

# Elmfield Rudolf Steiner School

## Concerns and Complaints Policy

November 2019

<b>Policy Tracker – Responsibility for monitoring this policy:</b> <b>Simon Birch (Interim School Lead)</b> (Reviewed annually or in response to changes in legislation)			
Date	Reviewed and Updated By:	Role	Date Approved by the Council of Management
28/02/18	Lesley Taberer	Bursar	
28/02/18	Sharon Rose	Acting Chair of Council	13/05/18
13/09/18	Lesley Taberer	Bursar	
20/09/18	College	College of Teachers	09/10/18
07/12/18	Lesley Taberer – due to change to Council Chair	Bursar	
04/2019	Lesley Taberer		
08/05/19	Rainer Klocke	Chair of Council	
08/05/19	Elaine Sheppard	Chair of College of Teachers	21/05/19
05/11/19	Lesley Taberer	Bursar	
06/11/19	Gertraud Soukup	Chair of College of Teachers	

07/11/19	Rainer Klocke	Chair of Council	26/11/19
15/07/20	Name change update		
30/10/20	Simon Birch	School Lead	04/11/20

This policy applies throughout the school and therefore includes complaints relating to our Early Years provision.

This procedure is intended to help sustain a positive ethos within our school so that problems can be listened to appropriately and resolved wherever possible. Our core purpose is to offer high quality Waldorf education for all our children and 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 co-operation, mutual trust and respect between all those involved in their upbringing and education.

We offer the following opportunities for communication: ParentMail, Loose Ends and parents' evenings, and 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.

Our Concerns and Complaints Policy aims to deal with issues in a fair and open manner. We aim to respond to questions and criticisms promptly and to do all we can reasonably do to resolve any problems amicably. We are committed to learning from the members of our community, members of the public or others whether their perception of the school is positive or negative.

Anonymous complaints will not normally be investigated under this procedure, however if the matter raised is serious it may trigger the school's own review.

If members of the public or wider community have any concerns regarding any issues associated with the school, they should contact the DP (Designated Person). If they wish to pursue any matter as a complaint, they may do so according to the procedure below.

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

We 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 school's Council of Management reserves the right to treat the matter as closed.

In rare circumstances where the behaviour of the complainant gives reason for it, we reserve the right to handle a complaint according to our habitual or vexatious complaints procedure detailed in this document.

We welcome and value feedback to learn and improve. This procedure is available to parents, prospective parents, members of staff, students aged 16 or over, or other people affected by the life of the school.

### **What is the difference between a concern and a complaint?**

A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought.

A complaint may be defined as an expression of dissatisfaction about actions or a lack of action.

### **Confidentiality**

The school will treat the matter with a high degree of confidentiality and expect any person who raises a concern or complaint to do the same.

In advising complainants of the outcome of their complaint, certain information and/or specific detail may be withheld if its release may be prejudicial to, or be an obstacle to, the fair application of other procedures, for example disciplinary or capability procedures, or if its release contravenes employment or General Data Protection Regulations.

### **Concerns**

If you have a concern about any aspect of the school, you are warmly encouraged to speak to the person directly responsible for the subject of your concern. We have found that direct communication is often the most constructive way of resolving issues. This would normally be, for example:

- for concerns about teaching or other educational aspects, your child's class teacher or guardian
- for concerns about general administrative or financial aspects, the office staff or the Bursar
- for concerns about admissions decisions, the Education Lead

If you have a teaching-related concern and you have tried to resolve this by talking to the teacher concerned but you feel the response you received was inadequate, we encourage you to talk to the teacher's mentor. The teacher, the school office or the Education Lead will be happy to provide you with the mentor's contact details.

It may help at this stage to record your concerns using the Concerns Record Form (see next page).

### **Mediation**

If the concern is complex, or cannot be resolved in this way, we may consider offering a mediated meeting.

It is recognised however that there are circumstances in which a direct approach may not be possible or appropriate. If this is the case please contact the school's Designated Person for complaints (DP), who will do her best to resolve your concern. The Designated Person for complaints is the Bursar. Should the concern relate to the DP, then please contact the school's Education Lead. The DP carries responsibility

on behalf of the school to ensure that correct procedure is followed throughout the complaint handling process.

