



# St Mary's R.C. High School

PER MARIAM

## COMPLAINTS POLICY

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# COMPLAINTS POLICY AND PROCEDURES

## 1. Introduction

This complaints policy is not limited to parents or carers of children that are registered at St Mary's RC High School ('the school'). Any person, including members of the public, may express a concern or make a complaint about any provision of facilities or services that the school provides, unless separate statutory procedures apply, for example admissions or exclusions procedures.

The difference between a concern and a complaint:

- a. A 'concern' may be defined as *an expression of worry or doubt over an issue considered to be important for which reassurances are sought;*
- b. A 'complaint' may be defined as *an expression of dissatisfaction, however made, about actions taken or a lack of action.*

It is in the interests of everyone that concerns and complaints are resolved at the earliest possible stage. Concerns should be raised with the class teacher initially and many issues can be resolved informally. If the issue remains unresolved, the next stage is to make a formal complaint. St Mary's RC High takes formal concerns or complaints seriously and will make every effort to resolve the matter as quickly as possible using the stages outlined within this complaints procedure. If you have difficulty discussing a concern with a particular member of staff, in these cases, the complaints co-ordinator may refer you to another member of staff. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand that there are occasions when people would like to raise their concerns formally. In this case, St Mary's will attempt to resolve the issues internally, through stages outlined within this policy.

The purposes of this Complaints Policy and the procedures outlined within are:

- a. to resolve concerns/complaints;
- b. to give complainants a means to raise issues of concern/complaints and to have them addressed;
- c. to inform complainants of the most appropriate person to whom a concern/complaint should be raised;
- d. to encourage all parties to raise and/or respond to concerns/complaints as quickly as possible so that they may be dealt with while the matter is fresh in peoples' minds; and
- e. to stress that at all stages of this policy the discussions, consideration and hearings will be investigatory rather than adversarial in their nature.

## 2. How to raise a concern or make a complaint

Concerns should be raised with the class teacher/form teacher initially. If the issue remains unresolved the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints to. No individual governor has the power to act on an individual basis and it may also prevent them from considering complaints at the stage 4 part of the procedure. A parent/carer may approach a governor to ask what they should do if they have a concern or a complaint and they will be advised on the procedure to follow and be directed to this policy. Complaints against school staff should be made in the first instance to the Complaints Co-ordinator via [complaints@st-maryshigh.hereford.sch.uk](mailto:complaints@st-maryshigh.hereford.sch.uk)

If the situation is such that the governor has to listen in order to help to direct the concern/complaint, they must accept that this will prejudice their impartiality if the issue develops and they must inform the Chair of the Governing Body immediately.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors via the Clerk's email address [clerktothegovernors@st-maryshigh.hereford.sch.uk](mailto:clerktothegovernors@st-maryshigh.hereford.sch.uk)

### **3. Anonymous complaints**

The school will not investigate under this procedure unless there are exceptional circumstances. Such circumstances may include serious concerns with regards to child protection issues or bullying allegations. The school may involve external agencies or may conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### **4. Timescales**

You must raise the complaint within three months of the incident or where a series of associated incidents have occurred, within three months of the last of these incidents.

### **5. Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day, after the holiday period.

### **6. Vexatious complaints**

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the governing body will inform him/her in writing that the procedure has been exhausted and that the matter is now closed.

### **7. Selecting the most appropriate procedure**

The procedure covers all complaints about any provision of community facilities or services by the school other than complaints that are dealt with under other statutory procedures, including those listed below.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA), safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or results in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of special educational needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about admissions, statutory assessments of special educational needs or school re-organisation proposals should be raised with Herefordshire Council
<ul style="list-style-type: none"> <li>• Matters likely to require a child protection investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	Further information about raising concerns on exclusion can be found at <a href="http://www.gov.uk/schools-discipline-exclusions/exclusions">www.gov.uk/schools-discipline-exclusions/exclusions</a>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The secretary of state for education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complaints will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified the matter is being addressed.
<ul style="list-style-type: none"> <li>• Complaints about services provided by other provider who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• National curriculum content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>



## 8. Resolving complaints

At each stage in the procedure, St Mary's wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- Assurances that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology.

