

Complaints Policy

Status: Original Policy

Date for Next Review: October 2026



ESF welcomes feedback and suggestions on ESF HR policies. Please scan the QR code or click on the link below:

https://bit.ly/esf_policy

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1. Policy Document Review

This policy document is subject to a regular review by The English Schools Foundation (ESF) to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements. ESF reserves the right to amend this policy following such review.

2. ESF Vision

ESF's vision is for every child to be the best that they can be.

3. Purpose

The English Schools Foundation (ESF) encourages an open environment where issues can be discussed and resolved between individuals in a positive manner with special regard to the ESF values. However, there will be times when an issue cannot be resolved between the parties. This policy sets out a formal procedure to assist with issue resolution.

Where issues cannot be resolved a complaint may be made. Complaints can arise from a variety of sources. They can arise among students individually or as a group, parents or members of the ESF community. They can be of a relatively simple nature or of fundamental importance; they may involve matters of teaching and learning or general complaints about ESF and School services. They can involve the members of the School Council or members of ESF offices.

ESF may, if the Chief Executive considers it reasonably appropriate or necessary, deviate from the procedures set out in this Policy, and no Staff Member shall have a claim against ESF due to such deviation. At all times, such deviation shall be compliant with the Employment Ordinance.

All complaints shall be dealt with fairly, free from discrimination on any grounds in line with the requirements under the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance.

4. Scope

This Policy applies to any complaint made by either a staff member or a non-staff stakeholder relating to any ESF/ESL employee, student or service operated by ESF or ESL.

Out of Scope: This policy does not deal with an appeal against the decision to expel a student from a school. As outlined in the Suspension and Exclusion Policy, such matters shall be dealt with by an Appeals Panel as prescribed by the ESF Ordinance.

Equally, this policy does not deal with an appeal against a decision to terminate a staff member's employment. Such matters are dealt with by an Appeals Panel as prescribed by the ESF Ordinance.

Similarly, this policy does not deal with an appeal against a decision to not renew a staff member's contract. Contracts are for a fixed term and the decision to not renew is final.

5. Definitions / Abbreviations

APTESFS	- Association of Professional Teachers in ESF Schools
Board	- Board of Governors of ESF
Chief Executive	- Chief Executive Officer of ESF
CMS	- ESF Complaints Management System
Complainant	- The person raising the complaint
Director HR	- ESF Director of Human Resources
ESF	- the English Schools Foundation
ESL	- ESF Educational Services Limited
Head of Department	- Head of the relevant department within the school or ESF/ESL office
Kindergarten	- An ESL Kindergarten
Non-Staff Stakeholder	- Any current, past or prospective ESF/ESL parent or student; ESF/ESL Committee, School Council or Board Members (past or present); organisations with which ESF/ESL has an active or concluded partnership, contract or agreement and members of the larger community who may not have any direct affiliation with ESF/ESL
Principal	- Principal of an ESF School or ESL School or Kindergarten
School	- Any ESF/ESL School
School Council	- School Council of the relevant ESF/ESL School
Senior Managers	- Members of the Senior Management Team of ESF or the leadership team of ESL
SMT	- Senior Management Team of ESF
Staff Member	- Any employee of ESF and/or ESL on full time, part time, temporary or hourly contract

6. Policy Principles

ESF encourages an open environment where issues can be discussed and resolved between individuals in a positive manner with special regard to the ESF values. ESF encourages informal resolution wherever possible. However, there will be times when an issue cannot be resolved between the parties and requires escalation to a formal process.

All complaints should be made and resolved in a respectful, professional and expeditious manner with a view to fostering instead of undermining relationships.

Acknowledging that complaints can create tension and heightened emotions the parties to a complaint are expected to be discerning in their use of language and tone.

Complaint resolution is a collective endeavour between the complainant, the party complained about and, where necessary, ESF. Successful resolution requires the engagement of all parties involved in the process.

7. Responsibility

7.1. Complainants

Complainants should give due consideration to the needs of other parties when considering raising a complaint. They are responsible for presenting their complaint constructively with due regard for the values of mutual respect outlined in the ESF Professional Code of Ethics.

