

# Concerns and Complaints Policy

Deutsche Schule London (“**DSL**” or the “**School**”) is an educational establishment in which pupils, parents and staff work hand in hand, and in which pupils, parents and staff are committed to a trusting and constructive mindset. DSL welcomes feedback from pupils, parents, and third parties and accepts that not all of this will be positive.

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## Introduction

1. DSL strongly believes that concerns and complaints must be addressed swiftly in a fair, transparent and constructive fashion for DSL to maintain and further develop a culture in which its pupils will grow in a trusting and constructive environment.
2. DSL recognizes that a concern or complaint, if not resolved swiftly and fairly, may become a cause of resentment, which could be damaging to relationships and the school culture, and which may over time become more difficult to resolve.
3. In order to address concerns and complaints, the Board of the School has approved this Concerns and Complaints Procedure, which explains what parents, pupils and third parties should do in case of any concerns or complaints about the School.
4. This Concerns and Complaints Procedure applies to concerns and complaints raised by pupils, parents, and third parties. It is important to note that raising a concern or complaint will not adversely affect a pupil's opportunities at DSL.
5. A '**Concern**' is defined as an expression of worry or doubt over an issue considered to be important for which reassurances are sought. A '**Complaint**' is an expression of dissatisfaction however made about actions taken or a lack of action.
6. The *Elternbeirat* is *not* involved in, or party to, Concerns or Complaints raised under this Concerns and Complaints Procedure.

## Part 1: Raising a Concern

7. DSL takes very seriously Concerns raised by pupils, parents and third parties about any aspect of the school, or a child's education or wellbeing, and strives to resolve them at an early stage in a fair, transparent and constructive fashion.
8. DSL encourages to raise Concerns early so as to resolve them swiftly and informally. A Concern should normally be raised with the member of the teaching staff most directly involved in the matter giving rise to the Concern ("**Relevant Staff Member**") directly via telephone, email or in person. Alternatively, a Concern may be raised with the *Vertrauenslehrer* or *Koordinationsassistenten*. The Relevant Staff Member, *Vertrauenslehrer* or *Koordinationsassistent* will respond as soon as practicable, and in any case within three DSL school working days. In case the process will take longer than three DSL school working days, the person raising a Concern should be informed accordingly.
9. If requested by the person raising a Concern, or the Relevant Staff Member, and where appropriate, the *Vertrauenslehrer* or *Koordinationsassistent* may facilitate, and be present at, a meeting between the person raising a Concern and the Relevant Staff Member.
10. All Concerns will be dealt with confidentially. The parties may record the outcome of their discussions including any proposals on how to address the Concern by using the form enclosed as **Annex 1** to this procedure.



## Part 2: Raising a Complaint

### I. Principles

11. The School will address Complaints in an impartial and non-adversarial manner. It will investigate a Complaint fully and fairly. The Complaint including all correspondence and material relating to it will be treated as confidential.
12. The School aims to respond in substance to a Complaint within four DSL school working weeks and to keep the complainant informed of the progress. The School aims to address all the points raised in a Complaint and to provide an effective and appropriate response.
13. A record of the Complaint, any correspondence as well as any related documentation will be held by the Head Teacher.

### II. Making a Complaint

14. Parents, pupils and third parties may raise a Complaint when a Concern has previously been raised and, in the opinion of the complainant, has not been satisfactorily addressed. A complaint may also be raised in case of dissatisfaction about actions taken or a lack of action by DSL.
15. A Complaint must be made by using the Complaint Form (**Annex 2** to this this Concerns and Complaints Procedure) or in writing. Should the Complainant have communication preferences due to disability, learning difficulties or similar issues, DSL will allow alternative methods of making a Complaint. In such case, DSL will record the Complaint as appropriate.
16. DSL will normally acknowledge receipt of the Complaint in writing to the complainant within three DSL school working days.