## 9. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 10. Initial concerns – informal resolution (stage 1)

Most concerns/complaints can be handled without the need for formal procedures, and this should be the objective of all parties involved in the Initial Concerns - Informal Resolution process.

The person who has the concern/complaint should raise it with the form teacher/class teacher for their child as soon as possible, and certainly within 5 school days of the incident. This allows the matter to be discussed and resolved while it is still fresh in everyone's mind. The school will aim to respond in writing, within 10 school days of the complaint being received and investigated.

Should the person raising the concern/complaint be unable to resolve the matter with the pupil's form teacher/ class teacher, the matter should be referred to the Head of Department or Head of Year.

If the matter is satisfactorily resolved at this stage, the matter is considered closed. Any documents should be filed and retained.

## 11. Formal procedures – formal resolution

If the person raising the concern/complaint considers that the 'informal resolution' process has not resolved the matter, the complainant within the written response to the informal resolution will be given a link to the school's Complaints Policy (or a printed copy can be provided if required), detailing the next steps if the complainant wishes to raise a formal complaint. They must do so using the Notification of Concern/Complaint form (see Appendix C) within 10 school days of receipt of the written response to the informal resolution. The completed Notification of Concern/Complaint form should be emailed to [complaints@st-maryshigh.hereford.sch.uk](mailto:complaints@st-maryshigh.hereford.sch.uk) or returned to the school for the attention of the Complaints Co-ordinator.

## 12. The formal complaints procedure

### 12.1. Stage 2

- a. Following unsatisfactory resolution of stage 1, the complainant must submit a complaint within 10 school days of the confirmed resolution of stage 1.
- b. Complaint must be submitted on the Notification of Concern/Complaint form (appendix C). The Complaints Coordinator will record the date the complaint was received and acknowledge receipt of the form in writing (via letter or email) with 5 school days. If the complaint is received during the school holidays, the 5 days will commence from the first day of the start of term.
- c. The Complaints Coordinator may need to arrange a meeting with the complainant in order to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. This meeting should be held within 10 school days of receipt of the Notification of Complaint form (appendix C).
- d. If all the details are already within the notification form, the Complaints Coordinator will arrange an investigation into the concern/complaint with the details provided. The investigation will if necessary, include interviewing those involved in the matter and keep a written record of any meetings/interviews in relation to the investigation.
- e. At the conclusion of the investigation, the complaints coordinator will provide a formal written response regarding the concern/complaint, within 20 school days of receipt of the complaint notification form (appendix C). If this deadline cannot be met due to extenuating circumstances, the school will inform the complainant in writing of an update and a revised response date.
- f. The written response will summarise the conclusions reached, including where appropriate details of actions the school will take to resolve the complaint. The written response will also advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage 2.
- g. The Complaints Coordinator may consider that the circumstances surrounding the complaint make it appropriate to refer the matter immediately to the headteacher, depending on the nature of the complaint.
- h. Where the complaint concerns the headteacher or a member of the governing body, the Complaints Coordinator will refer the complaint immediately to the Clerk to the governing body. Which would result in the complaint being considered by an independent investigator and they would provide the formal written response.

### 12.2. Stage 3

- a. If the complainant is dissatisfied with the outcome of stage 2, they can escalate the complaint to stage 3, which is a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial governors available. This is the final stage of the complaints procedure.
- b. A request to escalate to stage 3 must be made to the Clerk to the Governors, via the email [clerktothegovernors@st-maryshigh.hereford.sch.uk](mailto:clerktothegovernors@st-maryshigh.hereford.sch.uk) within 10 school days of receipt of the Stage 2 response. The Clerk will acknowledge receipt of the complaint within 5 school days.
- c. The Clerk to the Governing Body will then convene a Governing Body's Appeal Panel to hear the complaint. The panel should sit within 20 school days of receipt of the complainant's request to appeal.

