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Complaints Policy and Conciliation Policy and Procedure

1. General Principles:

The Waldorf movement was inspired by the ideals expressed by Rudolf Steiner and others in the early part of the 20th century. These ideals were based on recognising freedom and intrinsic value of each human being. Our respect for the spiritual uniqueness of each human being means that we endeavour to respect the dignity of all those in our communities.

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 Steiner Waldorf Schools Fellowship (SWSF) Code of Practice:

Respect for the integrity (spiritual essence) of each individual and of the world in general -

Interest in and Positive approach towards the potential for development in young people in particular 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.

We also take note of the of the principles contained in the Universal Declaration of Human Rights 1948, in particular, Article 1 of the Universal Declaration:

'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'

2. Principles in practice¹:

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 and Kindergartens so that problems can be listened to appropriately and resolved wherever possible.

¹ See form A1 for overview flow chart of the whole procedure

Our core purpose is to offer high quality Waldorf education for all our children and in order to improve our work, we seek to learn from our mistakes and correct them whenever this is possible

- 2.1** We believe that the education of our children can be most effective when there is close co-operation, mutual trust and respect between all those involved in their upbringing and education
- 2.2** We offer the following opportunities for communication: newsletter, class evenings, school surgeries, whole school community meetings and apply for Membership. We 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
- 2.3** 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 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
- 2.4** 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
- 2.5** We endeavour 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 procedure²

3. 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.

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

- 3.1** If you have a concern about any aspect of the school, please speak to the person directly responsible for the subject of your concern. Normally this would be:
 - Concerns about teaching or aspects of the education – your child’s early years’ practitioner, class teacher or upper school guardian/sponsor

² See form A5

- Concerns about general administrative aspects of the school – the school administrator...or as appropriate
 - If for any reason you feel unable to speak directly to the person concerned, please contact the schools' Complaints Officer – **Liz Tomkins** (CO will be used forthwith), who will facilitate a meeting with the member of staff involved (contact information on website and school information board in reception).
 - You should receive acknowledgement within 48 hrs of a concern, and we will offer an investigative meeting if required within 5 school days.
- 3.2** Members of staff have been asked to record³ the reason for any concern as well as next steps that may be identified during the conversation (i.e. actions arising. Where this is agreed to be unnecessary, the note will state the nature of the concern and "no further action required"). You will be asked to sign the note and this will be filed for review by the schools' CO. It is the CO's responsibility to follow-up concerns and to ensure that agreed further action is implemented. The CO may contact you to check that your concern has been dealt with.
- 3.3** If concerns remain, the CO at your request, will arrange a further facilitated meeting and/or meeting with a neutral note-taker to help explore your concern informally

4. 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 you should raise it as a formal complaint by putting it in writing. You should also use this procedure immediately if the issue is one of grave seriousness (e.g. a question of safeguarding or serious abuse of any sort).

N.B. We will do everything reasonable to manage your complaint within the timescales set out here. In the interests of accuracy and natural justice, however, the procedure may sometimes take longer. If this happens the CO will contact you in order to discuss an extended timescale. Complaints at this stage will be registered for the purposes of inspection. General information will be provided to school inspectors when they visit. We are required by regulations to do this. Your details however will be kept confidentially

- 4.1** You should put your complaint into writing addressed to the CO **and for attention of the Chair of Trustees**, who will register that a formal complaint has been received (Trustees will not be involved with handling the complaint at this stage). Please use the Formal Complaint form⁴, where possible. If you need help in setting out your complaint the CO will assist you in this
- 4.2** You should receive acknowledgement of a formal complaint within 24 hours and we aim to offer an investigative meeting within 5 working days
- 4.3** The CO will ensure that a full investigation is carried out into the circumstances of the complaint and once the CO is satisfied that all the relevant facts have been established, you will be informed in writing of their judgement. All parties will receive copies of the relevant documents

³ See form A2 for Concerns' Record Form

⁴ See form A3 for the relevant complaint forms

- 4.4** This process will normally take no more than 10 working days
- 4.5** Although informed that there has been a formal complaint, the school's Trustees will take no part in dealing with the matter up to the panel stage
- 4.6** If you do not agree with the report or recommendations of the CO, you can call for a **Review Panel Hearing**⁵ by writing directly to the Chair of Trustees. The Trustees will then appoint the panel. Normally two members of the Panel would be Trustees who have not been involved in handling the complaint. The third member of the panel would be a suitably qualified person independent of the schools' management or governance. The appointment of the panel is the responsibility of the schools' Trustee/governance team

