
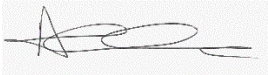


COMPLAINTS POLICY

Author / Reviewed by:	Gareth Jones / Cris Symes
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Review Date	May 2021
Signatories:	Headmaster  Governor 

Complaints Policy

Executive Summary:

This policy outlines the manner in which complaints are handled by Eastbourne College and St Andrew's Prep. Complaints may start with lesser "informal concerns" that a parent may have with the school.

The Independent Schools Inspectorate ("ISI") states that schools must have a published (made available) complaints policy with a 3-stage process. ISI requires that such a policy is aimed at parents of pupils. For the sake of completeness, this policy also covers guidance for complaints which may arise from members of the public as well as directly from pupils themselves.

Introduction

This policy is used by both Eastbourne College and St Andrews Prep as required. The term "school" in this policy, refers to either school. Where there are slight differences concerning specifics, the relevant school is named. The school has long prided itself on the quality of the teaching and pastoral care provided for its pupils. It also wishes to operate to the highest standards in its dealings with all stakeholders including parents, staff, neighbours and anyone who comes into contact with the School. This requires a clear, fair, and efficient procedure for dealing with any complaints to or against the School, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This policy is reviewed biennially by senior staff and reviewed and approved by the board of governors. Any regulatory change will lead to further review. It is readily available on the websites and can also be requested from Reception either by telephone, in person or in writing.

For the purposes of this policy, the word "complainant" is termed to mean anyone that wishes to complain about something that the School has done or has perceived to have done. If a complainant does have a complaint, they can expect it to be treated by the School in accordance with this procedure.

The use of the term "parent" in this document refers to any person with parental responsibility for a pupil. Much is suitable for use by other parties who wish to lodge a complaint against the School or College; hence the term "complainant" is used throughout, although there are specific sections and statements which only apply to parents.

Regarding pupils, this complaints procedure only applies to pupils already attending the School. It does not apply to prospective parents or pupils, nor ex-pupils / parents (unless the nature of the complaint was initiated whilst the ex-pupil was still attending school). This policy does not apply if the headmaster has permanently excluded (expelled / dismissed) a pupil. Parents have the right to appeal against a decision to permanently exclude by initiating a Governors' Review as described in the Eastbourne College's Rewards, Sanctions and Exclusions policy and St Andrew's Serious Misconduct, Suspension and Exclusion Policy.

This complaints procedure does not cover pupil admissions which has its own process of complaints and appeals outlined in relevant policies.

A complaint may be about the School as a whole, about a specific department, or about an individual member of staff. A complaint is likely to arise if a complainant believes that the School has done something wrong, or failed to do something that it should have done, or acted unfairly.