- d. The Governing Body's Appeal Panel is the final school-based stage in the Complaints Procedure.
- e. The panel of governors, which must be impartial with no prior involvement or knowledge of the complaint and must consist of three members of the governing body. Neither the headteacher nor the Chair of the Governing Body should be a member of this panel. The governors within the panel will decide amongst themselves who will act as the Chair of the meeting. If there are fewer than three governors from the school available, the Clerk will source additional, independent panel members from either another local school or through the Local Authority governor services team.
- f. The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making the decision they will be sensitive to the complainant's needs. If the complainant is invited to attend a meeting, they may bring someone along to provide support. This can be a relative or friend. We do not advise bringing legal representatives.
- g. At least 5 school days before the meeting, the Clerk will confirm and notify the complainant of the date, time and venue of the meeting and confirm if the complainant is invited, and ensure the date is convenient to all parties. The panel will not review any new complaint(s) at this stage or consider evidence unrelated to the initial concern/complaint.
- h. The panel meeting will be held in private. Electronic recordings of the meeting are not normally permitted unless a complainant's own disability requires it. Prior knowledge and consent of all parties must be sought before the meeting, in order to confirm consent.
- i. At stage 3, the panel will consider the complaint and all the evidence presented. The panel can:
  - Uphold the complaint in whole or in part
  - Dismiss the complaint in whole or in part.
- j. If the complaint is upheld in whole or in part, the panel will;
  - Decide on the appropriate action taken to resolve the complaint
  - Where appropriate, recommend changes to the school's system or procedures to prevent similar issues in the future
- k. The Chair of the panel will provide the complainant and the school, with a full explanation of their decision and the reason(s) for it, in writing within 5 school days of the panel meeting.
- l. The letter to the complainant will include details of how to contact the Diocesan Director of Education at the Archdiocese of Cardiff-Menevia. The letter/email to the complainant must explain that such a request is to be made within 10 school days of the Appeal Panel Hearing.

### **12.3. Stage 4**

- a. Stage 4 which allows the complainant to contact the Diocesan Director of Education at the Archdiocese of Cardiff-Menevia, is essentially a review of the conduct of the school-based parts of the procedure. It cannot reverse any judgements of the school. It would, however, involve some examination of the context of the complaint to establish whether or not the school had conducted the procedure and come to its judgements in a reasonable way.
- b. The Diocesan Director will investigate the details and a copy of their report will be sent or emailed to the complainant, the headteacher, the chair of the appeal panel and the chair of the governing body.
- c. The report from the Diocesan Education Service may give recommendations to the school governing body.

### 13. Next steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education (DfE) after they have completed stage 3.

The DfE will not normally reinvestigate the substance of complaint or overturn the decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the DfE online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

### Roles and Responsibilities

The school will ensure that the meeting is clerked.

The role of the clerk to the panel is to:

- a. Ensure that all parties have a copy of the Complaints Procedure;
- b. Set the date, time and venue for the hearing, ensuring that arrangements are the most convenient to all parties. The hearing should be held within 20 school days of receipt of the complainant's wish to invoke Stage 3 of the Procedure. The venue should be accessible. (Note: Should either party fail to attend the hearing, the panel will determine the missing party's case on their written submission. Once parties have agreed to a hearing date, the date will only be re-arranged in exceptional circumstances. Any rearranged date should be agreed within 10 school days of the original hearing date.)
- c. 10 school days before the hearing, collect any written evidence of other documentation for use at the hearing, together with the names of any witnesses that the complainant or the school may wish to call;
- d. Collate all written material and send it to the parties, to arrive at least 5 school days prior to the hearing;
- e. Meet and welcome the parties as they arrive for the hearing;
- f. Record all proceedings;
- g. Notify, in writing, all parties of the panel's decision, within 5 school days following the hearing.