Once appointed, the Panel Chair will contact you within 48 hours to inform you of the procedure and composition of the Panel, this will include –

- the date and time of the hearing - normally within 14 days
 - the process and aim –
 - members of the panel will review the complaint confidentially, with objectivity and without fear or favour
 - the Panel will hear your concerns and may call for the staff members against whom the complaint has been made
 - The role of the panel is to verify whether the school has acted appropriately and to judge whether there is a need to change any of its procedures in the light of this complaint
 - You have the right to be accompanied to a panel hearing by one other person, who may be a relative, friend or supportive acquaintance (legal representation will not normally be accepted)
 - If you want to supply any further information you should do so within one week of the date of the panel hearing. All further information will be made available to all those involved. Any new information supplied at the time of a Panel Hearing may result in a delay of a final decision or the need to reconvene the meeting at a later date
 - The decision of the Panel will be final. The school offers no further appeal to the decision of a Review Panel
- 4.7** The panel will make themselves familiar with the procedure and information relevant to the complaint and convene a Panel Hearing as soon as possible
- 4.8** Following the hearing, the Panel Chair will inform you and the subject of the complaint of their decision in writing, normally within 10 working days

⁵ The general procedure is set out in form A4

- 4.9 The same basic procedure applies where the complaint is of a more general nature, e.g. about some aspect of the operation of the school

N.B. No part of this procedure should be understood in the nature of a staff disciplinary or grievance procedure. As employers, the Trustees are constrained to act under rules of confidentiality in such cases. Please see note 2.4

5. Complaints Records:

- 5.1 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
- 5.2 Complaint records will be kept confidential and secure
- 5.3 The school will publish the number of complaints dealt with each year, as required by regulation. This record will be made available to school inspectors when they conduct inspections in accordance with the law

6. Non-Parental complaints:

At the discretion of the Trustees, this procedure will also be used in an adapted form, as appropriate, for concerns or complaints from neighbours or members of the general public affected by some aspect of the operation of the school

7. Other agencies:

Ofsted publishes a booklet, available online at

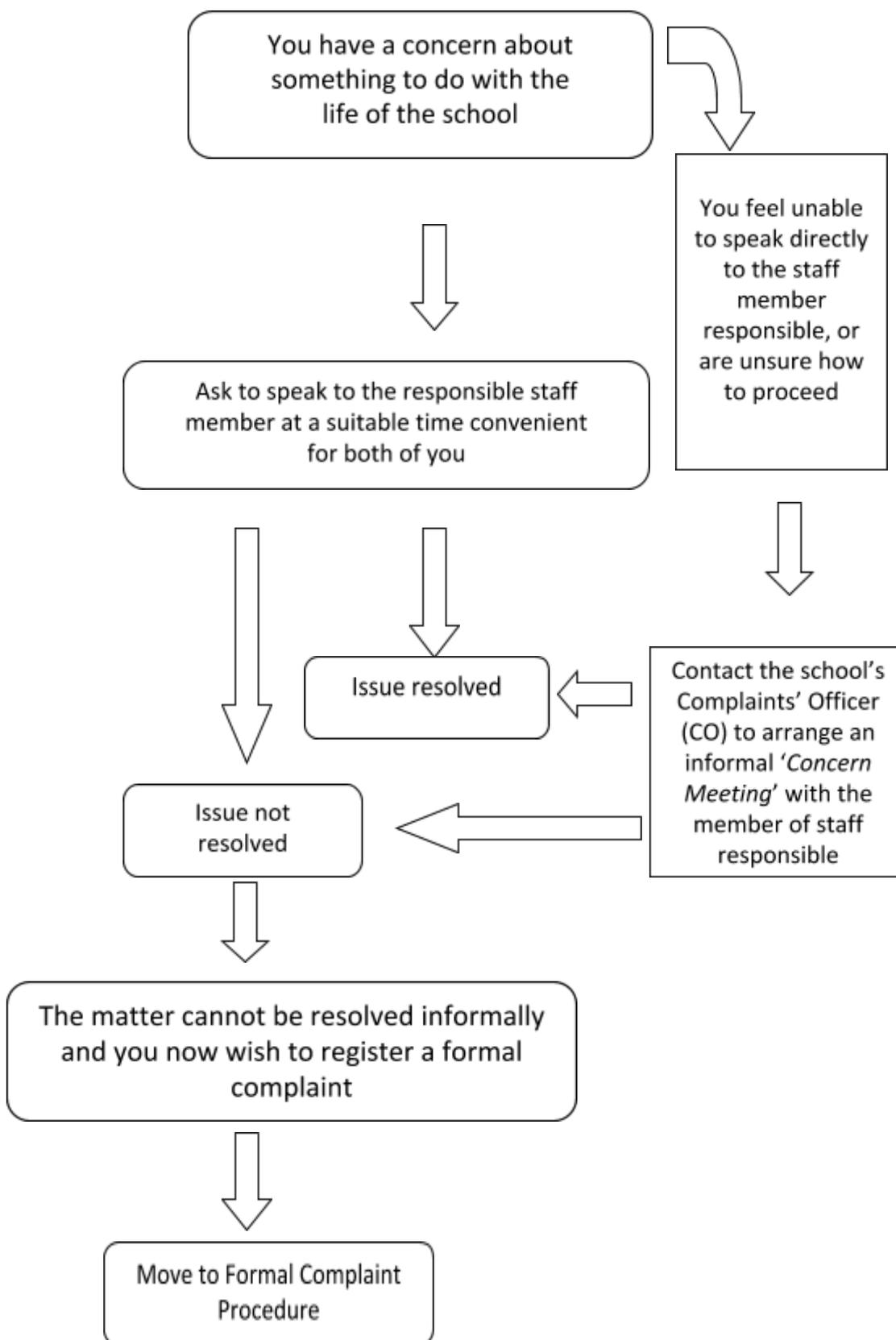
<http://www.ofsted.gov.uk/Ofsted-home/Footer/How-to-complain> which explains the process if you decide to take your complaint to the regulator

