



CONCERNS AND COMPLAINTS POLICY AND PROCEDURE

Policy Review

This policy will be reviewed in full every two years.

The policy was last reviewed in December 2016.

INTRODUCTION -This policy is prepared using the DFE Best Practice Advice for School Complaints Procedure 2016

Trustees of Steiner Waldorf schools have many legal duties and responsibilities alongside upholding our founding ideals. We wish to encourage all members of a school community to strive to fulfil their role and responsibilities diligently and capably while upholding the dignity of the human being in all their encounters.

Our Concerns and Complaints Procedure is intended to support our core ideals and to contribute to the continual improvement of the education we provide. Accordingly, this procedure seeks to embody the five fundamental attitudes set out as follows in the SWSF Code of Practice:

- **Respect** for the integrity (spiritual essence) of everyone and of the world in general –
- **Interest in and Positive** approach towards the potential for development in young people and humanity in general –
- **Recognition** of the central importance of lifelong learning
- **Commitment** to the core task of educating children in the light of the above **and**
- to encourage, enable and value the **Contribution** of individuals, groups and communities to the improvement of our common heritage.

This document is written in the light of these principles. Independent schools in England are required by regulation to offer a procedure for complaint as set at the end of this document (see A6) –This procedure meets these regulatory requirements in full. In addition, this procedure is intended to help sustain a positive ethos within our school & Kindergarten so that problems can be listened to appropriately and resolved wherever possible.

The school aims to provide high quality teaching and pastoral care to its pupils and in order to improve our work, we seek to learn from our mistakes and correct them whenever this is possible. We believe that the education of our children can be most effective when there is close cooperation, mutual trust and respect between all those involved in their upbringing and education.

In the school, we offer the following opportunities for communication: meetings with SMT, class evenings, and the Newsletter; and encourage all members of the community to contribute to the life of the school through these channels. We also welcome practical suggestions that can help us improve our communication and the way we work.

Our Concerns and Complaints Procedure aims to deal with issues in a fair and open manner. We intend to respond to questions and criticisms promptly and to do all we can reasonably do to resolve any problems amicably. We encourage parents not to allow concerns to fester, as clear channels of communication between parents and teachers are one of our greatest assets in ensuring the highest levels of care for the pupils of the school.

We are committed to learn from the experiences of members of our community, members of the public or others whether their perception of the School is positive or otherwise.

This procedure may be supplemented where the issue involves allegations of professional misconduct, criminal offences, including matters covered by our safeguarding/child protection procedure or others that might result in a member of staff facing disciplinary action. In cases of that sort, an urgent investigation will take place and evidence will be gathered as appropriate from all parties. We are obliged in such matters to maintain confidentiality, without which due process, legal procedure and/or natural justice would be compromised.

We will endeavour to take all reasonable steps to resolve complaints via the procedure set out in this document. There may be circumstances where resolution proves to be impossible. On those rare occasions, once all stages of our procedure have been exhausted, the Trustees reserve the right to treat the matter as closed subject only to further steps that may be open to the complainants indicated at the end of this document. N.B. In rare circumstances where the behaviour of the complainant gives reason for it, the Trustees reserve the right to handle a complaint according to its vexatious or habitual complaints procedure. T

If parents do have a concern or complaint, they can expect it to be treated by the school in accordance with the following three-stage procedure.

1.0 STAGE ONE – RESOLUTION OF INFORMAL CONCERNS

We hope that this procedure will help us to listen to and acknowledge your concerns and to treat you fairly and consistently. We are committed to treating your concerns seriously and to finding solutions that work for you and others involved. A concern can be defined as a cause of worry, whilst a complaint can be defined as an expression of dissatisfaction. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

N.B. This part of the procedure is available to parents, prospective parents, young people aged 16 and over, members of staff or other people affected by the life of the School & Kindergarten.