### III. Investigating Complaints

17. The person investigating the Complaint will make sure that they:
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the Complaint and what remains unresolved;
  - meet with the complainant or contact them;
  - clarify what the complainant believes would resolve the matter;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conduct the investigation including an interview with an open mind and be prepared to persist in the questioning; and
  - keep notes of interviews, meetings and telephone calls.

### IV. Resolving Complaints

18. At each stage in the procedure DSL will keep in mind that, where possible, a Complaint should be resolved swiftly and amicably, and that may be multiple ways in achieving this. It might be



sufficient to acknowledge that the Complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
  - an explanation;
  - an admission that the situation could have been handled differently or better;
  - an assurance that the event complained of will not recur;
  - clarification of any misunderstandings that might have occurred
  - an explanation of the steps that have been taken to ensure that it will not happen again; and/or
  - an undertaking to review school policies in light of the Complaint.
19. Complainants are encouraged to state what actions they feel might resolve the problem at any stage. At each stage of the procedure, DSL will attempt to identify areas of agreement between the parties, and to clarify any misunderstanding that might have occurred, in order to create a positive atmosphere in which to discuss and resolve the Complaint.
20. Acknowledging that a Complaint is valid in whole or in part, or any other means of resolving a Complaint set out above, is not an admission of negligence or liability.
21. The School will record the progress and the outcome of each stage of the Complaint process. Moreover, the parties may record the outcome of their discussions including any proposals on how to address the Complaint by using the form enclosed as **Annex 1** to this procedure.

## V. Unreasonable Complaints

22. DSL is committed to dealing with all Complaints fairly and impartially, and to providing a high quality service to those who complain. DSL will not normally limit the contact complainants have with the School. However, DSL does not expect its staff to tolerate unacceptable behaviour and will take actions to protect staff from such behaviour, including behaviour which is abusive, offensive or threatening.
23. DSL defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the School, hinder DSL's consideration of their or other people's complaints.
24. In order to determine whether a Complaint may be qualified as unreasonable, DSL will apply the *Best Practice Advice for School Complaints Procedures 2016* published by the Department of Education in the United Kingdom.

## Part 3: The Formal Complaints Procedure

### I. The Stages of Complaints

25. The formal complaint procedure has three stages:
- Stage one: complaint heard by Head of *Kindergarten* and *Vorschule*, Head of *Grundschule*, Head of *Sekundarstufe I and II* respectively ("Departmental Coordinator");



- Stage two: complaint heard by Head Teacher of the School; and
- Stage three: complaint heard by the DSL Governing Body's complaints appeal panel.

26. Stage One and Stage Two complaints should not be shared with the DSL Governing Body, except in very general terms.

## **II. Stage One: Complaint heard by a Departmental Coordinator**

27. When a formal complaint is received by DSL, it will be handled first by the relevant Departmental Coordinator .

28. In appropriate cases, the Departmental Coordinator may delegate the investigation of the Complaint but not the decision on the action to be taken to a member of his or her staff. In doing so, the Departmental Coordinator will take into account that the first contact between the complainant and the School can be crucial in determining whether the Complaint will escalate.

29. The School takes seriously views of a complainant who indicates that s/he would have difficulty discussing the Complaint with a particular member of staff. In such cases, the Departmental Coordinator concerned can refer the complainant to another staff member. Where the Complaint concerns the Departmental Coordinator, the Departmental Coordinator must refer the complainant to the Head Teacher of the School.

30. The Complaint must be investigated appropriately as set out in Part 2 of this Concerns and Complaints Procedure. After having acknowledged receipt of the Complaint within three DSL school working days , the Departmental Coordinator or, where appropriate, his or her delegate, will normally respond to the Complainant in substance as per Part 2 of this Concerns and Complaints Procedure within four DSL school working weeks. In case the process will take longer than four DSL school working weeks, the complainant should be informed accordingly.

31. Where a Complaint is first sent to a Governor of the DSL Governing Body, the Governor will refer the Complaint to the relevant Departmental Coordinator and inform the Head Teacher of the School. Governors will not be further involved in the investigation or act unilaterally on an individual complaint other than provided for under this Concerns and Complaints Procedure.