- 7.1 If your complaint is about an independent school, you can send your complaint in writing to –

Independent and Boarding Team
Department for Education
Mowden Hall
Staindrop Road
Darlington
DL3 8BG

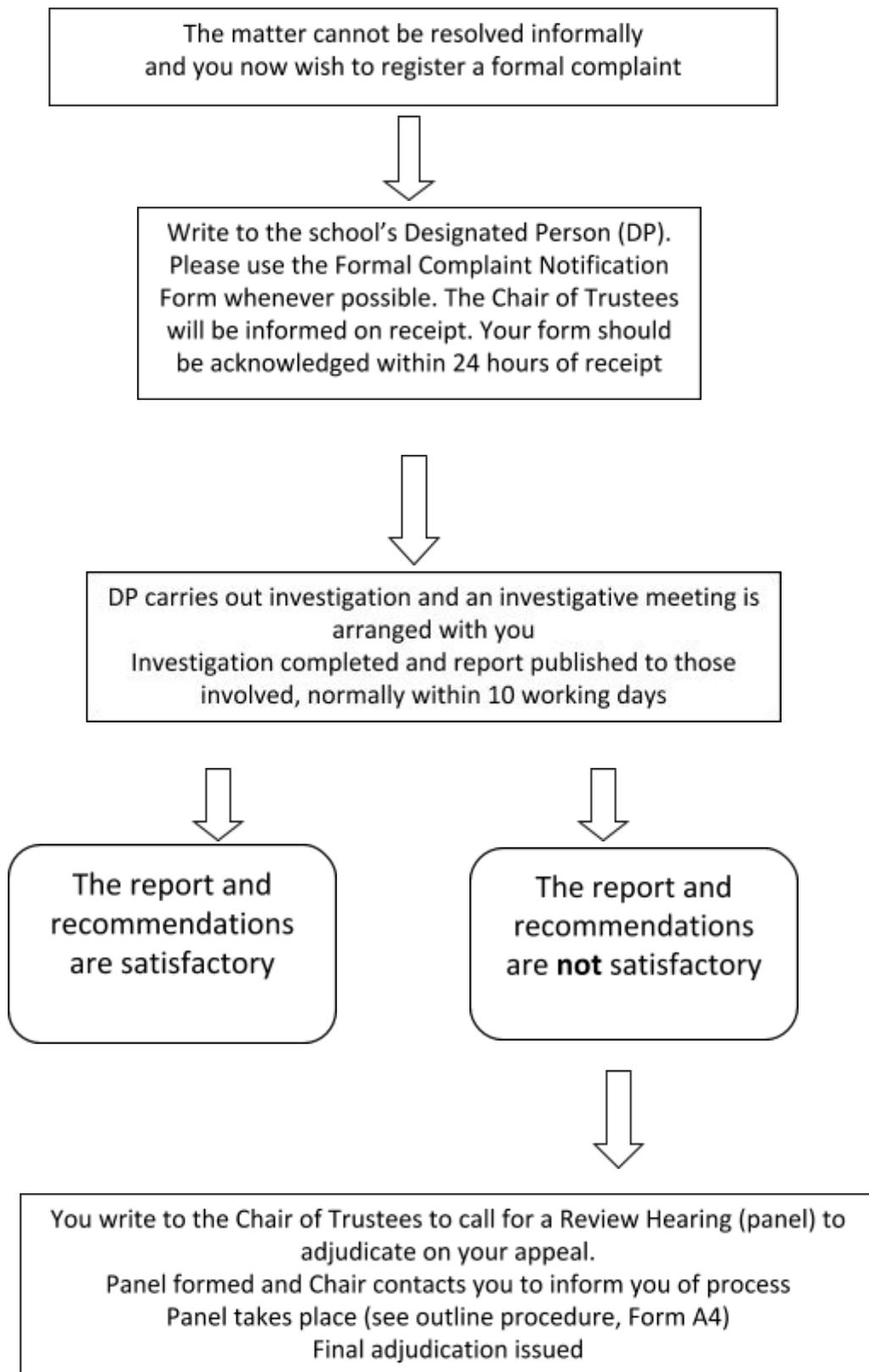
- 7.2 Parents of children aged between 3 and 6 years old attending the early years' department can contact Ofsted direct, quoting the EY Reference Number and contact number: 835/6022, 01425 472664