- 1.1 Persons who have a concern about any aspect of the school should speak directly to the member of staff in question. Normally this would be the child's kindergarten teacher, class teacher, subject teacher or sponsor. In the case of an administrative concern, this is likely to be the Bursar or Estates Manager.
- 1.2 We hope that in most cases a conversation between the person raising the concern and the member of staff involved will be sufficient to allow a resolution to be reached. If the member of staff cannot resolve the matter alone, it may be necessary for him/her to consult another colleague. The member of staff concerned will be expected to keep a written record of all communications, including discussions and/or meetings held.
- 1.3 If for any reason, you feel unable to speak directly to the person concerned please contact the School's Complaints Officer or member of the Senior Management Team who will be happy to meet with you to resolve your issue.

At this point, records of conversations and meetings, emails, phone messages etc will be logged on a Stage One Concern Form by the Concerns & Complaint Officer and filed by them.

Whilst we would not wish to put a fixed timescale to matters of concern, we are aware that concerns should not be allowed to prolong. We would normally expect any informal concern to be resolved speedily.

2.0 STAGE TWO – RESOLUTION OF FORMAL COMPLAINTS

It is our aim to deal with any issues that may arise through our concern procedure. However, if the matter cannot be resolved informally or if the issue is one of grave seriousness (e.g. a question of serious abuse of any sort) you should raise it as a formal complaint by putting it **in writing**, in the

form of a letter, email to complaints@rssl.org or by the completion of a Formal Complaint Form, Appendix B. Formal complaints will be registered for the purposes of inspection as required by Ofsted.

2.1 In the letter, you should include:

- Make it clear why you are complaining
- Say who you have spoken to already
- Explain what you want to happen as a result of your complaint

2.2 Please note that it is not possible to deal with anonymous complaints unless the complaint is a safeguarding issue, in which case the complaint will be referred to the school's Designated Safeguarding Lead (DSL). An anonymous complaint is defined as a complaint where the name of the complainant is unknown to those who deal with complaints.

2.3 Formal complaints made directly to SMT or the Trustees will be referred to the Concerns & Complaints Officer. SMT and the Trustees will be informed of the receipt of any formal complaints.

2.4 In all cases where a formal complaint has been received, the school undertakes, to contact the complainant/s as soon as possible, or within 5 working days of receipt, to acknowledge the complaint and discuss the next steps to be taken. Although this can be expected during term time, complaints received during school holidays may take longer to action.

2.5 We keep the following records of complaint:

- The complaint will be listed with the date it was first raised
- The nature of the complaint
- Dates of meetings, communications and those attending them
- Whether the matter was resolved
- Copies of all documentation

Complaint records will be kept confidential and secure except where the secretary of state or a body conducting an inspection under 109 of the 2008 act requests access to them. The school complaints record will be made available to school inspectors when they conduct inspections in accordance with the law.

2.6 A member of SMT will be appointed to investigate the complaint. If they need to clarify any aspect of the complaint, they will normally contact the complainant/s and, if necessary or appropriate, meet with the complainant/s. As part of their investigation, they will also meet with relevant members of staff.

2.7 If necessary further steps may include a facilitated meeting between the complainant/s, the member of staff who is the subject of the complaint and a third party who will facilitate the meeting. This third party will be a member of staff who is acceptable to the other parties. During a facilitated meeting, a written record will be made of all the issues involved.

2.8 The Concerns & Complaints Officer will collate written records of all meetings and interviews held in relation to the complaint.

- 2.9 Once, so far as is practicable, and all the relevant facts have been established, they will make a decision in relation to the complaint, and the complainant/s will be informed of this decision in writing, with reasons for the decision.
- 2.10 Prior to a complaint being escalated to involve a formal hearing, the school will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- An apology
 - An explanation
 - An admission that the situation could have been handled differently or better
 - As assurance that the event complained of will not recur
 - An explanation of the steps that have been taken to ensure that it will not happen again
 - An undertaking to review school policies in light of the complaint.
- 2.11 If the matter does not reach a satisfactory resolution, then the complainant/s will be advised to proceed with their complaint in accordance with Stage Three of this procedure. Should the complainant/s wish to proceed to Stage Three, they should inform the school in writing, via the complaints officer or direct to the Chair of Trustees, within 10 working days. The request to proceed to Stage Three should explain why the complainant/s is not satisfied that the matter has been appropriately resolved.
- 2.12 If the complaint is against a member of staff, SMT will ask one of its members to act as an advocate to support him/her through the process.