Sometimes the resolution of a complaint may involve some degree of compromise by one or both parties; this should be borne in mind by all parties during any issue resolution.

It is the responsibility of the complainant to justify their complaint. The complainant must provide facts and submit information, evidence or documentation in support of their complaint. Complainants are expected to co-operate with and make themselves available for any investigation.

7.2. The Party Complained About

The party complained about is entitled to know the nature of the complaint made if the complaint is to be progressed. At times, to preserve the integrity of the investigative process, it may not be immediately possible to disclose the receipt of the complaint or the name of the complainant. The party complained about will be asked to co-operate with the investigation. Where the party complained about is a staff member, such co-operation is expected.

7.3. ESF

It is the responsibility of ESF to ensure that any complaint received is handled fairly, impartially and with appropriate confidentiality. Any documentation or information obtained as part of the investigative process should be managed in accordance with the ESF Personal Data Handling and Data Privacy Policy.

8. Procedure for Making a Complaint

There are four stages to the complaint-handling process:

- **Stage 1** – Locally Managed Informal Process
- **Stage 2** – Locally Managed Formal Process
- **Stage 3** – Centrally Managed Formal Process (Escalation to ESF Centre)
- **Stage 4** – Appeal to CEO

The procedure for making a complaint is set out in **Appendix 1**.

9. Complaints about Principal/ Head of School (Kindergartens only), Head of Business Development and Operation of ESF Explore, or a Member of SMT at ESF Centre

Any complaint relating to the following persons may be raised directly at Stage 3:

- i) Principal/Head of School (Kindergartens only);
- ii) Head of Business Development and Operation of ESF Explore; or
- iii) A member of the Senior Management Team (SMT) at ESF Centre

Depending on the circumstances of the case, the complaint may, however, be referred back for handling at an earlier stage.

10. Complaints about the CEO

Complaints about the CEO may be raised directly at Stage 3.

Such complaints may also be directed to the Chair of the Board of Governors through the Director of Governance at ESF Centre. Please contact 3762 2558 for further information.

11. Complaints about Students

Under no circumstances should any adult non-staff stakeholder attempt to resolve issues directly with another person's child. Any such issues should be raised directly with the school or ESF Explore, as appropriate.

12. Complaints that may Require Disciplinary Action

12.1. Staff Misconduct

If, during the complaint handling process, information comes to light that may, if proven, amount to staff misconduct, the Director HR must be informed without delay. The Director HR will determine whether a joint discipline and complaint investigation is warranted. For further information please refer to the Disciplinary Policy.

Where a joint discipline and complaint investigation is being conducted, the staff member concerned should be informed of the precise nature of the investigation including the potential for disciplinary action.

Complainants are not entitled to know details of any disciplinary action taken in relation to a staff member. This includes the decision to conduct a joint disciplinary and complaint investigation.

12.2. Student Misconduct

If, during a complaint investigation, information comes to light that may, if proved, amount to serious misconduct warranting suspension or exclusion, in contravention of ESF's Suspension and Exclusion Policy, the Principal/Head of School (Kindergartens only) should be informed without delay.

12.2.1. ESF may decide to continue with a disciplinary process, notwithstanding that a complaint has been withdrawn.

13. Timeline for Complaints

Complaints should be raised and resolved in a timely manner. This is to ensure fairness in the process for all parties involved.

Raising a complaint in early course enables easier recall of the subject matter giving rise to the complaint and the ability to preserve evidence. Similarly, resolving a complaint in an expeditious manner provides clarity and closure for those involved in the process.

For complaints progressing under the **Stage 1 Locally Managed Informal Process**, there is no specific timeline for the resolution of the complaint. If the complainant believes that sufficient progress is not being made, they can elevate the complaint to the **Stage 2 Locally Managed Formal Process** at any time.

For complaints progressing under Stage 2 or Stage 3 a complainant who has submitted a formal complaint should receive a formal acknowledgement in five (5) working days.

The complainant must confirm the main issues and desired results of their complaint within 10 working days. The investigation will begin only after receiving this confirmation.

