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LANCASTER INDEPENDENT SCHOOL
FOR ALTERNATIVE LEARNING



LANCASTER INDEPENDENT SCHOOL FOR ALTERNATIVE LEARNING COMPLAINTS POLICY

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1. GENERAL PRINCIPLES

1.1 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 the freedom & 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.

1.2 The Trustees of Lancaster Independent School for Alternative Learning 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 & responsibilities diligently & capably while upholding the dignity of the human being in all their encounters. Our Concerns & Complaints Procedure is intended to support our core ideals & to contribute to the continual improvement of the education we provide.

1.3 Accordingly, this procedure seeks to embody the fundamental attitudes set out as follows in the SWSF Code of Practice:

1. **Respect** for the integrity (spiritual essence) of each individual and of the world in general
2. **Interest in and Positive approach** towards the potential for development in young people in particular and humanity in general
3. **Recognition of the central importance of lifelong learning**
4. **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.

1.4 We also take note of the of the principles contained in the Universal Declaration of Human Rights 1948 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 PRACTICE

Independent schools in England are required by regulation to offer a procedure for complaints as set at the end of this document (see Appendix 6) This procedure meets these regulatory requirements in full. In addition, 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 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, parent teacher conference, parents evenings and by appointment, whole school forums [as appropriate] 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
- 2.3 Our Concerns & 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 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

(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.)

3. TARGET AUDIENCE

The intended audience is:

School Staff (Teachers; Office staff; Volunteers)

Trustees

Parents

4. SCOPE

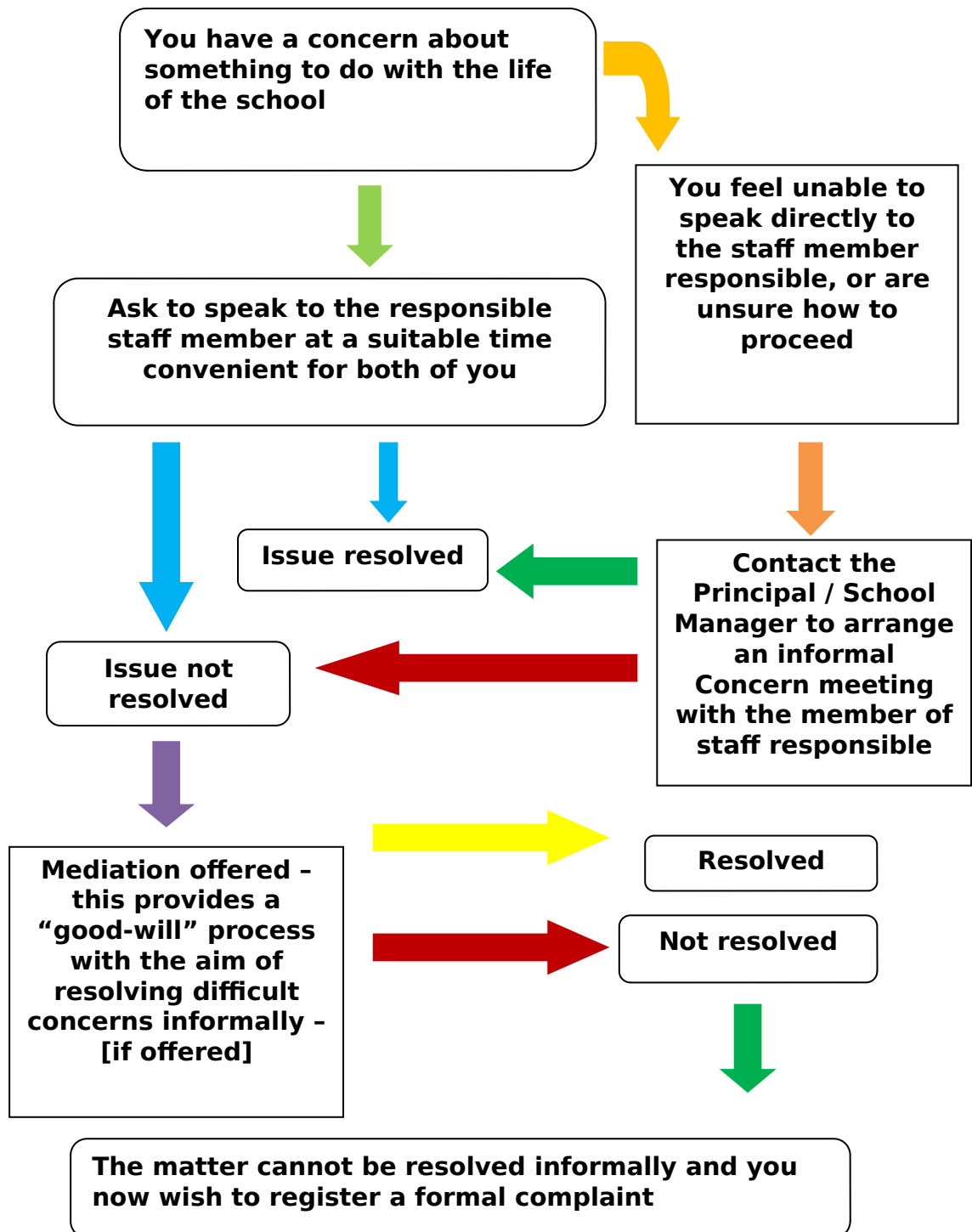
The scope of this document is to ensure that Parents and all Lancaster Independent School for Alternative Learning personnel, including employees and volunteers, are aware of the School Complaints policy, which is for use by Parents to raise a concern or make a formal complaint.