NB: We will do everything reasonable to manage complaints and notify complainant/s of the outcome of the investigation within **28 days** of having received the complaint. However, in the interests of accuracy and natural justice, the procedure may take longer. The complainant/s will be informed if this is the case.

3.0 STAGE THREE – APPEAL(S) TO A REVIEW PANEL

If the complainant/s seeks to invoke Stage Three, the Trustees will convene a Review Panel, if possible within 10 working days from receipt of the request.

Normally one members of the Panel would be a Trustee who have not been involved in handling the complaint. The other two members of the Panel would be a suitably qualified persons independent of the school's management or governance. Normally the Panel Chair will be the independent Panel member.

Once appointed, the Panel Chair will contact the complainant/s within 48 hours to confirm the procedure and the composition of the Panel. The complainant/s will be informed of the date/time of the Review Panel's meeting – which will normally take place within 14 days - and the process and aim of the Panel:

- Members of the Panel will review the complaint confidentially, with objectivity and without fear or favour.
- The Panel members will consider all written documentation regarding the complaint to date.

- 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 review meeting. Any additional information provided will be made available to all those involved.
- If necessary, the Panel may request meetings with any person to seek further clarification.
- The complainant/s shall have the right to meet with the Review Panel if they so wish, and may be accompanied to any such meeting by one other person. This may be a relative, teacher or friend. Legal representation will not normally be accepted. Recording of the proceedings is not normally acceptable.

The role of the Review Panel is:

- To consider the complaint further in the light of matters stated by the complainant/s in the request to proceed to Stage Three; and
- To decide whether the outcome of Stage Two was appropriate.

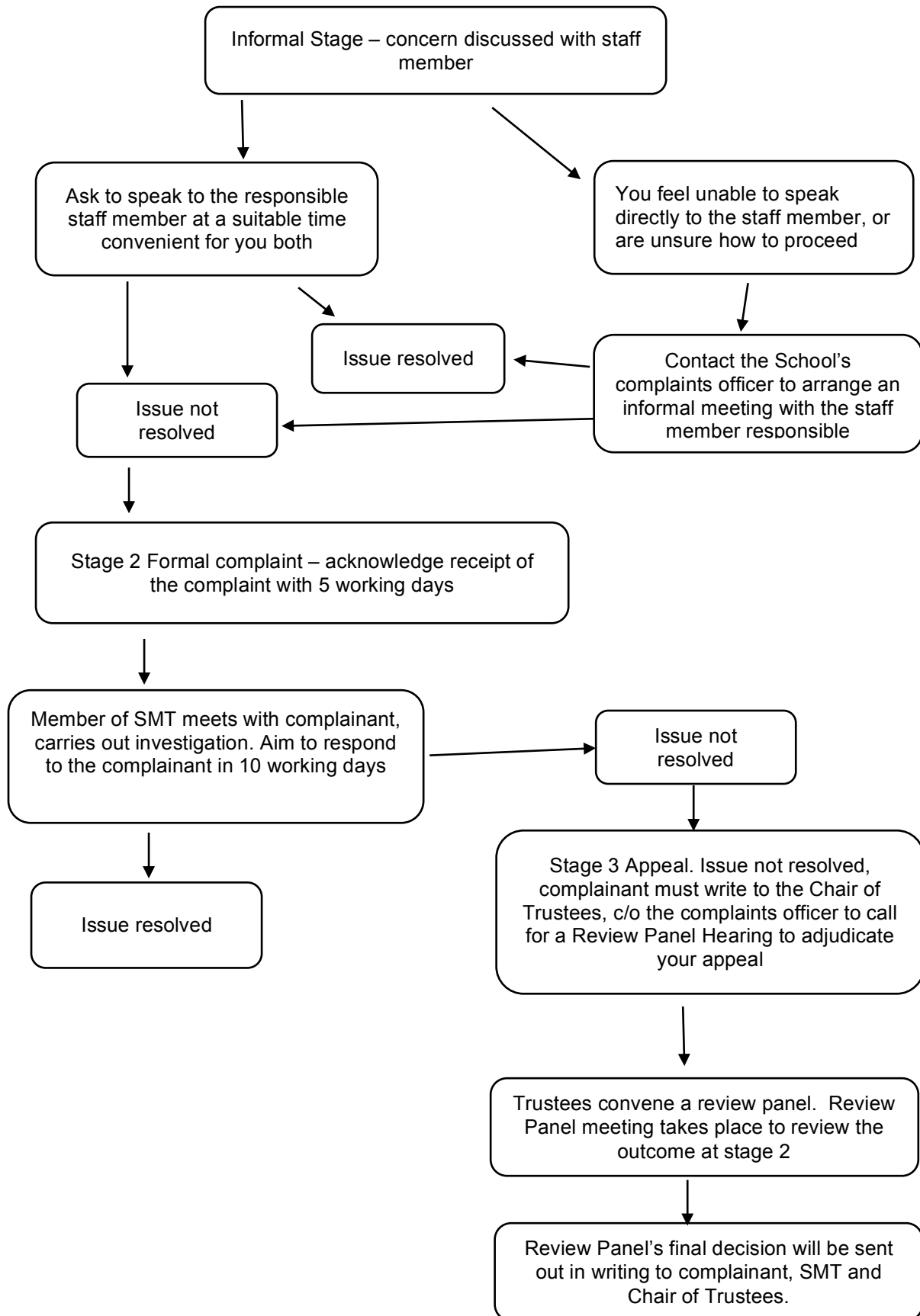
The Review Panel may also recommend changes to these Procedures in the light of the handling of this complaint, and they may make any other recommendations which they consider appropriate.