*Should your concern or complaint not be resolved via the informal route above, you may wish to raise a formal complaint. A formal complaint may be raised at any stage of the complaint's procedure.*

## Concerns Record Form

**Briefly summarise the nature of the concern(s):**

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**(The remainder of the form can be jointly completed with the DP)**

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

**Other observations:**

**Name of person raising the concern:**

**Name (member of staff):**

**Date:**

## **Complaints**

It is our aim to deal with any concerns or complaints informally through face-to-face meetings with or without mediation. However, if the matter cannot be resolved informally, you should raise it as a formal complaint by putting it in writing. You should also raise a formal complaint immediately if the issue is very serious.

Schools are only required to consider complaints that have been received within a reasonable time of the incident/situation being complained about unless there is a good and valid reason for the delay. At Elmfield we consider three months to be an acceptable time frame in which to lodge a complaint.

The school will do its utmost to manage your complaint within the timescales laid out. However, in the interests of accuracy and natural justice, the procedure may take longer. If this happens the DP will contact you to notify you of the extended timescale.

If at any time a child protection concern becomes apparent, the child protection process will take precedence over the complaints process, which will be halted until the child protection matter is resolved.

If at any time it becomes apparent that there may be criminal proceedings the complaints process will be halted until any such proceedings are complete.

During the process all meetings will be documented and must be agreed, signed and dated by everyone present.

Complaints will be recorded for the purposes of inspection as required. Other than this, records of complaints will be kept confidentially.

## **Dignity of staff**

Our staff have the right to work in an environment free from harassment, intimidation and victimisation. Whilst parents may feel angry or impassioned about the issues within their complaint, they are asked to raise issues constructively and work with the school to resolve them where possible.

It is important to note that if you are deeply unhappy about any aspect of school life it may not always be possible to talk to a teacher face to face at short notice. In particular, serious concerns should not be raised just before a teacher is about to begin a lesson, as this does not allow for proper consideration of the issue and it is likely to disrupt quality of teaching for the class. School staff may therefore suggest that an appointment is made to discuss the issue at an alternative time.

## **Procedure**

1. Please put your complaint in writing, addressed to the Designated Person, and hand it in to the school office. If you need any help setting out your complaint, the DP will assist you. Please use the Formal Complaint Notification Form where possible.
2. You should receive acknowledgement of your complaint within three working days. During holiday periods, we may need longer to deal with complaints.

3. The DP will inform all members of the Coordination Group by email or at the weekly meeting.
4. The DP will ensure that a full investigation is carried out into the circumstances of your complaint, and once satisfied that all relevant facts have been established, you will be informed in writing of the outcome. Where relevant the person complained about will also be informed of the outcome. This process will normally take no more than ten working days (longer in holiday time).
5. At each stage in the procedure the school will look for ways in which a complaint can be resolved and at each stage in the procedure there is the opportunity, if both parties can agree, to discuss how a resolution might be found through a meeting.

### **Appeal hearing**

If you do not agree with the outcome reached by the DP, you can appeal by writing directly to the Chair of the Council of Management, via the school office, clearly setting out your grounds for appeal and enclosing relevant evidence to support your appeal. The appeal should be submitted within 10 working days of receiving the outcome. The Council of Management will then appoint the panel for the appeal hearing. Normally this panel will consist of three people, at least one of whom is independent of the running of the school. Once the panel has been appointed, a member of the panel will contact you to confirm receipt of your letter.

A date and time for an appeal hearing will be scheduled, normally within 10 working days of receipt of the appeal letter. Members of the panel will review the complaint confidentially, with objectivity, and without fear or favour. The panel will hear your concerns and may interview the staff members against whom the complaint has been made. The role of the panel is to consider: a) whether the school acted appropriately and reasonably, given the evidence available, b) whether the school acted in line with its procedures, c) whether there is a need to change any of its procedures in the light of this appeal.

You have the right to be accompanied at an appeal panel by one other person, who may be a relative, friend or supportive acquaintance. Legal representation will not normally be agreed.

If you wish to supply any further information you should do so before the end of the appeal hearing. However, any new information supplied at the time of the hearing may result in a delay of a final decision or the need to reconvene the meeting for a later date.

Following the hearing, the appeal panel will inform you and the subject of the complaint of the decision in writing, normally within ten working days.

The decision of the panel will be final. The school offers no further appeal process.

Please see the Complaints Procedure Flowchart and Formal Complaint Notification Form on the next two pages.

