


Earlscliffe

Senior School | Sixth Form



Complaints Policy and Procedures

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Current version no:	02/2026
Reviewed: Toby Mullins (Head Teacher)	02/03/2026
Approved by the Governing Body:	Signed:  Date: 17/04/2026
Next review:	September 2026

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1. Introduction

Earlscliffe is committed to providing a high-quality educational and boarding environment in which pupils are safe, respected and supported to achieve their potential. The School welcomes feedback, concerns and complaints as an important means of improving standards, resolving issues fairly and maintaining confidence in the School's provision.

The School recognises its moral and statutory duties to safeguard and promote the welfare of children and to always act in their best interests.

The purpose of this policy is to provide a clear, fair and transparent process for raising concerns and complaints and to ensure that such matters are handled promptly, sensitively and proportionately.

No pupil will be disadvantaged because a parent, guardian or other appropriate person has raised a complaint in good faith.

2. Aims of this Policy

This policy aims to ensure that concerns and complaints are handled in a way that:

- encourages informal resolution wherever possible and sets out the school's formal procedures where this not achievable.
- is clear, accessible and easy to use.
- is fair, objective and non-adversarial.
- provides an opportunity to be heard.
- respects confidentiality.
- ensures a thorough, full, and proportionate investigation.
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary.
- gives reasons for decisions.
- identifies learning and service improvements.
- complies with relevant legal and regulatory requirements.
- helps to create a culture of safety, equality and protection.

3. Scope and Application

This policy applies to:

- parents or guardians of current pupils.
- parents or guardians of former pupils where the complaint was first raised while the pupil remained on roll.
- prospective parents in relation to admissions or pre-entry matters.
- pupils, where appropriate and suitable.
- other third parties directly affected by the school's actions.

It may not be possible for the school to investigate anonymous complaints as investigations under those circumstances are always difficult.

Complaints must reflect the genuine views and experiences of the complainant. Where a complaint has evidently been generated by artificial intelligence (AI) and does not represent the complainant's own account, the school may require it to be resubmitted before it is considered, or it will be summarily dismissed.

This policy does **not** apply to:

- staff grievances.
- disciplinary matters involving staff.
- whistleblowing disclosures.
- subject access requests.
- contractual fee disputes.
- exclusions or removals where separate procedures apply.

See the separate policies for these eventualities.

All parents should be aware that regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, pupils or parents for reasons of data protection and confidentiality.

There may be occasions when it is necessary or reasonable to deviate from this complaints procedure if this is reasonable and justified. Complainants will be notified of the changes.

The school encourages anyone else with any concerns about the school's operation to raise them with the school. They are asked to do so by writing to the Head Teacher or Chair of Governors, setting out their concerns and the action sought.

4. Definitions

A Concern

A concern is an expression of worry, doubt or dissatisfaction for which reassurance, clarification or informal action is sought.

A Complaint

A complaint is an expression of dissatisfaction, however made, about actions taken or a lack of action by the School, where the complainant seeks a formal response or remedy.

The school will assume that any concern that is sustained over a prolonged period, or that is expressed on more than one occasion, is 'de facto' a complaint. Any such concern will be investigated in the same way as a formal complaint.

5. Accessibility and Support

This policy is available on request and on the school website and can be accessed by parents of existing and prospective pupils.

In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, Earlscliffe School will also make available, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, details of this Complaints Policy and Procedure and information regarding the number of complaints registered under the formal procedure during the preceding year.

Reasonable adjustments will be made where required, including:

- large print or alternative formats.
- interpreter support.
- remote meetings.
- accessible venues.
- assistance in presenting a complaint.

Anyone requiring support should contact the School Office.

6. Safeguarding Concerns

Where a concern or complaint raises issues relating to safeguarding, child protection or pupil welfare, the matter may be referred immediately to the Designated Safeguarding Lead and dealt with under the school's safeguarding procedures. Safeguarding concerns may override the complaints process.