The Review Panel will confirm its findings in writing within 10 working days of the review meeting. The decision of the Review Panel will be final. The school offers no further appeal to the decision of the Review Panel. The Panel's findings and recommendations will be sent in writing to the complainant/s, SMT, the Chair of Trustees and, where relevant, the person at whom the complaint was directed.

If, however, after having followed the complaints procedure an Early Years parent or carer feels dissatisfied with the school's response, they may contact Ofsted with details of their complaint via 0300 1234 234 or enquiries@ofsted.gov.uk.

N.B. No part of this procedure should be understood as staff disciplinary or grievance procedure. As employers, the Trustees are constrained to act under rules of confidentiality in such cases.

Dealing with Complaints



Appendix A

HABITUAL OR VEXATIOUS COMPLAINANTS POLICY

1. Introduction

- 1.1 This policy applies to all complainants and applies to situations where a complainant, either individually or as part of a group, is considered to be acting as an 'habitual or vexatious' complainant.
- 1.2 In this policy the term 'habitual' means 'done constantly or as a habit' and 'vexatious' is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. In this policy we are making provision to deal with people who seek to be disruptive or cause disproportionate work by pursuing an unreasonable course of conduct.
- 1.3 The term complainant in this policy includes requests made under the Data Protection Act 1998, and the Environmental Information Regulations 2004 and reference to the complaints procedure may include the making of requests under those Acts.
- 1.4 Habitual and/or vexatious complainants can be a problem for School staff and Trustees. The difficulty in handling such complaints can place a strain on time and resources. The School endeavours to respond positively, patiently, and sympathetically to the needs of all complainants although there are times when there is nothing further that can reasonably be done to assist or to rectify a real or perceived problem.

2. Scope of Policy

- 2.1 This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the School's complaints procedures. However, it is not necessary for a complaint to have reached the panel stage before this policy can be invoked. Judgement and discretion are essential in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken.
- 2.2 The policy should only be invoked following careful consideration of all the issues by SMT and the Trustees. If the complaint is principally or to a reasonable degree against the Chair of Trustees, there may need to be a 3 person panel as for a Review Panel meeting.
- 2.3 No individual involved in the issues of the complaint may be involved in the decision for a complaint to be handled under this policy.

3. Definition of Habitual or Vexatious Complainant

- 3.1 Each case will be considered individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria to a significant degree:
- 3.2 Where complainants:
 - Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided).
 - Change the substance of a complaint: continually raise new issues, or raise further concerns or questions upon receipt of a response. The school will take care not to discard new issues that are significantly different from the original complaint/s and which may need to be addressed as separate complaints.
 - Are unwilling to accept documented evidence of action.
 - Are unwilling to accept that the Trustees have reached a final decision on a chosen course of action.