5. CONCERNS

We hope that this procedure will help us to listen to and acknowledge concerns and to treat complainants fairly and consistently. We are committed to treating all concerns seriously and to finding solutions that work for all those involved.

Flowchart – Overview for Concerns & Complaints Procedure

Informal Concerns:



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.

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:

5.1 Concerns about teaching or aspects of the education – class teacher or key stage lead.

5.2 Concerns about general administrative aspects of the school – the School Manager & Bursar (bursar@lancastersteinerschool.org).

5.3 If for any reason you feel unable to speak directly to the person concerned, you may speak to the Senior Leadership Team (SLT)/ College of Teachers teachers@lists.lancastersteinerschool.org.

5.4 If you do not feel you can speak to any of these people please move to the formal complaint stage (see section 6)

5.5 Members of staff have been asked to record 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 school’s Trustee with responsibility for investigating complaints. It is this Designated Person’s responsibility to follow-up concerns and to ensure that agreed further action is implemented. The Designated Person may contact you to check that your concern has been dealt with. **All records will be kept together and in chronological order.**

5.6 If concerns remain, the Designated Person at your request, will arrange a further facilitated meeting and/or meeting with a neutral note-taker to help explore your concern informally.



6. COMPLAINTS

Formal Complaint:

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



Write to or email the school's Designated Person (Gabi Cani gabi@lancastersteinerschool.org). Please use the Formal Complaint Notification Form whenever possible. The Chair of Trustees will be informed on receipt. Your form should be acknowledged within 24 hours of receipt



**Designated Person carries out investigation and an investigative meeting is arranged with you
Investigation completed and report published to those involved, normally within 10 working days**



The report and recommendations are satisfactory



The report and recommendations are not satisfactory



**You write to the Chair of Trustees to call for a Review Hearing (panel) to adjudicate on your appeal
Panel formed and the Chair contacts you to inform you of when the Process Panel takes place (see outline procedure)
Final adjudication issued**

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 serious abuse of any sort).

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 Designated Person 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 remain confidential.

- 6.1. You should put your complaint into writing addressed to the Designated Person and **for attention of the Chair of Trustees**, who will register that a formal complaint has been received (other Trustees will not be involved with handling the complaint at this stage). Please use the Formal Complaint Form (This form is also available in the information for parents file or the school website) where possible. If you need help in setting out your complaint the Designated Person will assist you in this
- 6.2. You should receive acknowledgement of a formal complaint within 24 hours & we aim to offer an investigative meeting within 5 working days
- 6.3. The Designated Person will ensure that a full investigation is carried out into the circumstances of the complaint & once the Designated Person 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
- 6.4. This process will normally take no more than 10 working days
- 6.5. Although informed that there has been a formal complaint, the school's Trustees (other than the Designated Person) will take no part in dealing with the matter up to the panel stage
- 6.6. If you do not agree with the report or recommendations of the Designated Person, you can call for a **Review Panel Hearing** 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 management and running of the school. The appointment of the panel is the responsibility of the schools' Governance Team
- 6.7. 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:
 - a. the date and time of the hearing - normally within 14 days
 - b. the process and aim

- 6.8. members of the panel will review the complaint confidentially, with objectivity and without fear or favour
- 6.9. the Panel will hear your concerns and may call for the staff members against whom the complaint has been made
- 6.10. 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
- 6.11. 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)
- 6.12. 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
- 6.13. The decision of the Panel will be final. The school offers no further appeal to the decision of a Review Panel
- 6.14. The panel will make themselves familiar with the procedure & information relevant to the complaint and convene a Panel Hearing as soon as possible
- 6.15. 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
- 6.16. 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