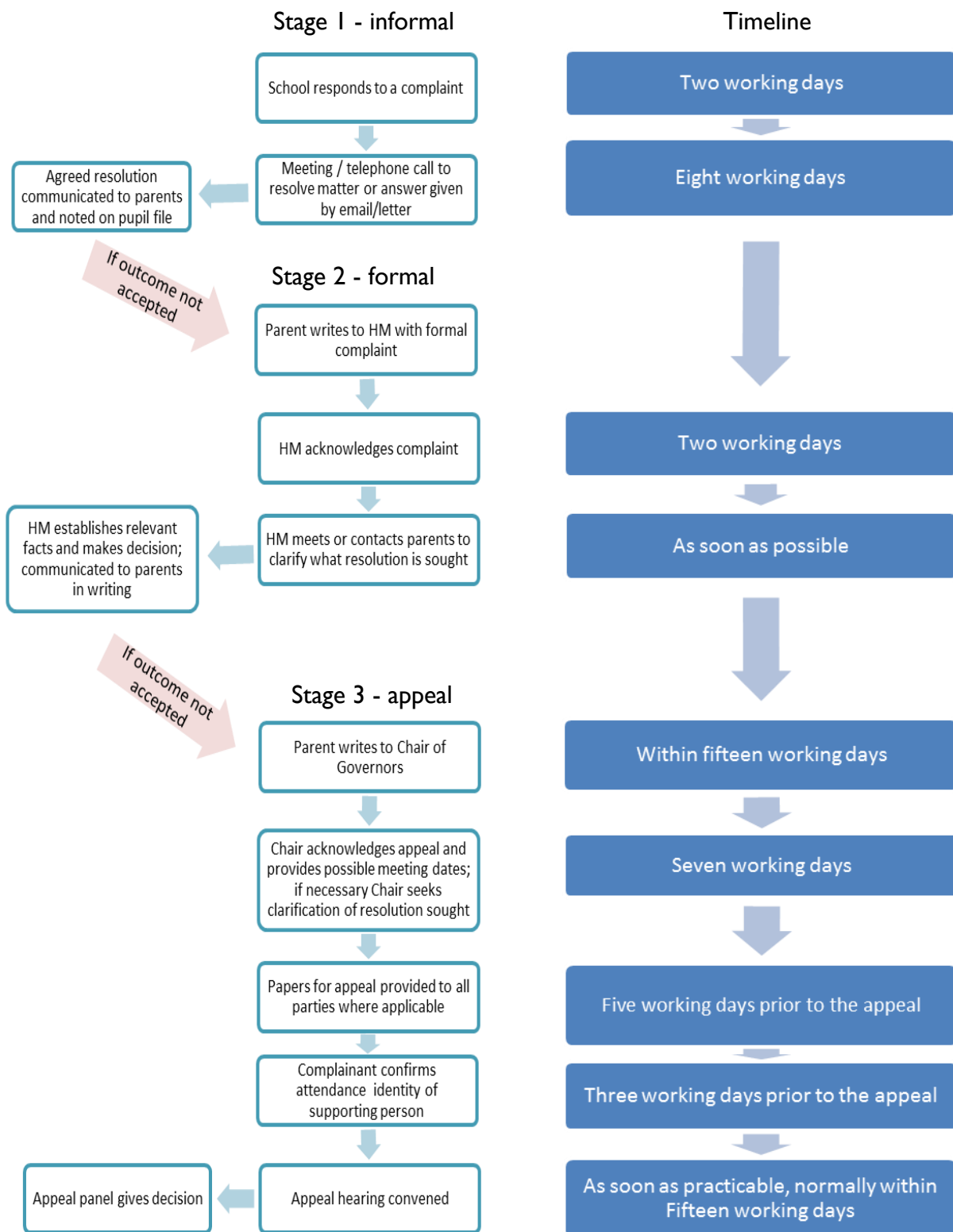
If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the School may immediately refer the case to child protection and welfare services and/or the police. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the School and outlined in this policy. In such cases, the timescale is dictated by outside agencies. For more information on our School's provision for protecting our pupils, see the child protection and safeguarding policy found on the relevant school website.

Anonymous complaints will not be examined under this policy.

Complainants can be assured that all concerns and complaints will be treated seriously and confidentially. Parents can be assured that their child will not be penalised for a complaint that is raised by parents or themselves in good faith.

Process

Guidance is provided here regarding how quickly the School will respond to complaints and concerns. However, where a longer investigation is required or outside agencies need to be involved, or if the complaint is raised just before or during the school holidays, the process may be delayed. In these cases, the complainant will be informed of the expected timelines where they differ from those in this policy. Reflecting this, in the interests of solving complaints and concerns promptly and effectively, the school expects complainants to lodge any concern or complaint within a reasonable time-frame.



- NB1 'working days' apply only to term time. If a complaint is received in the holidays, the school will endeavour to process it as quickly as practicable, or at the beginning of the next term according to this timeline, by mutual consent.
- NB2 The school will endeavour to resolve complaints as quickly as possible, ahead of this timeline, for everyone's best interest.
- NB3 The complaints procedure may be suspended if there is an investigation by external agencies (eg the police) or legal proceedings since these must usually be completed before any school decisions are made.

Stage 1 - Informal Resolution

It is expected that most complaints will be resolved quickly and informally. The vast majority of concerns and complaints, where they occur, are best approached in this way and indeed, solved at this early stage.

If a current pupil has a concern or complaint they will normally discuss this directly with their:

- tutor or hsm (housemaster or housemistress) at Eastbourne College;
- tutor / form teacher or head of department at St Andrew's Prep;

One of these staff will meet with the pupil as soon as practicable.