Where necessary, the school may refer matters to external agencies, including children's services, the police or relevant regulators.

7. Timeframes

The school aims to deal with concerns and complaints promptly.

Complainants should normally raise matters as soon as possible and ideally within **three months** of the incident or of the latest incident if it has occurred more than once.

The school will however consider complaints made within up to 12 months if exceptional circumstances apply, but parents should be aware that most complaints will require the school to conduct an investigation and the ability to carry out a full and fair investigation, particularly where pupils may need to be interviewed, becomes increasingly difficult as time elapses. A complaint raised after three months should therefore include details of the issues which led to the delay.

Where timescales in this policy cannot reasonably be met (for example during holidays, witness unavailability or linked investigations), the complainant will be informed and given revised timescales.

For the purposes of this policy, working days are Monday to Friday excluding public holidays and School closure periods. Complaints which are raised in the school holidays will usually be deemed to have been received on the first working day after receipt. In the event that the application of this definition is likely to introduce excessive delays, due to intervening school holidays

8. Expected Standards of Behaviour

The school expects all parties to engage courteously and constructively. As all concerns and complaints are dealt with confidentially, they should not be discussed publicly, including on social media. Complainants are also asked not to approach or discuss the matter with individual members of staff while an investigation is ongoing, so as not to compromise or interrupt the process.

The school will not tolerate abusive, threatening, discriminatory or harassing behaviour towards staff, pupils, governors or other members of the community.

Where behaviour becomes unreasonable, the school may implement proportionate measures under section 17 of this policy.

9. Three-Stage Procedure

The complaints procedure is divided into three stages. Earlscliffe hopes and expects to resolve most concerns and complaints quickly and informally without the need to use the formal stages of the complaints procedure. A parent who wishes to raise a concern may contact the tutor or boarding house manager or a Deputy Head in the first instance.

10. Stage 1 – Informal Resolution

How to Raise a Concern

Concerns should normally be raised first with the most appropriate member of staff, for example:

- Tutor.
- Teacher.
- House manager.
- Head of Department.
- Deputy Head.
- Relevant operational manager.

If the complainant is unsure who to contact, the School Office will assist. Where the complaint concerns the way the school uses and processes personal data, the School Head Teacher will need to deal with the complaint.

Process

Where a parent initially contacts a, deputy head, the senior deputy head or the Head Teacher, they will usually refer the complaint to the relevant manager unless it is deemed appropriate for them to deal with the matter personally. Once the relevant manager has been identified, they will normally:

- will normally acknowledge receipt of an informal complaint by telephone, email or letter within 2 working days, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the parent. Wherever appropriate, the school will ask the parent at the earliest stage what they think might resolve the issue.
- The parent will usually receive a response to the complaint within 10 working days of the complaint being made.
- The relevant member of staff (as above) who has addressed and resolved the matter with the parent must upload the associated communications onto the school's management systems. This should include PDF copies of any email exchanges (with dates) and dated records of any relevant meetings or telephone conversations with the parent.
- Where the parent is not satisfied with the response to their informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may, within 15 working days from receipt of the response to their informal complaint, escalate the matter to the formal stage (Stage 2) of this complaints procedure using the procedure below.

11. Complaints Against the Head Teacher

If the complaint is against the Head Teacher, parents may choose to raise the complaint directly with the Head Teacher if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, the school will not automatically treat the complaint as a formal (Stage 2) complaint and the Head Teacher will endeavour to resolve the complaint informally. The Head Teacher will normally acknowledge receipt of an informal complaint by telephone, email or letter within 2 working days, and will seek to resolve the matter by means of direct conversation or a meeting with the parent(s) to be held within 10 working days of the initial complaint. If the parent is dissatisfied with the Head Teacher's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the parent may escalate the matter to the formal stage (Stage 2) of this complaints procedure using the procedure below. Alternatively, parents should make their complaint directly to the Chair of Governors whose contact details are available from the school on request.