## **III. Stage Two: Complaint heard by Head Teacher of the School**

32. If the complainant is dissatisfied with the response received at Stage One, he or she is entitled to appeal to the Head Teacher of the School. The Stage 2 Complaint must be in writing (para. 15 applies accordingly). The Head Teacher of the School may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

33. In most cases, the Head Teacher should offer to have a meeting with the complainant at the outset of the Stage 2 process.

34. The Head Teacher may formally reject further investigations of the Complaint if, in his or her judgment, the Complaint:

- Was received too long after the alleged incident for realistic investigation to take place;



- Does not identify specific actions or incidents that are capable of being investigated;
  - Refers only to issues that have already been determined;
  - Raises only minor matters that should have been resolved in discussion with the staff member involved; or
  - Is vexatious or abusive (see paras. 22 to 24).
35. The Head Teacher will consider both the original Complaint and the process followed during Stage 1. It is normally expected that the Stage 2 process would be completed within four DSL school working weeks. In case the process will take longer than four DSL school working weeks, the complainant should be informed accordingly.
36. After considering the matter, the Head Teacher can:
- uphold the Complaint and direct that certain action be taken to resolve it;
  - not uphold the Complaint and provide the complainant with details of the Stage 3 process; or
  - uphold the Complaint in part and direct that certain action be taken to resolve the aspect that the Head Teacher find in favour of the complainant.

#### **IV. Stage Three: Complaint Heard by Governing Body Complaint Panel**

37. In exceptional circumstances, and if the complainant is dissatisfied with the outcome of the Stage Two complaint process, the complainant may appeal to the Chair of Governors.
38. The Chair of Governors, or a Governor nominated by the Chair of Governors, will determine at its sole discretion whether or not to convene a Governing Body Complaint Panel (the “**Complaint Panel**”). In doing so, the Chair of Governors or the Governor will take into consideration the seriousness of the Complaint as well as the complaint process. The Chair of Governors or the Governor will inform the complainant of its decision within four DSL school working weeks of filing of the Stage Three complaint.
39. The Complaint Panel consists of three members two of which are Governors. A Governor may not sit on the Complaint Panel if he or she has had a prior involvement in the Complaint or in the circumstances surrounding it. The third member of the Complaint Panel will chair the Complaint Panel (the “**Chair**”). The Chair will be selected by the two other members of the Complaint Panel in consultation with the complainant. In selecting the Chair, the two other members of the Complaint Panel may approach the local church, the Governor Services team at the local authorities in Richmond upon Thames, or ask a different school or select any other person of good standing. The Chair must not be a Governor and must be independent from the School.
40. Complainants may request, in exceptional circumstances, that the Complaint Panel does not include any Governors if they believe there is bias in the proceedings. The Chair of Governors will decide such request at its sole discretion. The Complaint Panel may also not include any Governors if all Governors had a prior involvement in the Complaint or in the circumstances surrounding it. Where the Complaint Panel does not include any Governors, the Chair of Governors will select the panel members, in consultation with the complainant. In doing so, the Chair of Governors may approach the local church, the Governor Services team at the local



authorities in Richmond upon Thames, or ask a different school or select any other person of good standing.

41. The Complaint to the Complaint Panel is the last school-based stage of the Complaint process, and will address the Complaint in an impartial and non-adversarial manner. The Complaint Panel will hear the complainant, review the complaint process and determine whether any further investigation is required.
42. The Complaint Panel will aim to arrive at a decision within three months (excluding any school holidays) from the decision to convene a Complaint Panel. All parties concerned will receive a written notification of the decision made.