### **Complaints about Council of Management**

Complaints against a member of the Council of Management will be managed by the Chair of the Council of Management or, if the complaint is about the Chair of the Council of Management then by the Vice Chair of the Council of Management or another impartial Council of Management member (all referred to below as the Delegated Council of Management member. Complaints against the majority

of the entire Council of Management will be considered by an Independent Investigator appointed by the Council of Management. Complaints against members of the Council of Management can only be made in respect of their conduct as Council of Management members and not in any capacity as private individuals outside of school.

### **Procedure**

1. Please put your complaint in writing, addressed to the Clerk of the Council of Management, and hand it in to the school office. You must make it clear that you are raising a complaint against a member of the Council of Management. If you need any help setting out your complaint, the DP will assist you. Please use the Formal Complaint Notification Form where possible.
2. You should receive acknowledgement of your complaint within 10 working days. During holiday periods, we may need longer to deal with complaints.
3. The Clerk will inform the Delegated Council of Management member.
4. The Delegated Council of Management member will ensure that a full investigation is carried out into the circumstances of your complaint, involving other impartial council members as necessary, and once satisfied that all relevant facts have been established, you will be informed in writing of the outcome. Unless deemed not relevant by the Delegated Council of Management member, the person complained about will also be informed of the outcome. This process will normally take no more than 10 working days (longer in holiday time).
5. At each stage in the procedure the Delegated Council of Management member will look for ways in which a complaint can be resolved and at each stage in the procedure there is the opportunity, if both parties can agree, to discuss how a resolution might be found through a meeting.

### **Appeal Hearing – Council of Management**

If you do not agree with the outcome reached by the Delegated Council of Management member/Independent Investigator, you can appeal by writing directly to the Clerk to the Council of Management via the school office, clearly setting out your grounds for appeal and enclosing relevant evidence to support your appeal. The appeal should be submitted within 10 working days of receiving the outcome. The Delegated Council of Management member/Independent Investigator will then appoint the panel for the appeal hearing. A panel of three persons will consider your complaint. Depending on the particulars of the complaint these persons may be members of the Council of Management and will include an independent person appointed by the Council of Management.

A date and time for an appeal hearing will be scheduled, normally within 10 working days of receipt of the appeal letter. Members of the panel will review the complaint confidentially, with objectivity, and without fear or favour. The panel will hear your concerns and may interview the Council Member against whom the complaint has been made. The Panel will not consider any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

You have the right to be accompanied at an appeal panel by one other person, who may be a relative, friend or supportive acquaintance. Legal representation will not normally be agreed.

If you wish to supply any further information you should do so before the end of the appeal hearing. However, any new information supplied at the time of the hearing may result in a delay of a final decision or the need to reconvene the meeting for a later date.

Following the hearing, the appeal panel will write to you to explain the outcome of your complaint normally within 10 working days. The response will detail the actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it and, where appropriate, details of actions taken or to be taken.

The decision of the panel will be final. The school offers no further appeal process.

### **Recordings**

Electronic recordings of meetings or telephone conversations can occur when all parties have agreed to the recording. Circulation of such recordings to third parties without the prior knowledge and consent of other parties involved constitutes a breach of confidentiality.

### **Complaints records**

The school keeps records of complaints including all relevant documentation. The complaints records will be kept confidential and secure. The school will disclose the number of complaints dealt with each year, as required by UK law. This record will be made available to school inspectors when they conduct inspections in accordance with the law.

For information, in the academic year 2018-2019 the school received ~~no~~ 3 formal complaints.

### **Other agencies**

1. Ofsted publishes a booklet online at <https://www.gov.uk/government/publications/complaintsto-ofsted-about-schools-guidance-for-parents> which explains the process if you decide to take your complaint to the regulator.
2. Boarding-related complaints may be sent in writing to: Independent Education and Boarding Team, Department for Education, Mowden Hall, Staindrop Road, Darlington, DL3 9BG.
3. Parents may contact the Department for Education, at any point if they wish:  
Department for Education  
Bishopsgate House  
Feethams  
Darlington DL1 5QE

**Designated Person for Complaints:** Simon Birch (Interim School Lead)

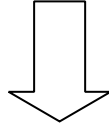
**Elmfield School Co-ordination Group:** Rebecca Jenkins-Handy (Early Years Lead) Tal Taylor Bright (Estates Manager) Sue O'Brien (Bursar), Claire Twist (Lower School Lead), Emma Hayward (Upper School Lead) Gertraud Soukup (Chair of the College of Teachers) Ruth Beachim (Safeguarding Lead) Simon Birch (Interim School Lead)

**Chair of the Council of Management:** Sue Dawson

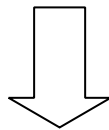


## Complaints Procedure Flowchart

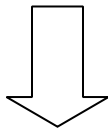
The matter cannot be resolved informally, and you now wish to register a formal complaint



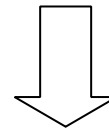
Write to the school's Designated Person to set out your grounds for complaint. Your complaint should be acknowledged in writing or over the phone within three working days following receipt.