Investigations are normally completed in 15 working days. There may be factors affecting this timeline, such as school holidays, and any extension is at the discretion of ESF. The parties to the complaint will be notified of any delays.

14. Discontinuing a Complaint

The complaint process may be discontinued under various circumstances including the following:

- i) There is insufficient evidence to support the complaint;
- ii) Both parties agree to discontinue the complaint;
- iii) The complainant agrees to withdraw the complaint;
- iv) For legal reasons;
- v) The complainant fails or refuses to engage in the complaint process;
- vi) The complaint is a repeat complaint that has previously been dealt with and no new information has come to light warranting a further investigation;
- vii) The complainant knowingly provides false or misleading information;
- viii) The complainant engages in threatening, offensive or insulting behaviour during the complaint process;
- ix) The complaint is deemed to be frivolous or vexatious.

ESF may decide to continue the disciplinary process notwithstanding that a request has been made to withdraw or a decision made to discontinue the complaint.

15. Compliance

15.1. Recording and Reporting

The Principal/Head of School (Kindergartens only) or Senior Manager is responsible for ensuring that all complaints are recorded on ESF's Complaint Management System (CMS). The progress and resolution of complaints must also be recorded on the CMS.

Should a complaint be considered serious in nature, such that, if made public it may negatively affect the reputation of ESF/ESL and its Schools, the Chief Executive should be informed without delay.

Any matters concerning the implementation of this Policy in a particular school/ kindergarten/ organisation should be raised with the Principal/Head of School (Kindergartens only) or Senior Manager with a view to reaching a mutually workable solution. Any matters of non-compliance should be raised with the Director, Human Resources, ESF Centre.

15.2. Responsibilities

Principals/ Heads of School (Kindergartens only) and Senior Managers

Principals/Heads of School (Kindergartens only) and Senior Managers are responsible for ensuring that complaints are handled expeditiously and in accordance with this policy.

16. Appendix 1 Procedure for Making a Complaint

A. Complaint Stages

There are four stages to the complaint-handling process:

- Stage 1 – Locally Managed Informal Process
- Stage 2 – Locally Managed Formal Process
- Stage 3 – Centrally Managed Formal Process (Escalation to ESF Centre)
- Stage 4 – Centrally Managed Appeal to CEO.

Stages 1 and 2 (*locally managed stages*) are handled by a school or a department within ESF Explore or ESF Centre.

Stages 3 and 4 (*centrally managed processes*) are handled either by the Governance directorate, the HR directorate or the Office of the CEO at ESF Centre, as appropriate.

The complaint handling process usually follows stages 1- 4 in order. If someone skips a stage, they must explain why and accept that their complaint might be sent back to the missed stage.

NB For complaints that may involve disciplinary action please refer to section 12 of the policy.

B. Stage 1 – Locally Managed Informal Process

i) Procedure

Where possible, a complainant should first talk directly to the person against whom they have a complaint to try and resolve the matter.

If that is not suitable, or if it has been tried without a satisfactory result, the complainant can involve a manager relevant to the situation. For schools, this could be a Head of Year, Department Head or Vice Principal. For ESF Explore or ESF Centre this could be a member of the SMT.

Even at Stage 1, high-level officials like the principal or a member of SMT may help resolve the issue informally.

Wherever possible, all complaints will be managed and resolved in accordance with Stage 1.

NB Under no circumstances should any adult non-staff stakeholders, attempt to resolve issues directly with another person's child. Any such issues should be raised directly with the school.

ii) Timeline

For complaints progressing under the Stage 1 locally managed informal process, there is no specific timeline for the resolution of the complaint. If either party believes that progress is not being made the complaint can be elevated to the Stage 2 locally managed formal process.

iii) Complaint Unresolved at Stage 1

If, after exhausting all options at Stage 1, the complainant remains unsatisfied, the complaint may be formalised by following the steps in Stage 2.

If the Principal/Head of School (Kindergartens only) or Senior Manager considers that it is not appropriate to resolve the complaint in accordance with Stage 1, they should explain to the complainant that, in order to proceed with the complaint, a formal complaint should be made in accordance with Stage 2.

iv) Recording on ESF's CMS - Principal/Head of School (Kindergartens only) or Senior Manager

Where the complaint is resolved, there is no need to maintain a formal record of the resolution process or outcome.