#### **Part 4: Matters exempt from the Complaints Procedure**

43. This Concerns and Complaints Procedure does not apply to Concerns or Complaints regarding the following decisions or similar matters:
  - grades of individual pupils;
  - placing individual pupils into a particular class;
  - *“Nicht-Versetzung”*;
  - *„Einstufung als Real- oder Hauptschüler“* (Streaming);
  - *“Disziplinarmaßnahmen”* (Disciplinary Procedures);
  - Curricula; and
  - Exams.
44. Complaints regarding these decisions are within the pedagogical autonomy of the relevant teacher. Moreover, this Concerns and Complaints Procedure does not apply to concerns and complaints raised by DSL staff.
45. Complaints relating to decisions made in the context of *Reifeprüfung* can be made to the KMK. Please refer to Annex 3: (as this is a German legal document it is not available in English). These complaints cannot be dealt with by the Governing Body of the School.

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This Concerns and Complaints Procedure will be reviewed within three years from its adoptions.

Vs 2.1, November 2017





## Annexe 1: Concerns & Complaints – Outcome of the Discussions

### Concerns & Complaints – Outcome of the Discussions Bedenken & Beschwerden – Diskussionsergebnisse

Name: \_\_\_\_\_

- Meine Bedenken/Beschwerden wurden zu meiner Zufriedenheit geklärt.
- My concerns/complaints were sufficiently resolved.*
  
- Meine Bedenken/Beschwerden wurden nicht zu meiner Zufriedenheit geklärt.
- My concerns/complaints were not sufficiently resolved.*

Ich habe folgende Lösungsvorschläge:

*I have following suggestions for improvements:*

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Datum/Date \_\_\_\_\_

Unterschrift/Signature \_\_\_\_\_



**Annexe 2: DSL Complaints Form**

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Official use	
Date received: _____	Signed: _____



## **Annexe 3: Complaints relating to decisions made in the context of Reifeprüfung**

### **Einsichtnahme/Verfahren bei Einsprüchen/Widersprüchen**

#### **Einsichtnahme:**

Auf Wunsch kann einem Prüfling bzw. seinen Erziehungsberechtigten Einsicht in seine Prüfungsunterlagen gewährt werden. Die Einsichtnahme kann erst nach Abschluss der Prüfung erfolgen und wird in der Schule in Anwesenheit des Schulleiters durchgeführt. Die Anfertigung von Abschriften oder Kopien ist nicht zulässig. Zu den Prüfungsunterlagen gehören die schriftlichen Arbeiten der Prüflinge einschließlich der Korrekturbemerkungen, die Aufgabenstellungen und die Protokolle seiner mündlichen Prüfungen mit der begründeten Bewertung. Die Einsichtnahme ist je nach Einzelfall auch in die Protokolle der Prüfungskonferenzen zu gewähren, wenn dort die Begründung von Prüfungsentscheidungen vorliegen. Die Informationen über andere Prüflinge sind ggf. unkenntlich zu machen.