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

7. COMPLAINTS RECORDS

- 7.1 We keep the following records of complaint:
 - 7.1.1 The complaint will be listed with the date it was first raised
 - 7.1.2 The nature of the complaint
 - 7.1.3 Dates of meetings, communications & those attending them
 - 7.1.4 Whether the matter was resolved
 - 7.1.5 Copies of all documentation
- 7.2 Complaint records will be kept strictly confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review Panel. This is except where the Secretary of State (or someone acting on their behalf) requests ac-

cess to or where the material must be made available during a school inspection or where otherwise in accordance with the laws relating to Data Protection

7.3 Records will be retained for 2 years.

7.4 The school will publish the number of complaints dealt with each year, as required by regulation (on its website). This record will be made available to school inspectors when they conduct inspections

8. 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

9. OPTIONS FOR COMPLAINANT AT CONCLUSION OF PROCESS

The Panel's determination on the complaint(s) raised is final. This is the end of the school's complaints process.

If a Parent remains dissatisfied they may contact the Department for Education (DfE)

The DfE cannot investigate individual complaints about private schools. But it has certain powers as a regulator if the school is not meeting standards set by the DfE for:

- education
- pupil welfare and health and safety
- school premises
- staff suitability
- making information available to parents
- spiritual, moral, social or cultural development of students

The DfE will consider any reports of a major failure to meet the standards. It can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure serious failings are dealt with.

The DfE can ask the school inspectorates to take minor complaints into account when the school is next inspected.

Further information and forms for complaint are available from : <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#your-complaints-procedure>



Complaints Policy

I _____(full name) confirm I have read and understand the Lancaster Independent School for Alternative Learning Complaints Policy. If I have any questions, I should speak to the School Manager (Ola Mustapha), or consult the complaints policy either online at www.lancastesteinerschool.org or in the policies binder (kept in the School Office) where further information is held.

Signed:

Date:



APPENDIX 1

Concerns Record Form

(For the informal stage of Concerns & 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:

APPENDIX 2

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 Office or Designated Person, 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.

APPENDIX 3

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 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.

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
 - give a verbal summary of its unanimous decision
 - reserve its decision for to 36 hours, at the end of which a final judgement will be issued in writing
 - state that it is unable to arrive at a decision, in which case the procedure should be restarted with a different panel¹

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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 –
 - 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 –
 - hear a brief summing up from the panel, or
 - to be told of the decision to reserve judgement
 - 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
14. If there is to be a summing up, the panel Chair should explain that he/she 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

APPENDIX 4

HABITUAL OR VEXATIOUS COMPLAINANTS POLICY

1) Introduction

- a. 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
- b. 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
- c. The term complainant in this policy includes requests made under the General Data Protection Rules 2018 (GDPR) for the collecting, storing and processing of personal data; The Environmental Information Regulations 2004 and reference to the complaints procedure may include the making of requests under these Acts.
- d. 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, 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

- a. 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
- b. The policy should only be invoked following careful consideration of all the issues by the Designated Person and Senior Leadership Team (SLT). Authorisation has to be 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
- c. 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.

Each case will be considered individually and decided on its merits. However, a complainant (&/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 where complainants:

- a. 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).
- b. 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 & which may need to be addressed as separate complaints
- c. Are unwilling to accept documented evidence of action
- d. Are unwilling to accept that the Trustees have reached a final decision on a chosen course of action
- e. Deny receiving an adequate response despite correspondence specifically dealing with the issues raised
- f. Persist in pursuing a matter when they have already exhausted all routes of appeal
- g. Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
- h. Continue to seek to pursue a complaint where the concerns are not within the control of the school or its governance team
- i. Focus on trivial matters to an extent which it is out of proportion to their significance & 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
- j. Have while 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)
- k. 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
- l. Make repeated counter-complaints against those dealing with the issue, especially with the clear intention of influencing the outcome of the procedure

- m. Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved
- n. 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 & reserves the right to take legal action in such cases
- o. 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.

- a. 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 Designated Person or School Manager 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)
- b. 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.
- c. It may be decided to deal with habitual or vexatious complainants in one or more of the following ways:
 - 1. 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 decide to withdraw from a telephone contact with a complainant there will be an agreed statement available for them to use at such times.
 - 2. To restrict contact to liaison through a designated person
 - 3. 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

4. Temporarily suspend, or terminate, the contract between the individual and the school
5. In extreme circumstances inform the complainant that the school intends to take legal action

5). Review Decisions and Withdrawing 'Habitual or Vexatious' Status

- a. Once a complainant has been determined as habitual or vexatious such status will be regularly reviewed, &, 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
- b. Complainants also have an opportunity to have their habitual or vexatious status withdrawn
- c. 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
- d. 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
- e. 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
- f. If 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
- g. 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

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

7). General

- a. Nothing in this policy affects an individual's statutory rights.
- b. 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