Equally, where the complaint is not resolved, there is no need to maintain a formal record. Should the complainant wish to progress the complaint, a formal complaint should be pursued in accordance with Stage 2 by the complainant.

C. Stage 2 – Locally Managed Formal Process

i) Filing a complaint

For Stage 2 to be invoked the Formal Complaint Form (available online www.esf.edu.hk/complaints or via the ESF App [parents] or Assembly [staff]) needs to be completed via the online ESF Complaints Management System. The form requires the complainant to indicate the key issue/s and desired outcome/s of their complaint. It also provides a section where a complainant can submit any evidence or supporting documentation.

ii) Acknowledgement and Notification

After a formal complaint is submitted by a complainant, the complainant will receive a formal acknowledgement in five (5) working days.

Where the Stage 2 process is initiated by the Principal/Head of School (Kindergartens only) or Senior Manager a notification to this effect will also be sent to the complainant.

The party complained about will also be notified about the formal complaint process unless doing so would undermine the integrity of any future investigatory process.

iii) Complainant Confirmation

The complainant will be required to confirm the key issue/s and desired outcome of their complaint within 10 working days. This is crucial as the investigation will be conducted based on the key issue/s and desired outcome/s of the complaint.

If the complainant does not provide confirmation the complaint will be discontinued.

iv) Investigation

The investigation shall commence only after the complainant has provided confirmation of the key issue/s and desired outcome.¹

The investigation at this stage is handled locally as follows:

- **Schools** - by the Principal/Head of School (Kindergartens only) or their delegate.
- **ESF Explore** - Head of Business Development and Operation of ESF Explore or their delegate.
- **ESFC** – a member of SMT at ESF Centre or their delegate.

As part of the investigation, the complainant and the party complained about may be invited to separate meetings. Parties to a complaint may be accompanied by an appropriate friend in such meetings.² Legal advisors are not permitted to attend investigatory meetings, and no audio or visual recording of the meetings is permitted without explicit written consent.

¹ See F below for further considerations where misconduct is alleged

² For example, teachers may choose to be accompanied by an APTESFS representative.

These meetings provide an opportunity to ask questions, obtain additional information and have a better understanding of the issues raised in the complaint.

If the complainant directly or indirectly refuses to participate in the investigation, the investigation may be either continued based solely on earlier submissions or it may be discontinued and the complaint case closed.

v) Investigation Report

An investigation report will be prepared. The complainant and the person complained about will be provided with a summary report detailing the findings on each of the issues raised. A copy of the investigation report in redacted or unredacted form, may be furnished to any other relevant party at the discretion of the Principal/Head of School (Kindergartens only)/SMT Member/ Head of Business Development and Operation of ESF Explore as appropriate.

vi) Complaint Unresolved at Stage 2 - Escalation to Stage 3

If the complaint remains unresolved after exhausting Stage 2, the complaint may be escalated to ESF Centre under **Stage 3 – Centrally Managed Formal Process**.

Either party to the complaint may decide to escalate the matter to Stage 3 if they remain unhappy with the outcome of the complaint resolution at Stage 2.

Equally, the Principal/Head of School (Kindergartens only) or Senior Manager may escalate the complaint to Stage 3 if they consider it inappropriate to resolve or to continue resolving the complaint at Stage 2.

vii) Principal/Head of School (Kindergarten only) or Senior Manager Recording on ESF's CMS

Following the complaint investigation, the Principal/Head of School (Kindergartens only) or Senior Manager should upload the investigation report and any other documentation collated during the investigation to the CMS.

Where the complaint investigation has not commenced or not completed the Principal/Head of School (Kindergartens only) or Senior Manager should also upload any documentation collated to date to the CMS.

D. Stage 3 –Centrally Managed Formal Process (Escalation to ESF Centre)

i) Escalating the Complaint to Stage 3

For Stage 3 to be invoked the “Complaint Escalation Form” needs to be completed online. The Complaint Escalation Form is accessible via the link included in the Stage 2 investigation report. Alternatively, a direct link to the form is available on the ESF website at www.esf.edu.hk/complaints.