#### **Gegenvorstellungsverfahren:**

Gegen die Prüfungen an den Deutschen Schulen im Ausland können der Schüler bzw. seine Erziehungsberechtigten Einwendungen vorbringen. Diese Möglichkeit sollte im Konfliktfall möglichst vor anderen Maßnahmen ins Auge gefasst werden. Der Prüfling bzw. seine Erziehungsberechtigten können zum einen nach der Bekanntgabe der Prüfungsergebnisse ein „Überdenken“ der Bewertung seiner Leistungen verlangen. Dazu müssen Gegenvorstellungen zur tatsächlichen Bewertung schriftlich vorgebracht werden, die nicht an Formen oder Fristen gebunden sind, jedoch inhaltlich substantiiert sein müssen. Die Einwände können sich beispielsweise gegen eine aus der Sicht des Prüflings misslungene Einordnung seiner Leistung in das vorhandene Bewertungssystem richten oder auch gegen die Auffassung seines Prüfers bzw. Korrektors, eine Lösung des Prüflings sei fachlich falsch. Es reicht nicht, wenn vorgebracht wird, die Bewertung sei „zu streng“, sondern es muss dargelegt werden, in welchen Punkten oder bei welchen Korrekturbemerkungen die Einschätzung der Leistung durch den Prüfer bzw. Korrektor fehlerhaft sein soll. Um die Einwände zur Bewertung konkret und nachvollziehbar begründen zu können, bedarf es in der Regel der vorherigen Einsichtnahme des Prüflings und seiner Erziehungsberechtigten in die Prüfungsunterlagen. Zum ändern können der Prüfling und seine Erziehungsberechtigten sich auf diesem Weg auch auf Verfahrensfehler berufen. Auch hier sind die Vorgänge und die Auswirkungen auf die Prüfung substantiiert zu beschreiben, z.B. wenn Formvorgaben der Prüfungsordnung nicht eingehalten wurden und dies zu einer tatsächlich schlechteren Prüfung für den einzelnen Prüfling geführt hat. Eine pauschale Behauptung, dass Verfahrensfehler vorliegen, reicht nicht. Es müssen immer Tatsachen so detailliert bzw. umfangreich vorgetragen werden, dass ein Fehler oder Nachteil wahrscheinlich scheint. Es reicht also beispielsweise nicht, dass Terminankündigungen nicht vollständig erfolgt sind, wenn dies konkret nicht zu Verunsicherung oder Verspätung des Prüflings geführt hat. Die Gegenvorstellungen werden über den Schulleiter dem KMK-Beauftragten als Prüfungsleiter unverzüglich vorgelegt. Der KMK-Beauftragte prüft, ob überzeugende Argumente vorgebracht wurden und der vorgebrachte Fehler überhaupt erheblich für die Prüfung gewesen sein kann und ob er ursächlich für das konkrete Prüfungsergebnis war. Wenn ein „Überdenken“ der Bewertung erfolgen soll, leitet er die Gegenvorstellung dem Prüfer bzw. Korrektor zeitnah zu, dessen Bewertung gerügt wird, und bittet ihn ggf. um eine Stellungnahme, in der entweder eine Korrektur der Bewertung vorschlagen oder diese begründet zurückweisen kann. Werden Verfahrensfehler gerügt, können auch der Schulleiter, der Oberstufenkoordinator oder andere Lehrkräfte um eine Stellungnahme gebeten werden, soweit sie im Prüfungsverfahren eingebunden waren. Der KMK-Beauftragte als Prüfungsleiter erlässt daraufhin einen Bescheid gegenüber dem Prüfling bzw. seinen Erziehungsberechtigten, in dem er entweder die



Einwendungen als nicht hinreichend substantiiert zurückweist oder das Ergebnis des „Überdenkens“, also die neue Bewertung, oder auch das Ergebnis der Überprüfung des Verfahrens mitteilt. Eine Änderung der Bewertung zum Nachteil des Prüflings ist grundsätzlich nicht zulässig. Wenn sich ein Verfahrensfehler nicht durch eine nachträgliche Änderung der Bewertung beheben lässt, weil z. B. in einer Prüfung unzulässige Materialien verwendet wurden, ist dieser Prüfungsteil zu wiederholen. Der KMK-Beauftragte macht in seinem Bescheid entsprechende konkrete Vorgaben dazu. Der Bescheid wird dem Schulleiter mit der Bitte um Weiterleitung an den Prüfling bzw. seine Erziehungsberechtigten übermittelt. Beschwerden gegen die Entscheidung des KMK-Beauftragten als Prüfungsleiter können über das Sekretariat beim Ländervorsitzenden geltend gemacht werden. Der Prüfling bzw. seine Erziehungsberechtigten reichen dazu die vollständigen Unterlagen des Vorgangs über den Schulleiter beim Sekretariat ein.