12. Complaints Against the Chair or Governing Body

Complaints concerning the Chair of Governors, individual governors or the governing body should be sent to the **Clerk to Governors**, who will arrange an appropriate independent process.

13. Stage 2 – Formal Complaint

How to Submit a Formal Complaint

Complaints will usually only progress to Stage 2 after first being considered at the informal stage and only then if the parent indicates that they intend to escalate a matter to the formal stage. If a complaint cannot be resolved on an informal basis, the procedure for making a formal complaint should be followed:

- Any parent who wishes to make a formal complaint should put their complaint in writing to the Head Teacher within 15 working days from receipt of the response to their informal complaint stating that it is made under Stage 2 of the school's Complaints Policy and Procedure. The complaint should include: the complainant's name and full contact details, details of the complaint and who it has previously been raised with, a copy of any relevant documents and the outcome desired. The school accepts formal complaints in any written form.
- A formal complaint will normally be acknowledged within 5 working days. An indication of the action that is being taken and the likely timescales will also be provided.
- The subject matter of the complaint will be investigated in the most appropriate manner. Tasks may be delegated to the deputy head: pupils/designated safeguarding lead, bursar, or other members of staff as appropriate and further particulars of the complaint may be requested from the parent(s), if required, including confirmation as to what they think might resolve the issue. The involvement of the Governors may be requested and / or meeting or conversations with others with relevant knowledge of the circumstances may be requested to define the scope of the complaint and / or assist in the investigation.
- In most cases, a conversation and / or meeting with the parent(s) will be held within 10 working days of receipt of the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation is conducted by someone other than the Head Teacher, they will prepare a report on the investigation, which will usually then be considered by the Head Teacher or other person handling the complaint, if relevant. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

- Once, so far as is practicable, all the relevant facts have been established, a decision will be made and the parent(s) will be informed of the decision (including the provision of reasons) in writing. This will usually be within 15 working days from receipt of the formal complaint.
- If the complaint is against the Head Teacher, the complaint should be made to the Chair of Governors and should include the same information requested above. The Chair of Governors or their nominee will acknowledge the complaint within 5 working days of receipt and indicate the action that is being taken and the likely timescale. A full report may be requested from the Head Teacher, together with all relevant documents. The Chair of Governors or their nominee may also call for a briefing from members of staff and will usually speak to and / or meet with the parent(s) to discuss the matter further. Once the Chair of Governors or their nominee is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents will be informed of the decision in writing. This will usually be within 15 working days from receipt of the formal complaint. The Chair of Governors or their nominee will give reasons for the decision.
- If the parent is not satisfied with the response to their complaint, they can request a panel hearing under Stage 3 of this procedure. This should be done within 10 working days of receipt of the Stage 2 decision.

14. Stage 3 – Panel Hearing

If parents are dissatisfied with the response to their complaint at Stage 2, they may, within 10 working days of receipt of the Stage 2 decision, write to the Clerk of the Governors requesting a complaints panel hearing. A request for a panel hearing will usually only be considered if the procedure at Stage 2 has been completed.

A complaints panel hearing is a hearing to review those elements of the decision made at Stage 2 about which the parent remains dissatisfied. The panel is not obliged to consider any new complaints at this stage.

The request should include the complainant's name and full contact details, provide details of those aspects of the complaint about which the parents remain dissatisfied, enclose copies of any relevant documents which the parent would like the panel to consider, and confirm the outcome desired and whether the parent wishes to attend the hearing and, if so, whether they propose to be accompanied and if they wish to attend in person or remotely. If assistance with the request is required, for example because of a disability, please inform the Clerk who will be happy to make appropriate arrangements.

Receipt of the request will normally be acknowledged by the Clerk within 5 working days. To the extent the parents are unable to provide their complaint within the time period stipulated due to extenuating circumstances, the parents should request an extension in writing. Such a request should be made to the Clerk in advance of the original deadline and should confirm the further time period requested and the reason(s) for this.

Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request.