A pupil may initially voice a concern or complaint to any member of School staff such as their matron or a Medical Centre nurse depending on setting. Similarly they may choose to make their first contact with a house or school prefect, a friend, peer listener, the chaplain or the school counsellor, again depending on setting. The culture of both schools is that of a supportive community with a wide network of staff support avenues available. Further guidance on pupil concerns and complaints is shown in the annexe situated at the end of this policy.

Parents will wish to support their child through any difficulty they are experiencing at school. If a parent becomes aware that their child has a concern or complaint, normally and initially, the best means of supporting their child is for the parent to encourage their child to speak directly with their tutor or hsm (at Eastbourne College) and tutor or head of department (at St Andrew's Prep). These staff are generally the best placed person "on the ground" to find a solution to the problem.

There may be situations where a parent may deem a matter to be sufficiently serious to contact the hsm (Eastbourne College) or head of department (St Andrew's Prep) directly. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. This member of staff will get back to parents within 2 working days (or 2 working weeks during the school holidays) with a plan on how the matter will be resolved if it has not been already. If the member of staff cannot resolve the matter alone it may be necessary for them to involve the relevant head of department or activity (hod), or a member of the senior management team who may take charge of the informal resolution. Complaints concerning a hsm (Eastbourne College) or head of department (St Andrew's Prep) may be made directly to the relevant deputy head (pastoral).

An informal resolution can be organised via a meeting between parent, hsm / department head and/or relevant senior staff, or simply by means of direct communication (by telephone, email or face to face meeting) between the parents and the relevant senior staff. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue. The child's tutor may well be invited to attend any meeting in order to ensure the most satisfactory outcome for the pupil and parents going forward.

The School will aim to resolve any concern which reaches this stage within 8 working days after the initial response. Parents will be kept fully informed and will of course be made fully aware of the outcome and conclusion, the reasons for it and any action proposed. Simpler issues may be concluded by telephone; more complex ones will conclude in writing.

Non-parent complainants who wish to express a concern or a complaint should contact Reception. Generally such problems will be resolved by the facilities bursar who will respond, normally within 3 working days.

Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis, then the complainant should put their complaint in writing to the headmaster of the relevant school. The headmaster (or the Chair of Governors) will decide, after considering the complaint, the appropriate course of action to take.

The complaint will be acknowledged within 2 working days in term time and within 2 working weeks in school holidays, from receiving the written formal complaint. Subsequently the headmaster will meet or speak to the complainant concerned to discuss the matter and importantly to ascertain what resolution the complainant is seeking. If possible, a resolution will be reached at this stage.

It may be necessary for the headmaster to carry out further investigations.

Once the headmaster is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing as soon as possible (response time may need to be extended during holiday time due to possible non-availability of other staff; complainants will be informed if this is the case).

The headmaster will give reasons for the decision. If the complainant is still not satisfied with the decision, they should proceed to Stage 3 of this procedure.

NOTE: If the complaint is about the headmaster then the formal complaint should be addressed directly to the Chair of Governors who will appoint a governor to conduct the procedure above.

Stage 3 – Appeal; leading to a Panel Hearing

If a complainant seeks to invoke Stage 3, following a failure to reach an earlier resolution, they will be referred to the Chairman of Governors. A complaint against the Chairman should be addressed to the Vice Chairman.

The Chair of Governors / Vice Chair of Governors
c/o The Clerk of Governors
Eastbourne College Incorporated
Marlborough House
Old Wish Road
Eastbourne
East Sussex BN21 4JY

A complainant seeking to invoke Stage 3 of the process must do so within 15 working days of being notified of the outcome under Stage 2.

Importantly, a complainant **cannot** seek to lodge a complaint **directly** into this third and final stage of the process (except as a review of an expulsion / dismissal already enacted, see Rewards, Discipline and Exclusion policy at Eastbourne College and St Andrew's Serious Misconduct, Suspension and Exclusion Policy). If a complaint is lodged at this stage before having progressed through earlier stages then the complainant will be directed to follow the procedure as laid out.

The chair or vice chair will respond within 7 working days (in term-time) and within 2 working weeks (in school holiday time) of receiving the complaint. Having responded formally, the clerk to the governors will then be designated to act as the point of communication between governors and the complainant.

The clerk, on behalf of the panel, will then schedule a hearing to take place as soon as practicable and normally within 15 working days of the date of the letter of acknowledgement.