**Rechtsmittel:**

Ein Widerspruchsverfahren ist in den Prüfungsordnungen nicht vorgesehen. Der Schulleiter kann, wenn der Prüfling bzw. seine Erziehungsberechtigten, die Absicht äußern, gegen eine Prüfungsentscheidung zu klagen, darauf hinweisen, dass ggf. eine Klage vor einem deutschen Verwaltungsgericht möglich ist. Zugleich ist darauf hinzuweisen, dass keine rechtsverbindlichen Hinweise gegeben werden können, und auch eine Rechtsberatung von Prüflingen bzw. ihren Erziehungsberechtigten nicht zu den Aufgaben von KMK-Beauftragten oder Schulleitern gehört. Wenn der Schulleiter erfährt, dass ein gerichtliches Verfahren in Prüfungsangelegenheiten angestrebt wird, sollte er den KMK-Beauftragten und das Sekretariat frühzeitig informieren. Sollte ein ausländisches Gericht eine Klage gegen eine deutsche Prüfung annehmen, sind sofort die Auslandsvertretung, der KMK-Beauftragte und das Sekretariat zu informieren.



## Annexe 4: Mediation Process

### Introduction

1. Under the *Concerns and Complaints Policy* of the Deutsche Schule London (“**DSL**” or the “**School**”), pupils, parents, or third parties may raise “*Complaints*”. If a Complaint is raised, the School may offer mediation to resolve the Complaint. In appropriate cases, the School may accept an invitation to attend a mediation. The purpose of this document is to explain the mediation process in more detail.
2. The aim of the DSL Mediation Process is to resolve Complaints quickly and easily. It runs alongside the *Concerns and Complaints Policy*.

### What is mediation?

3. Mediation is a free and voluntary process in which a neutral person – the mediator – assists you and the School in working towards an amicable solution of your Complaint. It allows you and the School to be heard and recognized.
4. A mediator does not tell you or the School what to do or impose a solution or “*decide*” the Complaint. The mediator’s role is to help you and the School think through how to resolve the Complaint. The mediator is neutral and will *not* take sides.
5. The mediation is confidential. Matters discussed during the mediation process will *not* be disclosed to anyone else without your and the School’s consent.
6. The mediation is free of charge. The mediators have been trained in accredited mediation skills and techniques.

### How does the mediation process work?

7. If you raise a Complaint under the Concerns and Complaints Policy, the Head Teacher of the School may offer, at any time during the Complaint process, to attempt resolving your Complaint by way of mediation. You may also propose to the School to attempt mediation to resolve your Complaint, which the School may accept in appropriate cases.
8. If you agree to the School’s proposal, or if the School agrees to your proposal, to attempt mediation, the mediator will hold an initial meeting with you to do three things:
  - To hear your view about what you are complaining about.
  - To explain more about what mediation is, so that you can decide if you want a face-to-face meeting with someone at the School about your Complaint.
  - To help you think through what you want as an outcome of the mediation and how that might be achieved.
9. If you decide you would like a face-to-face meeting with someone at the School, the mediator will offer that person an initial meeting, in which the Head Teacher of the School, or his or her delegate, may participate.



10. If you both, as well as the Head Teacher of the School, agree to a face-to-face meeting, it will take place in a private location and will typically last 2-3 hours. Prior to the mediation meeting, the mediator will coordinate with you and the School how the meeting will be organized including who will participate.
11. The mediation process aims to identify the main issues of the Complaint and what is of importance to you and to the School. It provides a forum for a constructive and safe exchange of information and views. You and the School each have the opportunity to express how the dispute has arisen, how it has affected you and the School and respond to the other party's concerns in a safe and impartial environment.
12. The mediator does not judge, or provide advice. The mediator will guide the discussion and assist in identifying key issues at dispute, which can often have become blurred. The mediator will work with you and the School to find a mutually satisfactory solution.
13. Minutes will *not* be taken. If you and the School both decide you want to agree on something this can be written down and a copy will be provided for you.
14. You or the School may at any time end the mediation process if you or the School do not wish it to continue. If you don't feel your Complaint has been resolved after mediation, you are free to continue to pursue your Complaint under the Concerns and Complaints Policy or otherwise.
15. Please remember that by taking part in mediation you do not give up your right to access formal procedures or take other action. If successful, however, it is envisaged that the mediation process will usually bring the complaint to a close.

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This DSL Mediation Process will be reviewed together with the DSL Concerns and Complaints Procedure.