



COMPLAINTS POLICY

1. This policy and procedure sets out how Steiner Academy Exeter will deal with general complaints (as outlined in regulation 7 of the Education (Independent School Standards) (England) Regulations 2003.)

1.1 The Academy recognises that there will be occasions when its actions do not meet the reasonable expectations of the public. From time to time, parents/ carers and others connected with the Academy will become aware of matters that cause them concern. This procedure is designed to enable proper consideration to be given to each complaint in a way that is as fair and impartial as possible. The procedure is devised with that intention that it will:

- Be simple to use and understand;
- Be non-adversarial;
- Provide confidentiality;
- Allow problems to be handled swiftly through the correct procedure;
- Address all points at issue;
- Inform future practice so that the problem is unlikely to recur.

1.2 The Board of Governors will review a summary of all complaints annually.

1.3 The Academy will aim to ensure that all stakeholders have equal access to the complaints procedure. We will make every effort to ensure that parents'/ carers' needs regarding access will be accommodated e.g. by liaising with them regarding translation/ special arrangements.

2. How to complain

2.1 Many complaints can be sorted out informally by discussing the issue with a member of the Academy's staff. Parents/ carers should refer to the class teacher in the first instance. If the problem remains an appointment can be made to speak with the Principal. Usually this appointment will take place within three working days of the request. However, if after discussing any concerns with the Principal, the complainant remains dissatisfied they can make a formal complaint.

2.2 To make a formal complaint the complainant should write to the Academy stating their concerns as clearly as they can (using the Academy complaints form- attached) to enable it to address the issues raised as quickly as possible.

2.3 If the Academy is unclear on any point it will contact the complainant to seek clarification in order that it can give full consideration to all the points they wish to make.

3. Process of formal complaints

3.1 Formal complaints will initially be handled by the Principal (unless the complaint is against the Principal in which case it will be referred to the Board of Governors).

3.2 If the complainant is unhappy with the Principal's decision they can ask for it to be reviewed by the Board of Governors.

3.3 If the complainant is still unhappy with the outcome the complaint can be reviewed by a Review Panel of at least 3 people, who have not been directly involved in the matters of the complaint. The Review Panel will be made up of Trust Board members and will include an independent person, unrelated to the Academy. Complainants may attend the Review Panel meeting and may be accompanied by another person when meeting with the Review Panel. The panel has the power to make findings and recommendations and a copy of the findings and recommendations will be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

3.4 If no satisfactory resolution has been reached after the Review Panel meeting, the complainant can take the matter to the Department for Education. This should be done in writing.

3.5 Written records of all complaints will be kept by the Finance and Administration Manager. Although these records are confidential, they will be made available to all involved parties (and those conducting inspection under section 162A of the Education Act 2002; or the Secretary of State, should they ask for access to such records.) These records will indicate whether the matter was resolved at the preliminary stages or whether it went further. All records will be made available for inspection on the Academy premises.

4. Time frames

4.1 The Academy will send an initial acknowledgement to the complainant within 2 working days and will aim to send a full response within 20 working days. However, in some circumstances, for instance where the issues are particularly complex, it may take longer and if the Academy thinks this is likely it will write to the complainant with a revised time-scale at the earliest opportunity.

STEINER ACADEMY EXETER – COMPLAINTS FORM

Please complete this form and either send it to us via the Academy email leadership@steineracademyexeter.org.uk , put it in the post or bring it to the Academy and hand it in to the main reception.

Section 1

Your name:	
Relationship with Academy [e.g. parent of a pupil on the Academy's roll]:	
Pupil's name [if relevant to your complaint]:	
Your Address:	
Telephone number:	
Email address:	

Section 2

Please give concise details of your concern or complaint, [including dates, names of witnesses etc.], to allow the matter to be fully investigated¹.

¹ You may continue on separate paper, or attach additional paperwork, if you wish.
Number of Additional pages attached = []

Section 3

What action, if any, have you already taken to try to resolve your concern or complaint?
[i.e. who have you spoken with or written to and what was the outcome?]

Section 4

What actions do you feel might resolve the problem at this stage?

Your signature:

Date:

Academy use only	
Date Form received:	
Received by:	
Date acknowledgement sent:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	

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 Academy has acted appropriately & 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 & respond to it. New evidence supplied later than this may lead to an adjournment of the hearing.