The clerk of governors will communicate with the complainant to agree and identify the most favourable location for the Panel Hearing to take place. Three options of dates and times will be given, all within a 3-week diary block. One of the suggested days will be a Saturday. One of the start timings will start in mid-afternoon. Such options are to provide complainants with a variety of helpful options from which to choose, should they wish to attend in person. At least one of the date / time options will be at the relevant school. One of the date / time options may be at a suitable venue in London since many of the governors and parents either work or live in London. Complainants are obliged to accept one of the three offered appointments in the interests of bringing about a conclusion to the process in a timely fashion.

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 panel hearing. Copies of such particulars shall be supplied to all parties no later than five working days prior to the hearing.

The complainant has the right to attend the panel hearing (or governor review of permanent exclusion) in person. If they wish to attend, the complainant may be accompanied by one other person whose identity should be clarified at least 3 working days in advance of the meeting. This may be a relative, teacher or friend. Legal representation will not normally be appropriate. If the complainant and / or a supporter is legally qualified, a member of a professional association or trades union, the clerk to the governors must be informed so that the panel and other parties may have the opportunity to bring professionally-qualified support. If they are satisfied for the panel to convene and make a decision without them, they must inform the clerk of governors of this intention no less than 3 working days in advance of the hearing / review.

The matter will be referred to the complaints / review panel for consideration. In this context, a full panel or review panel should not be regarded as a legal body. It is a group of professional and experienced persons whose task it is to decide if a complaint is justified.

The procedure during the review is summarised in **Annexe 3** to this policy.

For a full panel hearing, the panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the school. Eastbourne College incorporated will have due regard to ISI and DfE regulations requiring that such an "independent" person must have held a position of professional responsibility, is used to scrutinising evidence and putting forward balanced arguments (eg serving / retired business people, civil servants, heads or senior members of staff/governors at other schools, people with a legal background and retired members of the police force may be considered). Each of the panel members shall be appointed by the chairman of governors. Other than the independent person, the remainder of the Panel will be serving governors on the Board, though not normally one of the parent governors if the complainant is a parent. The clerk of governors and a member of the HR staff will be present to advise the Panel as necessary, during the course of proceedings.

No person can sit on any such panel if they have had any prior involvement in the case that is being dealt with at that time. The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy. The panel

will give careful consideration to how the complainant can be made to feel most comfortable presenting to the panel, especially in any case of a child having to present or explain information.

Panel Decision

If possible, the panel will decide the appeal immediately without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of all facts it considers relevant, the panel will reach a decision and may make recommendations, which it will usually complete within 7 working days of the hearing. Importantly the Panel will consider what actions the parents seek in order to resolve the complaint in their eyes and whether the facts of the case are sufficiently established. Decisions will be based around the balance of probabilities.

The panel will write to the complainant informing them of its decision and the reasons for it. The panel's findings and, if any, recommendations will be sent in writing to the complainant, and where relevant, the person about whom the complaint was made. A copy of the decision, the reasons for the decision and any recommendations will be made available for inspection on the School premises by the headmaster and the governors. **The decision of the panel will be final.**

It is not within the powers of the panel or any governor involved in this stage to make any financial award, nor to impose sanctions on staff, pupils or complainants. The Panel may make recommendations on such matters or any other issues to the headmaster and / or to the Board of Governors, as appropriate.

The appeals panel may:

- dismiss all or part of the complaint;
- uphold all or part of the complaint;
- decide on the appropriate action to be taken to resolve the complaint;
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

If a complainant is unhappy with the outcome, they may wish to put their complaint to the Independent Schools Inspectorate by writing to **ISI, CAP House, 9-12 Long Lane, London EC1A 9HA**, or to concerns@isi.net. Complainants can also contact the Department for Education [online](#) or on **0370 000 2288**.

The Foundation Years at St Andrew's are registered with OFSTED and parents of children in this area of the School can contact OFSTED and/or ISI directly should they have a complaint they feel is not being tackled by the School: **OFSTED, Early Years, Royal Exchange Building, St Anne's Square Manchester M2 7LA**. Telephone: **0300 123 1231**

Record Keeping and Policy Review

Complaints covered by this policy will be recorded in writing by the School, outlining the nature of the concern and the agreed solution. Pupil complaints will be stored on the pupil's file. Correspondence, statements and records will be retained and kept confidential to those involved except where the Secretary of State or a body conducting an inspection under section 108 or 109 of the Education and Skills Act 2008 requests access to them or where any other legal obligation prevails.