Flowchart – Overview for Concerns and Complaints Procedure
Informal Concerns:



Form A1(ii)

**Flowchart – Overview for Concerns and Complaints Procedure
Formal Complaint:**



FORM A2

Concerns Record Form
(For the informal stage of Concerns' and Complaints' Procedure)

Briefly summarise the nature of the concern(s):

Are there any further actions, or agreed next steps following this meeting. If so what are they?

Other observations:

Name

Name (member of staff):

Date:

Form A3

Formal Complaint Notification
(Formal stage of Complaint Procedure)

Your name and contact details:

Please set out the issues of your complaint. Please be as specific as possible, giving dates, sequence of events:

Are you attaching any paperwork? If so, please list it here.

What do you feel needs to be done to resolve this matter?

Signed:

Date:

Please return this form to the school's designated Complaints' Officer, who will inform the Chair of Trustees that a formal complaint has been lodged.

We recommend that you keep a copy of this form for your own records.

Review Hearing – Guidelines for Conduct

The Panel Chair is responsible for the conduct of the hearing. Normally the Panel Chair would be the “independent” panel member. The following notes provide a general overview of the way a hearing will normally be conducted:

The role of the Panel Hearing to verify whether the school has acted appropriately and to judge whether there is a need to change any of its procedures in the light of this complaint.

The Panel Chair will ensure that the proceedings are accurately recorded.

Normally, no new information, witnesses or other evidence can be allowed at the time of the Panel Hearing. New information should be made available 7 days prior to the hearing so that everyone has time to consider and respond to it. New evidence supplied later than this may lead to an adjournment of the hearing.

