of the School, or the relationship of trust and cooperation required between the School and parents, the School may consider further action available under its agreement with parents, its published policies, and at law. Where appropriate, this may include action relating to the pupil's continued place at the School. The School may also take legal advice or legal action where necessary.

8.3 Unreasonable complaints

A complaint may be treated as unreasonable where the complaint itself is plainly unjustified, inappropriate for this Procedure, or an improper use of the complaints process.

In deciding whether a complaint is unreasonable, the School will consider all the circumstances of the case and the nature of the complaint itself, rather than the behaviour of the complainant.

Relevant factors may include:

- a. the background and context of the complaint, including whether there is any evidence that it has been brought for an improper purpose;
- b. whether the complaint has a clear and serious basis capable of being considered under this Procedure;
- c. whether investigating the complaint is likely to cause disproportionate disruption, distress, cost or use of time when considered against the nature and seriousness of the matter raised;
- d. whether the complaint seeks an outcome which is not available through this Procedure, including compensation, damages, a refund of fees, or disciplinary sanctions against staff.

Where possible, the School will seek to discuss its concerns with the complainant before deciding that a complaint is unreasonable.

Where the School determines that a complaint is unreasonable, it may decline to consider the complaint, limit the scope of its consideration, pause the complaint, or take other proportionate action. The School will inform the complainant of the decision and the reason for it.

8.4 Complaint campaigns

A complaint campaign is where the School receives complaints from three or more separate complainants which, in the School's view, relate to the same or substantially the same subject, wording, template or campaign.

Where this occurs, the School may use a proportionate process outside the ordinary stages of this Procedure. This may include issuing a common response to complainants or publishing a single response.

Where a complainant raises individual circumstances or issues that require separate consideration, the School will consider whether those matters should be dealt with under this Procedure.

9. Data protection complaints

A data protection complaint is a complaint that the School has not handled personal information in accordance with data protection law.

Data protection complaints may include complaints about how the School has collected, used, stored, disclosed, retained or secured personal information, or how the School has responded to a request to exercise data protection rights.

Data protection complaints should normally be made in writing to the school office and marked for the attention of the School's Data Protection Lead. The complainant may use the Complaint Form at Appendix 1, or provide the same information by letter or email. Where a data protection complaint is received by another route, the School will direct it to the Data Protection Lead.

Where it is unclear whether a complaint is a data protection complaint, the School may ask the complainant to clarify the matter.

The School will acknowledge a data protection complaint within **30 (thirty) days** of receipt.

The School will take appropriate steps to investigate the complaint without undue delay. This may include reviewing relevant records, speaking with relevant staff, checking the School's data protection records and procedures, and seeking further information from the complainant where necessary.

The School will keep the complainant informed of progress where appropriate and will communicate the outcome of the data protection complaint without undue delay.

Where a data protection complaint is made as part of a wider complaint under this Procedure, the School may deal with the data protection element separately where this is necessary to meet its obligations under data protection law.

The School will keep a record of data protection complaints, the steps taken in response, the outcome, and any action taken as a result.

If the complainant remains dissatisfied with the School's response to a data protection complaint, they may complain to the Information Commissioner's Office. The School will provide information about how to contact the ICO in its response.

10. External routes

The School's Stage 3 panel decision is final and there is no further stage within this Procedure.

A complainant may contact the Independent Schools Inspectorate. ISI's current contact details are:

Telephone: 0207 600 0100

Email: info@isi.net

ISI states that a complainant who wishes to complain about an independent school should follow the school's complaints procedure.

Nothing in this Procedure prevents a complainant from using an external route that is available to them. However, the School may pause, limit or adjust its own process where an external process, legal process, regulatory process or statutory procedure is taking place.

Review

This policy will be periodically monitored considering legislative or regulatory changes, and in any event, formally reviewed, and revised, if necessary, on an annual basis.

SPS14

Document history

Checked November 2010 by Zoë and Michael

Reviewed April 2014.

Updated June 2016

Amended June 2019

Reviewed May 2022

Updated September 2026

Appendix 1: Complaint Form

This form should be used where a complaint has reached Stage 2 of the School's Complaints Procedure.

The Department for Education defines a complaint as:

“an expression or statement of dissatisfaction however made, about actions taken or a lack of action.”

Please use this form to identify clearly the specific action taken, or lack of action, by the School which you are dissatisfied with, and the outcome sought. Generalised grievances will need to be broken down into individual complaints before they can be recorded and considered.

1. Complainant's Details	
Complainant's Full Name:	
Pupil's Full Name:	
Relationship to pupil:	
Address:	
Telephone number:	
Email address:	
2. Stage 1	
Who did you raise the complaint with at Stage 1?	
When did you raise it and how?	
What was the outcome of Stage 1?	
Why do you remain dissatisfied following Stage 1?	
3. Formal complaint	
Please state clearly the action taken, or lack of action, by the School which you are dissatisfied with. Please also state when this happened, if relevant.	
Please explain why you are dissatisfied with the action taken or lack of action.	
What action or outcome do you feel could resolve your complaint now?	

4. Data protection	
Does your complaint include a concern that the School has not handled personal information in accordance with data protection law?	Yes / No
If yes, please list the documents attached.	
5. Documents	
Are you attaching any documents or other paperwork?	Yes / No
If yes, please list the documents attached.	

7. Declaration

I confirm that the information provided in this form is true and accurate to the best of my knowledge.

I understand that the School will use the information provided in this form to consider my complaint under the Complaints Procedure, and that information may be shared with those involved in handling, investigating or reviewing the complaint where necessary.

Signature:

Date:

Please submit this form to the school office.