Where a Principal/Head of School (Kindergartens only) or Senior Manager wishes to initiate the Stage 3 process they should transfer the complaint to ESFC via the ESF CMS.

ii) Acknowledgement and Notification

After a formal complaint is submitted, the complainant will receive a formal acknowledgement in five (5) working days.

Where the Stage 3 process is initiated by the Principal/Head of School (Kindergartens only) or Senior Manager a notification to this effect will also be sent to the complainant within five (5) working days.

The party complained about will also be notified about the escalation of the complaint unless doing so would undermine the integrity of any future investigatory process.

iii) Complainant Confirmation

The complainant will be required to confirm the key issue/s and desired outcome/s of their complaint within 10 working days. This is crucial as the investigation will be conducted based on the key issue/s and desired outcome/s of the complaint.

iv) Investigation

The investigation shall commence only after the complainant has provided confirmation of the key issue/s and desired outcome/s.³

The investigation at this stage is handled as follows:

- Staff Complaints – HR Department
- Non-Staff Complaints - Governance Department

As part of the investigation, the complainant and the party complained about may be invited to separate meetings. Parties to a complaint may be accompanied by an appropriate friend in such meetings. Legal advisors are not permitted to attend investigatory meetings, and no audio or visual recording of the meetings is permitted without explicit written consent.

These meetings provide an opportunity to ask questions, obtain additional information and have a better understanding of the issues raised in the complaint.

If the complainant directly or indirectly refuses to participate in the investigation, the investigation may be either continued based solely on earlier submissions or it may be discontinued and the complaint case closed.

v) Investigation Report

An internal investigation report will be prepared (see **Appendix 1**).

The complainant and the person complained about will be provided with a summary report detailing the findings on each of the issues raised. A copy of the investigation report in redacted or unredacted form may be furnished to any other relevant party at the discretion of the CEO or the Director of Governance/Director HR, as relevant.

³ See F below for further considerations where misconduct is alleged

E. Stage 4 - Appeal to the CEO

i) Appealing the Complaint Outcome

The outcome of the complaint may be appealed to the CEO. The appeal will be limited to the outcome of the investigation at Stage 3.

Either party to the complaint may appeal by writing to the CEO. They must indicate in their letter to the CEO the case number of the complaint as reflected in the investigation report at Stage 3. The letter shall be addressed to:

Chief Executive Officer
English Schools Foundation
25/F 1063 King's Road, Quarry Bay, Hong Kong
E-mail: ceooappeals@esfcentre.edu.hk

ii) Acknowledgement and Notification

The Office of the CEO shall formally acknowledge receipt of the appeal in five working days.

Both parties to the complaint shall be notified about the appeal that has been made and informed about the next steps and timeline.

iii) Convening a Panel

The CEO shall then convene a panel of at least three individuals. The composition of the panel shall be determined by the CEO.

The panel shall ordinarily review the investigation that was conducted at Stage 3 and any relevant documentation. It may, at its discretion, consider undertaking its own investigation and invite the complainant and/or the party complained of to a meeting.

iv) Timeline

The appeal process shall ordinarily be concluded in 15 working days. The Office of the CEO shall communicate any extension if more time is needed.

v) Appeal Panel Decision

The decision of the panel is final.

A final report will be prepared summarising the findings of the appeal panel. The complainant and the person complained about will be provided with a copy of this report or a redacted/summary report, as appropriate. A copy of this report in redacted or unredacted form, may be furnished to any other relevant party at the discretion of the CEO.