1. Prior to the hearing, the parties should wait in separate rooms. The Review Panel will hear evidence from the parties separately
2. The Chair welcomes the complainant and companion, introduces the Review Panel and outlines the process that will be followed
3. The complainant is asked to explain their objections to the conclusions of the investigation
4. Agreed witnesses may be called (normally witness evidence will be provided in written form)
5. The Panel may ask questions for clarification
6. The complainant and companion leave the meeting room
7. The Chair welcomes the member of staff representing the recommendations of the investigation, introduces the Review Panel and outlines the process that will be followed
8. The staff member explains the original response to the panel: steps 4, 5, 6 follow as above
9. The panel considers what it has heard and the evidence and may recall either party for to answer further questions
10. The panel considers its decision – either to
 - o give a verbal summary of its unanimous decision
 - o reserve its decision for to 36 hours, at the end of which a final judgement will be issued in writing
 - o state that it is unable to arrive at a decision, in which case the procedure should be restarted with a different panel⁶
11. The deliberations of the panel are confidential. If there is a split decision, the Chair has the casting vote.
12. The panel decision will –
 - o uphold or deny the complaint according to the evidence available. In addition -
 - it may recommend changes to school procedure or other measures to help ensure similar complaints do not reoccur
 - it may require the school to take action to redress the complaint, e.g. to issue an apology, or statement of correction
13. The parties will be recalled to the meeting room for either to -
 - o hear a brief summing up from the panel, or
 - o to be told of the decision to reserve judgement
 - o to be told that the panel, having been unable make a decision, will dissolve with a new panel to be convened at the earliest possible opportunity

⁶ While the final option should be available, in reality, a non-decision of this type ought to be rare. To record a non-decision is, in effect, a panel is passing a vote of no-confidence in itself...

14. If there is to be a summing up, the panel Chair should explain that they will give their view of what they have heard, that this is not an opportunity for either party to 'argue the matter' further, however, after the verbal summary has been made the parties may put a limited number of questions to the panel to assist their understanding of the adjudication.
15. The outcome of the panel will be confirmed in writing within 10 working days
16. The school's internal procedure is complete

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 a '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 with positivity and patience and sympathy to the needs of all complainants, however, 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 the CO and Chair of College (senior teacher) and School Administrator and where authorisation has been provided by the Chair of Trustees. If the complaint is principally or to a reasonable degree against the Chair of Trustees then authorisation will be from a 3 person panel as for a Review Panel Hearing

2.3 No individual involved in the issues of the complaint may authorise 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 complaints 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 or e-mail. (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 makes 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 CO or Administrator 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 letter or any combination of these, provided that at least one form of contact is maintained. If staff wish to withdraw from a 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, e.g. the individual will be advised that their child must leave 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 Hearing) 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 SMT 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 of that decision will be given

5.7 Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

6. Monitoring Arrangements

6.1 Anonymised information will be presented annually to the Governing body 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 the CO 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

FORM A6

Department for Education information: How can I make a complaint about an independent school?

In choosing an independent school for their child parents must accept that any disputes must be pursued directly with the school in the light of any legal advice they receive.

The Department has no powers to investigate complaints on behalf of individuals. However, any allegations of a failure to meet the standards which form the basis for school inspection would be carefully considered and appropriate action taken if necessary to ensure the school meets the standards which all pupils and their parents have a right to expect. If parents wish to make us aware of such concerns they should set out the full facts in writing but it will remain the responsibility of the parents to pursue their particular complaint against the school.

All independent schools must have a written complaints procedure. Schools must ensure that all parents and prospective parents are aware of the existence of the Complaints procedure and must supply a copy on request.

The required provisions of the complaints procedure are as follow:-

- (a) it must allow for a complaint initially to be made and considered on an informal basis;
- (b) if the complainants are not satisfied with the informal approach the school should make provision for the complaint to be made in writing.
- (c) if the complainants wish the matter to be considered further the procedure should make provision for a hearing before a panel of at least 3 people who were not directly involved in previous consideration of the complaint.
- (d) where a panel hearing is convened, one person on the panel must be independent of the management and running of the school. The proprietor is responsible for the appointment of the panel. The procedure must set out clear timescales for the management of the complaint i.e. providing adequate notice of the hearing etc.
- (e) parents must be allowed to attend and be accompanied to a panel hearing if they wish.
- (f) it must provide for the panel to make findings and recommendations, and ensure that the complainant, proprietors, head teachers, and, where relevant, the person complained about, are given a copy of any findings and recommendations.
- (g) written records must be kept of all complaints and their outcomes, whether they were resolved at the preliminary stage, when a complaint is submitted in writing or whether they proceeded to a panel hearing.
- (h) all correspondence, statements and records of complaints must be kept confidential but must be shown to HMI/ISI when they inspect. Copies must also be made available to the Registration Authority on request.

Please note Concerns relating to welfare or abuse of a child should immediately be reported to the local Social Services Department or Police who have powers to investigate and who will be able to offer advice and support parents and their child.