- Deny receiving an adequate response in spite of correspondence specifically dealing with the issues raised.
- Persist in pursuing a matter when they have already exhausted all routes of appeal.
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- Continue to seek to pursue a complaint where the concerns are not within the control of the school or its governance team.
- Focus on trivial matters to an extent which it is out of proportion to their significance and continue to press only those points (we recognise that what is a 'trivial' matter is a highly subjective judgement and will exercise care in applying this criteria).
- Have in the course of addressing a complaint, had an excessive number of contacts with the school representatives placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. (Discretion will be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case).
- Make unreasonable demands on those dealing with a complaint, refusing to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Complaints procedure or normal recognised practice.
- Make repeated counter-complaints against those dealing with the issue, especially with the clear intention of influencing the outcome of the procedure.
- Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- Have threatened or used physical violence towards staff at any time. This will, in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. The school will consider any complainant who make threats or uses actual physical violence towards staff as a vexatious complainant. The school will inform the complainant of the action to be taken with regard to any further communication received and reserves the right to take legal action in such cases.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. We recognise that complainants may be sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, the Trustees have a duty of care to their employees and reserve the right to take whatever action is deemed necessary to secure their reasonable safety. Any form of harassment, abusive behaviour or verbal aggression will be recorded and legal action may be taken.

4. Strategy for Dealing with Habitual or Vexatious Complainants

- 4.1 Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Trustees will determine what action to take. The SMT office will implement such action and will notify complainants, in writing, of the

reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure (See Section 5 below).

- 4.2 This notification may be copied for the information of others already involved in the complaint or with matters closely related to it. A record must be kept, for future reference of the reasons why a complainant has been classified as habitual or vexatious.
- 4.3 It may be decided to deal with habitual or vexatious complainants in one or more of the following ways:
- Withdraw contact with the complainant either in person, by telephone, by e-mail, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff choose to withdraw from telephone contact with a complainant there will be an agreed statement available for them to use at such times.
 - To restrict contact to liaison through a designated person.
 - Notify the complainant in writing that the Trustees have responded fully to the points raised and have tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.
 - Temporarily suspend, or terminate, the contract between the individual and the school
 - In extreme circumstances inform the complainant that the school intends to take legal action.

5. Review Decisions and Withdrawing ‘Habitual or Vexatious’ Status

- 5.1 Once a complainant has been determined as habitual or vexatious such status will be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.
- 5.2 Complainants also have an opportunity to have their habitual or vexatious status withdrawn
- 5.3 The Trustees will review their decisions to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months.
- 5.4 If the person categorised as habitual or vexatious is not satisfied with the decision reached he may request that the decision is reviewed by the Trustees, which will appoint an appeal panel of 3 to review the decision (panel as for Review meeting) Such a request for a review may only be received once in any six month period. Notice of that decision will be given, as far as is practical, within 15 working days of receipt of the request.
- 5.5 The panel on review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person .
- 5.6 If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school’s complaints procedure will be resumed. Notice on that decision will be given in writing.
- 5.7 Copies of any decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the SMT office, who will hold and maintain a central register of such decisions.

6. Monitoring Arrangements

- 6.1 Anonymised information will be presented annually to the Trustees with details of complainants who are categorised as habitual and/or vexatious.

7. General

- 7.1 Nothing in this policy affects an individual's statutory rights.
- 7.2 If Trustees are approached by individuals identified as habitual/vexatious complainants they may if they so wish ask officers to write to those individuals on their behalf, to explain that the Trustees will not be able to deal with the particular issue whilst they continue to be a vexatious/habitual complainant.

Appendix B

Formal Complaint Notification Form (Formal Stage 2 of Complaint Procedure)	
1	Your name and contact details:
2	Please set out the issues of your complaint. Please be as specific as possible, giving dates, sequence of events:
3	Are you attaching any paperwork? If so, please list it here.
4	What steps have already taken place to try to resolve your issue:
5	What do you feel needs to be done to resolve this matter?
Signed:	
Date:	