17. Appendix 2 Complaint Investigation Report Template

COMPLAINT INVESTIGATION REPORT TEMPLATE

An investigation report essentially has five main components:

Case Number	The case number is alphanumeric and not necessarily sequential. It is system-generated at Stage 2. A case escalated at Stage 3 or appealed at Stage 4 will carry the same case number at Stage 2.
Date of issue	This is the date when the investigation report is sent to the complainant. It follows the DD-MONTH-YEAR (date-month-year) format.
Main body	<p><i>The main body usually flows in four parts:</i></p> <p>It starts with an opening paragraph referencing the formal complaint and citing the case number.</p> <p>It is followed by a chronology of key events leading to the formal complaint and enumerates the key issues as confirmed earlier by the complainant.</p> <p>The key issues of the complaint are then discussed individually. After each discussion, a finding of “Upheld”, “Partially Upheld” or “Not Upheld” is provided (“Upheld” – the investigation has established grounds supporting the complaint on a specific issue; “Partially Upheld” – the investigation has established some grounds supporting the complaint on a specific issue; “Not Upheld” – the investigation could not establish any grounds supporting the complaint on a specific issue.). If appropriate, regardless of the finding, the report may contain an action or a recommendation. An action or a recommendation may come in the form of steps that will be taken, a reminder, a reinforcement of policy, procedures or practice, or notes around where improvements or enhancements may be made.</p>
Conclusion	Based on the discussion on the key issues and the findings of the investigation, the report provides the outcome of the investigation based on the desired outcome/s of the complainant.
Next Steps	The report outlines at the end, the recourse of the complainant if they are unhappy about the outcome of the investigation. For Stage 2 investigation reports, this provides information about escalation to ESF Centre. For Stage 3 investigation reports, this provides information about an appeal to the CEO. In both cases, the complainant is given 15 working days to proceed to any higher stage.

The template below is a guide in writing an investigation report on formal complaints filed at Stage 2 or escalated to Stage 3 of the complaint handling process (refer to ESF Complaint Policy).

Case No.	[(Case number)				
		Case Number ABCXXXX				
Date	[(Date of issue)				
		30 July 2024				
Main Body	[(Salutation)				
		Dear Mr and Mrs Chan,				
		(Case reference)				
		In reference to your formal complaint with case number ABCXXXX, I am furnishing you with a copy of the investigation report.				
		(Chronology of key events or background information as appropriate and identify key issues as per below)				
		XXXXXX				
		<table border="1"> <tr> <td>Issue 1</td> <td>XXXXXX</td> </tr> <tr> <td>Issue 2</td> <td>XXXXXX</td> </tr> </table>	Issue 1	XXXXXX	Issue 2	XXXXXX
		Issue 1	XXXXXX			
		Issue 2	XXXXXX			
		(Discussion on key issues)				
<u>Issue 1 XXXX</u>						
XXXXXX						
<i>Finding</i>						
Sample > Given the foregoing, the complaint on Issue 1 XXXXX is Not Upheld .						
<i>Action or Recommendation (as appropriate)</i>						
XXXXXX						
<u>Issue 2 XXXXX</u>						
XXXXXX						
<i>Finding</i>						
XXXX						
Conclusion	[(Conclusion)				
		Provide a summary of the investigation and address the desired outcome. This section may read:				
		Having considered all of the facts, evidence and documentation available to me, I am satisfied that there is insufficient evidence to support the complaint made. Your complaint has therefore not been upheld.				

Conclusion
(continued)

OR

Having considered all of the facts, evidence and documentation available to me, I cannot establish any ground for misconduct. Therefore, there is no basis to refer your complaint to a disciplinary process. Your complaint with respect to issue X is **not upheld**.

OR

Having considered the facts, evidence and documentation available to me, I am satisfied that there could have been a better way of managing XXXXX. Therefore, your complaint is **upheld/partially upheld**.

The school will be reviewing and improving its handling of XXXXXX. The school has also taken appropriate action to address this matter with the individual(s) concerned. *(Note: For disciplinary related actions, do not detail any specific disciplinary action as this is confidential.)*

Nex Steps

(Next Steps)

Sample > Actively engaging with parents is important to us to ensure that our students truly have a meaningful experience in our schools. We sincerely appreciate your time in working with us on your formal complaint. If you are unhappy about the outcome of this investigation, you may escalate your complaint to ESF Centre in 15 working days. You may refer to the ESF Complaint Policy for more information.

Best regards,

NAME

Position in School

Lead Investigation Officer