The School will normally review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively.

Staff Complaints

Staff who have a concern about a colleague or a volunteer member of staff should refer to our Charity-wide **Whistleblowing Policy and the relevant school's Safeguarding and Child Protection Policy**.

The procedure for dealing with any other staff complaints or employment grievances is set out in the school's **Capability and Disciplinary Procedure Policy for Academic Staff (College)** or the **Disciplinary and Grievance Procedure Policy for Support Staff (Charity-wide)**.

Key Contact Details

Eastbourne College contacts are listed via <http://www.eastbourne-college.co.uk/Contact-Us>. The second master can be contacted via Reception.

St Andrew's Prep contacts are listed via <https://www.standrewsprep.co.uk/contact/contact-details/>

The relevant deputy head (pastoral) can be contacted via Reception.

Unreasonable Complainants

The School prides itself in trying to take concerns and complaints seriously and in doing its very best in resolving them to a satisfactory all-round outcome in a prompt and efficient manner. Sometimes complaints can run into difficulties and **Annexe 2** to this policy outlines our approach in such situations.

References

External

- The Education (Independent School Standards) Regulations, 2014 (into force January 2015)
- ISI Handbook for the Inspection of Schools; Commentary on The Regulatory Requirements, September 2018
- Best Practice Advice for School Complaints Procedures 2019

Internal

- Eastbourne College Terms and Conditions
- Eastbourne College Rewards, Discipline and Exclusions Policy
- Eastbourne College Code of Behaviour (and several associated policies with regard to the expectations on pupil behaviour both in and out of school)
- Eastbourne College Rules
- Eastbourne College Diversity and Inclusion Policy
- Eastbourne College Incorporated Data Retention Policy
- St Andrew's Rewards and Sanctions (incorporating Behaviour and Discipline)

- St Andrew's Admissions Policy
- St Andrew's Serious Misconduct, Suspension and Exclusion Policy

Annexe 1: Pupil Complaints and Concerns

Annexe 2: Unreasonable Complainants

Annexe 3: Stage 3 Procedure

Annexe 1 to Complaints Policy - Pupil Complaints and Concerns

Introduction

At school we want everyone to feel part of a safe and happy community. From time to time, you may be worried or upset about something. This guide tells you about various people available to help you, so that you can choose someone you feel you can trust. The experience of pupils in this and other schools is that, no matter how bad the problem may seem to be, it is almost always a great help to talk about it.

Upsetting Events

Here are some examples of the kinds of thing which are upsetting and which we want to encourage you to talk to someone about:

- you are having difficulty with one or more of your school subjects
- you think that you may be ill and are too afraid or embarrassed to tell anyone
- you feel very depressed, or that life is not worth living
- you or your friends are being bullied or treated unkindly by another pupil
- you think that another pupil is not eating properly, or may be harming her / himself
- you are worried, angry or hurt about something happening at home
- you think that another pupil has done, or is about to do, something seriously wrong or dangerous
- you are caught in a serious situation that you don't know how to get out of eg to do with alcohol, drugs, money or sex
- you feel you are being treated unfairly simply because of your gender, or because of your colour or religion, or because you have a disability or learning difficulty, or because of your sexual orientation
- you feel that a member of staff has treated you unfairly eg in a punishment given or in favouring other pupils
- you feel that you are not given enough privacy or independence.

What you should do

If any of these things are happening, please talk to someone about it, even if you feel you can handle the situation. It may be that what's going on affects other people at school, or that you are unaware of all the different ways a problem can be tackled.

If you witness or experience something by a member of the public who is committing a crime, please get yourself to a position of safety and contact the Police on 999 with as much detail as possible. Information such as car registrations is important. Please then alert a responsible adult as soon as possible afterwards.

There are a number of different people who will be very happy to talk to you and to help you try to find a solution to the problem. It may help to talk first with another pupil who is a trusted friend. However, sometimes you may also need the help and support of an adult or professional. The staff available vary slightly between the two schools so choose whoever you feel most comfortable and safe talking to: your tutor, form teacher, housemaster / mistress and / or his / her partner, the deputy head (pastoral), the second master, the headmaster, the chaplain, the school listener at St Andrew's, a matron, a nurse in the Medical Centre or any member of staff.