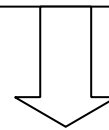
DP carries out investigation. DP consults a Waldorf teacher in cases where Waldorf pedagogical expertise is required. Investigation is completed and outcome is sent to those involved within 10 days (longer in holiday time).



You consider the outcome and recommendations to be satisfactory



You do not consider the outcome and recommendations to be satisfactory



You write to the Chair of the Council of Management within 10 working days, giving your grounds for appeal and submitting any relevant evidence to support your appeal. The Council will ask other parties to submit all relevant evidence. The panel considering the appeal will include at least one person independent of the running of the school. The panel may wish to hear your grounds in person, normally within 10 working days of the appeal being submitted. The panel reviews the decision and its basis. The final decision is normally issued within 10 working days of the appeal hearing.

## Formal Complaint Notification Form

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 documentation? 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 Person.

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

## **Habitual or Vexatious Complainants Policy**

### **Introduction**

This policy applies to all complainants and applies to situations where a complainant, either individually or as part of a group, is acting as a 'habitual or vexatious' complainant.

In this policy, the term 'habitual' means '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 action.

Habitual and / or vexatious complainants can be a problem for school staff and the Council of Management. The difficulty in handling such complaints can place a strain on time and resources. The school endeavours to respond with positivity, patience, and sympathy to the needs of all complainants. However, there are times when there is nothing further than can reasonably be done to assist or to rectify a real or perceived problem.

### **Scope of Policy**

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 normal 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 below to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken.

This policy should only be invoked following careful consideration of all the issues by the Designated Person, Chair of College, and Education Lead. No individual involved in the issues of the complaint may authorise a complaint to be handled under this policy.

### **Definition of Habitual or Vexatious Complainant**

Each case will be considered individually on its merits. However, a complainant (and / or anyone acting on their behalf) may be deemed to be habitual or vexatious if the school's previous or current contact with them shows that they may meet any or all the following criteria to a significant degree.

Complainants:

- Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted
- 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 Council of Management 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.
- 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 is out of proportion to their significance and continue to press only those points. (We recognise that deciding what is a trivial matter is a highly subjective judgement and will exercise care in applying this criterion).
- While addressing a complaint, have 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, email, or other means.
- Make unreasonable demands on those dealing with a complaint, refusing to accept that these may be unreasonable, for example, by insisting 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, 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/or consent of other parties involved.
- Have threatened or used physical violence towards staff. This will 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 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 everyone may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, the Council of Management 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.

### **Strategy for dealing with Habitual or Vexatious Complainants**

- Where complainants have been identified as habitual or vexatious under the above criteria, the Council of Management will determine what action to take. The Designated Person 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 below).
- This correspondence 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.

- It may be decided to deal with habitual or vexatious complainants in one or more of the following ways: -
  - Withdraw contact with the complainant in person, by telephone, by email, by letter, or any combination of these, provided that at least one form of contact is maintained.
  - Restrict contact to liaison through a sole designated person.
  - Notify the complainant in writing that the Council of Management 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 or correspondence 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, must now stop and that any further contact or correspondence 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.

#### **Reviewing decisions and withdrawing 'Habitual or Vexatious' status**

- Once a complainant has been deemed to be habitual or vexatious such status will be regularly reviewed, and, where appropriate, withdrawn later. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedure would appear appropriate.
- Complainants may request to have their habitual or vexatious status withdrawn.
- The Council of Management will review their decision to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review the decision on receipt of a request to do so, provided such a request was not received in the preceding six-month period.
- If the person is not satisfied with the decision reached, he/she may request that the decision be reviewed by the Council of Management, who will appoint an appeal panel of three people to review the decision. 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.
- The appeal panel may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.
- If it is considered 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.
- Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the Bursar who will hold and maintain a central register of such decisions.

#### **Monitoring Arrangements**

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