The Panel

The clerk will liaise with the Chair of Governors to convene a panel of at least three members. Panel members will not have been directly involved in the matters raised or have detailed prior knowledge of the circumstances of the complaint, and the panel will include at least one member who is independent of the management and running of the school¹. One member of the panel shall serve as panel chair throughout the proceedings. The clerk will notify the parents of the names of the panel members and fair consideration will be given to any reasonable objection to a particular member of the panel.

The role of the panel is to establish the facts surrounding the complaints that remain in issue by considering the documents provided by both parties and any representations made by the parties, to review the process and the decision reached at Stage 2, and to consider on the balance of probabilities, whether or not to uphold each complaint. The panel is not empowered to make any financial award, nor to impose sanctions on staff, pupils or parents, although the panel may make recommendations about these issues.

Notice of Panel Hearing

A panel hearing will be scheduled to take place as soon as practicable, and normally within 15 working days of receipt of the Clerk receiving the details of an appeal hearing request. The panel will not normally sit during school holidays. The Clerk will send written notification to each party of the date, time and place of the hearing not less than 7 working days before the date of the hearing.

Prior to the Panel Hearing

- If the panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing.
- Copies of any additional documents that the parent wishes the complaints panel to consider should be sent to Clerk, to be received at least seven working days prior to the hearing.
- The Clerk will circulate a copy of the bundle of documents to be considered by the complaints panel to all parties not later than 5 working days prior to the hearing.

¹ The school acknowledges that the independent member should not only be outside the school's workforce, and not be a member of the governing body, but also not be otherwise involved with the management of the school (e.g. solicitor who regularly acts for the school). Therefore, the school will follow DfE guidance and consider people who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments as suitable independent panel member (e.g. civil servants, members of the Police Force, senior members of other schools).

- Where a parent has requested a hearing, it will take place unless the parent later indicates that they are satisfied with the outcome of their complaint and do not wish to proceed further. Unless such notice is given, the panel hearing will proceed even if the parent does not exercise the right to attend. In these circumstances, the panel will consider the parents' complaint in their absence and issue findings on the substance of the complaint.

Attendance at the Panel Hearing

- The parents may attend the hearing and be accompanied by one other person if they wish, this may be a relative, friend or work colleague. The hearing is an internal proceeding, not legal proceedings, and legal representation unnecessary.
- The parent(s) should note that the complaints panel will wish to speak to them directly. If they are accompanied by a legally qualified person, that person will not be permitted to act as an advocate or to address the hearing unless invited to do so by the chair of the complaints panel.
- The panel will decide whether it would be helpful for witnesses to attend.
- The panel may retain the services of a clerk (usually the Clerk to the Governors), who may make written notes of the hearing.

Hearing Procedure

- The manner in which the hearing is conducted shall be at the discretion of the panel.
- The panel will usually hear representations from the Stage 2 decision-maker and the parent(s).
- The hearing is not a legal proceeding and the complaints panel shall be under no obligation to hear oral evidence from witnesses to the issues complained of, but may do so and / or may take written statements into account.
- All statements made at the hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- All those present are expected to show courtesy, restraint and good manners. If they fail to do so and after due warning, the hearing may be adjourned or terminated at the discretion of the panel chair. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his / her comment will be minuted.
- The panel chair may, at his / her discretion, otherwise adjourn the hearing if he / she considers it appropriate to do so. This may include an adjournment for welfare reasons, to enable additional information to be obtained and / or considered or for the parties to take legal advice on a specific issue arising.
- If possible, the panel will resolve the parents' complaint without the need for further investigation. Where further investigation is required, the panel will decide how it should be carried out.

- When the chair of the panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the hearing.
- A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements relating to the complaint or any matter discussed in or arising from the proceeding shall be published or otherwise made available directly or indirectly to the press or other media.