We would expect one of these to be the first person you speak to if you have a complaint about the school or a member of staff as it is normally the quickest and most effective way to get to the heart of

the problem and resolve it. However, if you do not feel able to speak to a member of staff, other people to talk to are:

- your parents or other relatives
- the school counsellor (Ms Sue Duffell 07703 174795; counsellor@eastbourne-college.co.uk)
- an older pupil at the school eg a school or house prefect
- a member of your in-house vertical group
- a peer listener in your house
- the school doctors (01323 452345)
- Child Line 0800 1111
- the Children's Commissioner (020 7783 8330)
- the Independent Schools Inspectorate (0207 600 0100).

If you prefer, you can write to or email one of the people mentioned. Note that the counsellor is happy to make appointments to see you, in confidence, but it is normally a good idea to talk with your tutor, form teacher and / or hsm first, in most cases, not least as the counsellor works part time normally through pre-booked appointments.

If you feel you need to report something directly to the Police or Social Services please try to think about talking this through with an adult you trust or ring East Sussex Duty and Assessment Team (01273 335905/6).

Confidentiality

The school understands that you may wish to talk about a problem only if it is kept secret. In many cases, this is possible, but there are three exceptions of which you should be aware:

- The headmaster is required by the governors to make sure he is aware of all issues affecting the safety and welfare of pupils at the school. This means that the headmaster will need to be kept informed by school staff of the broad nature (but not usually the details) of any serious health, safety or welfare issue of which they are aware. If your problem or complaint involves the headmaster, then one of the governors will be informed instead.
- The school has a legal duty to keep your parents/guardians informed about your welfare and progress at school. However, if you do not wish them to be informed, please say so, so that the options can be discussed with you.
- In any situation that involves the protection and safety of a child (you or someone else), adults are legally obliged to work together and share information (on a strict need-to-know basis) in the best interests of preserving the safety and welfare of that child.

Please do not let this stop you from raising complaints or saying when you are worried or upset. Most pupils who find the courage to speak up, say afterwards that it helped them enormously and that the problem did not seem quite as bad once they had a chance to talk it through with someone experienced and helpful.

Annexe 2 to Complaints Policy - Unreasonable Complainants

The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do 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.

The School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- 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 complaints procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headmaster or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the headmaster will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

Annexe 3 to Complaints Policy - Procedure during a (Stage 3) Appeal

Prior to the hearing, the Clerk to the Governors is to circulate to the panel members, the complainant and the school representatives a briefing folder containing:

- a. The letter of complaint.
- b. The response from the school.
- c. A copy of the complaints policy (or only governor review section as appropriate).
- d. Any documentation relied upon by either party.
- e. Details of the names, professional qualifications or representative status of any supporters who will be present.

The procedure for an appeal is usually as follows:

1. The complainant and Headmaster will enter the hearing together.
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The Panel will seek clarification on any points raised by the complainant and ask any further questions.
5. The headmaster will explain the school's actions, responding to the complainant's case, highlighting any areas of importance.
6. The panel will seek clarification on any points raised by the headmaster and ask any further questions.
7. The complainant will sum up their complaint.
8. The headmaster will sum up the school's actions.
9. The panel may take this opportunity to ask any final questions.
10. The chair will explain that both parties will hear from the panel either on the day or within a specified timeframe – normally within 15 working days.
11. Both parties will leave together while the panel decides.
12. The clerk (and, if appropriate, a member of the HR staff) will stay to assist the panel with its decision making.

There may be adjustments to this procedure made. For example, it may be decided to listen to the headmaster and complainant separately. It may be necessary for a senior member of staff to stand in for the headmaster, if the headmaster is unavailable. All those attending the hearing are expected to show courtesy, restraint and good manners. If necessary, the chair may decide at his / her discretion, to adjourn or terminate proceedings at any time.

The clerk to the governors will be present throughout the hearing and will keep a minute of the main points that arise. This will act as the official record and will be circulated for comment to all parties. The proceedings will not and may not be electronically recorded. Everyone present may take their own notes.