- Prior to the hearing, the parties should wait in separate rooms. The Review Panel will hear evidence from the parties separately;
- The Chair welcomes the complainant & companion, introduces the Review Panel & outlines the process that will be followed;
- The complainant is asked to explain their objections to the conclusions of the investigation;
- Agreed witnesses may be called (normally witness evidence will be provided in written form);
- The Panel may ask questions for clarification;
- The complainant & companion leave the meeting room;
- The Chair welcomes the member of staff representing the recommendations of the investigation, introduces the Review Panel & outlines the process that will be followed;
- The staff member explains the original response to the panel: steps 4, 5, 6 follow as above;
- The panel considers what it has heard & the evidence & may recall either party for to answer further questions;
- The panel considers its decision and will do one of the following:
 - give a verbal summary of its unanimous decision;
 - reserve its decision for up 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 panel.
- The deliberations of the panel are confidential. If there is a split decision, the Chair has the casting vote;
- The panel decision will uphold or deny the complaint according to the evidence available;
- In addition the panel may:
 - recommend changes to Academy procedure or other measures to help ensure similar complaints do not reoccur;

- require the Academy to take action to redress the complaint, e.g. to issue an apology, or statement of correction.
- 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.
- If there is to be a summing up, the panel Chair should explain that he will give its 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.
- The outcome of the panel will be confirmed in writing within 10 working days.

The Academy's internal procedure is complete.

1. Introduction.

- 1.1 This policy applies to all complainants & applies to situations where a complainant, either individually or as part of a group is considered to be acting as an 'habitual or vexatious' complainant.
- 1.2 In this policy the term 'habitual' means 'done constantly or as a habit' & '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 & 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 Academy staff & Governors. The difficulty in handling such complaints can place a strain on time & resources. The Academy endeavours to respond positively with 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 Academy'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 Principal and Finance and Administration Manager and authorisation has been provided by the Chair of Governors. If the complaint is principally or to a reasonable degree against the Chair of Governors then authorisation will be from a 3 person Governor 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 (&/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 Academy'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 Academy 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.
- Are unwilling to accept documented evidence of action.
- Are unwilling to accept that the Governors 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 Academy or its governance team.
- 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 & will exercise care in applying this criteria).
- Have in the course of addressing a complaint, had an excessive number of contacts with the Academy representatives placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, 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 &/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. The Academy will consider any complainant who make threats or uses actual physical violence towards staff as a vexatious complainant. The Academy 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.
- 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 Governors have a duty of care to their employees & 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 & 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 Governors will determine what action to take. The Principal will implement such action & 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 decide to deal with habitual or vexatious complainants in one or more of the following ways:
- Withdraw contact with the complainant either in person, by telephone, by e-mail, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff 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 Governors 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, & that further contact received will be acknowledged but not answered.

- Temporarily suspend, or terminate, the contract between the individual & the Academy.
- In extreme circumstances inform the complainant that the Academy 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, &, 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 Governors 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 Governors, 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 5 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 considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant & application of the Academy'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 &/or vexatious.

7. General

7.1 Nothing in this policy affects an individual's statutory rights.

7.2 If Governors 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 Governors will not be able to deal with the particular issue whilst they continue to be a vexatious/habitual complainant.

Extract from: The Education (Independent School Standards) (England) Regulations 2010

PART 7 - Manner in which complaints are to be handled

25. The standard about the manner in which complaints are handled is met if the proprietor ensures that a complaints procedure is drawn up and effectively implemented which deals with the handling of complaints from parents of pupils and which—

- (a) is in writing;
- (b) is made available to parents of pupils;
- (c) sets out clear time scales for the management of a complaint;
- (d) allows for a complaint to be made and considered initially on an informal basis;
- (e) where the parent is not satisfied with the response to the complaint made in accordance with subparagraph (d), establishes a formal procedure for the complaint to be made in writing;
- (f) where the parent is not satisfied with the response to the complaint made in accordance with subparagraph (e), makes provision for a hearing before a panel appointed by or on behalf of the proprietor and consisting of at least three people who were not directly involved in the matters detailed in the complaint;
- (g) ensures that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school;
- (h) allows for a parent to attend and be accompanied at a panel hearing if they wish;
- (i) provides for the panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
 - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the school premises by the proprietor and the head teacher;
- (j) provides for a written record to be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing;
- (k) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them; and

(l) where the school provides accommodation, is drawn up having regard to Standard 5 of the National Minimum Standards for Boarding Schools or where applicable Standard 4 of the National Minimum Standards for Residential Special Schools.