Outcome of the Hearing

- The panel will make findings about each complaint and may make recommendations.
- The panel chair will record the panel's findings and any recommendations in writing, setting out the decision and the reasons for it. A copy of the findings and recommendations will be provided to the complainant and, where relevant, the person complained about, normally within 5 working days of the panel hearing (although additional time may be required if it is necessary to carry out further investigations following the hearing).
- A copy of the panel's findings and recommendations including any actions taken to implement them will also be available for inspection on the school premises by the Head Teacher and Chair of Governors.
- Panel decisions may be subject to a majority vote. The Chair has the casting vote.
- The panel's decision is final. There will be no further opportunity within the school for consideration of the complaint. The completion of stage 3 represents the conclusion of the school's complaints procedure.
- The school will ensure that the panel decision is recorded appropriately and that any recommendations made in the course of a complaint are properly considered and actioned as appropriate. The school will review any relevant areas of practice or procedure in light of the outcome of the complaint.

15. Records, Confidentiality and Data Protection

All parental concerns and complaints will be treated professionally and confidentially. The school is mindful of its obligations under the data protection law (Data Protection Act 2018/UK GDPR).

The school will keep a written record of all complaints, including whether they are resolved at Stage 1 (informal stage)⁴, the formal stage (Stage 2) or proceed to a panel hearing (Stage 3) and any action taken by the school as a result of the complaint (regardless of whether the complaint is upheld). All records created in accordance with this policy are managed in accordance with the school's policies that apply to the retention and destruction of records.

The records created in accordance with this policy may contain personal data. The school has a number of privacy notices which explain how it will use personal data about pupils and parents. The privacy notices are published on the school's website.

School staff will ensure that they follow the school's data protection policies and procedures when handling personal data created in connection with this policy.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances. Complaints which do not have safeguarding implications will be retained for a minimum of seven years (a period determined by the six-year inspection cycle with allowance for unforeseen circumstances).

Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.

16. Learning from Complaints

Senior leaders and governors will review complaint trends periodically to identify themes, risks and opportunities for improvement. A report will be made to Governors annually.

Trends may inform safeguarding, boarding or staff training reviews.

Appropriate actions may include training, policy review or operational changes.

17. Persistent or Unreasonable Complaints

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The school will not normally limit the contact complainants have with us. However, the school does not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this may be regarded as vexatious and outside the scope of this policy.

Unreasonable complaints are taken seriously by the school as they put a strain on valuable resources and hinder the progress of proper investigations.

We adopt the Department for Education's definition of unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaints investigation process.
- refuses to accept that certain issues are not within the scope of a complaints procedure.
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- changes the basis of the complaint as the investigation proceeds.
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the School's complaints procedure has been fully and properly implemented and completed.
- seeks an unrealistic outcome.
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- uses threats to intimidate.
- uses abusive, offensive or discriminatory language or violence.
- knowingly provides falsified information.
- publishes unacceptable information on social media or other public forums.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

In assessing this, the school shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the school will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;

- if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
- any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Head Teacher and/or Chair of Governors will discuss any concerns with the Parents informally before dismissing a complaint as unreasonable.

If the behaviour continues, the school will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit number of contacts in a communication plan. This will be reviewed after [six] months.

In response to any serious incident of aggression or violence, the school will immediately inform the police and communicate its actions in writing. This may include barring an individual from the school.

18. Number of Formal Complaints

The school is required to make available to parents of pupils and parents of prospective pupils and, on request, to the Chief Inspector, the Secretary of State or an independent inspectorate, the number of complaints registered under the formal procedure during the preceding school year.

The school received the following formal complaints during the academic year 2024/25:

Stage 2 Complaints:

Stage 3 Complaints:

19. Contact Details

School Office

Earlscliffe Ltd, 29 Shorncliffe Road, Folkestone, Kent CT 20 2NB.

Tel: 01303 253951

Head Teacher

tobymullins@earlscliffe.co.uk

Chair to Governors

(via School Office or published contact details)

Designated Safeguarding Lead

peterscargill@earlscliffe.co.uk