

## CONCERNS AND COMPLAINTS POLICY AND PROCEDURE

**Reviewed by:** Sarah Fox, Tara Livermore

**Reviewed:** November 2021

**Next review:** November 2022

**Related Policies:** Code of Conduct for all adults; Whistleblowing

### Endorsement

Full endorsement is given to this policy by:

**Name:** Joel Chalfen

**Position:** Cambridge Steiner School Trustee

**Signed:**



**Date:** November 2021

This policy will be reviewed by the Education Manager (Complaints Coordinator) every year. At each review, the policy will be approved by the Chair of Trustees.

### I. AIMS

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

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 Steiner 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. LEGISLATION AND GUIDANCE**

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## **3. DEFINITIONS AND SCOPE**

The DfE guidance explains the difference between a concern and a complaint.

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

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action."

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints. When making a complaint it is important that the complainant makes clear reference to any legislation or school policy that they feel has been breached.

This policy does not cover complaints procedures relating to:

- Admissions
- Concerns around the provision and assessment of special educational needs (SEND)
- Safeguarding matters
- Exclusion

- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

#### **4. ROLES AND RESPONSIBILITIES**

##### **The complainant:**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

##### **The investigator:**

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the 'decision maker' which includes the facts and potential solutions

##### **Complaints Coordinator:**

For complaints that are not against the school leadership or governing board the Complaints Coordinator will:

- Appoint an investigator
- Assume the role of 'decision maker' or appoint someone else to assume this role
- Be the contact point for the complainant, the investigator and the appeal panel, including circulating the relevant papers and evidence before appeal panel meetings
- Arrange the appeal hearing
- Assume the role of appeal panel chair or appoint someone else to assume this role
- Ensure that minutes and outcome of the hearing are recorded and circulated as appropriate

##### **Clerk to the governing board:**

For any complaint against the school leadership or governing board, or where any other complaint has been escalated to stage 3, the clerk will:

- Be the contact point for the complainant and the appeal panel, including circulating the relevant papers and evidence before an appeal panel hearing
- Liaise with the SWSF and Members of the Association, as appropriate
- Arrange the complaints hearing or appeal panel hearing and appoint a chair
- Record and circulate the minutes and outcome of the hearing

#### **Appeal panel chair:**

The appeal panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the appeal panel, and are allowed to present their case

### **5. PRINCIPLES FOR INVESTIGATION**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- Whether there has been a breach in school policy or legislation
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

#### **Complaints about our fulfilment of early years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

## **6. STAGES OF COMPLAINT (NOT COMPLAINTS AGAINST THE SCHOOL LEADERSHIP OR TRUSTEES)**

### **Stage 1: Informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. The complainant should raise the complaint as soon as possible with the Early Years Manager (Kindergarten), Education Manager (Lower School) or School Business Manager (for all non-educational concerns) as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 3 working days and investigate and provide a response within 15 working days. Before the formal processes are invoked every effort should be made to resolve matters informally. This is in line with complaints policies nationally. Most issues are likely to be best resolved through discussion with the class teacher, in some cases, though, a person may feel the need to escalate the matter to the department lead. Initially class teachers will seek to resolve matters through provision of information and clarification. Where it is clear that there is a significant level of challenge, staff will refer the matter to the department lead as a cause for concern. The department lead will then seek to resolve the matter through discussion with those expressing concerns. Whether attempts to resolve concerns at an informal stage are by telephone conversation or through meetings, school staff should take a note of any agreed action points and summarise these at the end of the conversation. The notes should be circulated promptly to those involved in the discussion. The formal Complaints Procedure will not normally be accessed unless the department lead has first been given the opportunity to discuss the matter with the complainant, either by telephone or, preferably, in person. If the complaint is not resolved informally, it will be escalated to a formal complaint.

### **Stage 2: Formal**

The formal stage involves the complainant putting the complaint to the School Business Manager (Complaints Coordinator) or where they have been involved at the informal stage, to another member of the School Leadership Team (who would assume the role of complaints coordinator for the case):

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. Reference should be

made to any perceived breach in school policy or legislation. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office.

The Complaints Coordinator will assume the role of ‘decision maker’ (or may appoint someone else, who has not been involved in the process thus far, to this role). The ‘decision maker’ will then commission an investigation and appoint an ‘investigator’ who will then conduct their own investigation, speaking to the complainant and finding factual information related to the complaint. The written *conclusion* of this investigation will be sent to the complainant within 28 days. The full investigation report will not be shared with the complainant, but will be kept on file (as detailed in Section 10).

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 5 school days.

### **Stage 3: Appeal panel**

Complaints will be escalated to the appeal stage if the complainant is not satisfied with the response to the complaint at the second, formal stage and believes there are identifiable grounds for appeal.

An appeal panel will be appointed by or on behalf of the board of trustees and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. This would normally be someone who has an understanding of the organisation and its context. The Steiner Waldorf Schools Fellowship may assist in finding a suitable person to fulfil this role, for example, a board member from another Steiner School. The panel cannot be made up solely of trustees, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint’s progress (see section 10) and will take the grounds for appeal (outlined clearly by the complainant) as the limit of what should be investigated and discussed. The complainant must have reasonable notice of the date of the appeal panel; however, the appeal panel reserves the right to convene at their convenience rather than that of the complainant. At the appeal panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The complainant must be allowed to attend the panel hearing and be accompanied if they wish. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the board of trustees.

The school will inform those involved of the decision in writing within 28 days.

## **7. COMPLAINTS AGAINST THE SCHOOL MANAGEMENT, A TRUSTEE OR THE BOARD OF TRUSTEES.**

Complaints made against any member of the school leadership team or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the school management or one member of the governing board (including the chair or vice-chair), a suitably-skilled and impartial trustee will carry out the steps at stage 1 and 2 (set out in section 6 above).

If the complaint is jointly about the Chair and Vice-Chair, the entire governing board or the majority of the governing board, it will be heard by the clerk to the governing board who will work with SWSF to involve the Members of the Association in attempting to resolve the complaint in stage 1 and stage 2. The final appeal under stage 3 would be heard by a representative panel of Members of the Association.

## **8. REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL'S PROCEDURE**

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- Education
- Pupil welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

## **9. PERSISTENT COMPLAINTS**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Trustees (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*

- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats toward school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **10. RECORD-KEEPING**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome.

The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the appeal panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

The details of the complaint, including the names of individuals involved, will not be shared with the whole board of trustees in case an appeal panel needs to be organised at a later point.

Where the board of trustees is aware of the substance of the complaint before the appeal panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the board of trustees, who will not unreasonably withhold consent.

## **11. LEARNING LESSONS**

The board of trustees will review any underlying issues raised by complaints with the school leadership team or appropriate staff member, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **12. MONITORING ARRANGEMENTS**

The board of trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The board of trustees will track the number and nature of complaints, and review underlying issues as stated in section 10. The complaints records are logged and managed by the Education Manager (Complaints Coordinator).