The role of the chair of the panel is to ensure that:

- a. The remit of the panel is explained to the parties and that each party has the opportunity to put their case without undue interruption;
- b. The issues are addressed;

- c. Parents and others who may not be used to speaking at such a hearing are put at their ease;
- d. The hearing is conducted in an informal manner with each party treating the other with dignity and respect;
- e. The panel is open-minded and acts accordingly;
- f. No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- g. Each side is given the opportunity to state their case and to ask questions;
- h. Written material has been supplied to all parties;
- i. If a related issue arises at the hearing, all parties are given the opportunity to adjourn to consider the related issue and then comment on it;
- j. Any new issues raised at the hearing are referred to a fresh process, to be dealt with separately from this panel meeting;
- k. Any procedural issues that arise are determined by the panel.

### Check List for Panel Hearing

Invite complainant, headteacher and witnesses (if appropriate)

The panel will take account of the following:

- a. The hearing is as informal as possible;
- b. Witnesses are only required to attend for the part of the hearing in which they give their own evidence;
- c. After an introduction by the chair of the panel, the complainant is invited to explain their complaint, and will be followed by their witnesses;
- d. The headteacher may question both the complainant and the witnesses after each has spoken, but only to clarify what they are saying. (Note: if the chair of the governing body or his nominee has conducted stage 2 of the procedure, then that person should take this role at the hearing, but in such a case, the headteacher may be called as a witness.)
- e. The headteacher is then invited to explain the school's actions and will be followed by the school's witnesses;
- f. The complainant may question both the headteacher and the school's witnesses after each has spoken;
- g. The panel may ask questions at any time up to this point, after which they may ask no further questions;
- h. The complainant is then invited to sum up their complaint;
- i. The headteacher is then invited to sum up the school's actions and response to the complaint;
- j. The chair explains that both parties will receive the written decision of the panel from the clerk within 5 school days;
- k. Both parties leave whilst the panel decides on the issues. The clerk and any advisor to the panel may remain with the panel during their discussion, but conclusions and recommendations are the responsibility solely of the panel members.

An earlier paragraph describes a circumstance where it is considered appropriate for the complainant and the school not to attend the Stage 3 panel hearing together. If this applies, the procedure will be:

- a. Each party will attend the Appeal Panel separately and will not meet before or after their attendance(s) at the panel hearing. Separate waiting rooms must be provided.
- b. The hearing is as informal as possible;
- c. Witnesses are only required to attend for the part of the hearing in which they give their evidence;
- d. As part of the introduction to each party, the chair of the panel will explain how the hearing will operate and that they will receive the written decision of the panel from the clerk within 5 school days;
- e. After introduction, the complainant is invited to explain their complaint and will be followed by their witnesses;
- f. The panel may ask questions at any time;
- g. The complainant then leaves the panel meeting;
- h. The headteacher then attends the panel hearing and, after introduction, is invited to make the school's response to the complaint, and will be followed by their witnesses;
- i. The panel may ask questions at any time;
- j. The headteacher then leaves the panel hearing;
- k. The panel may then recall either party to resolve any discrepancies in the material presented to them;
- l. When the panel is satisfied that they have a proper understanding of the complainant's position and the school's response, both parties will be advised that their participation in the hearing is complete and that they should leave;
- m. The panel then decides on the issues. The clerk and any advisor to the panel may remain with the panel during their discussion, but conclusions and recommendations are the responsibility only of the panel members.

### **Notification of the Panel's Decision**

The chair of the panel will ensure that the complainant is notified in writing or by email of the panel's decision, with reasons clearly defined in plain English, within 5 school days.

If the complainant requires clarification concerning points in the letter/email, this will be provided by the chair of the panel.

## **APPENDIX A: CONCERN/COMPLAINT – SEQUENCE OF EVENTS**

### **Stage 1: Initial Concern – Informal Resolution**

- i. Concern raised with form teacher/class teacher/Head of Dept/Head of Year within 5 school days of incident.
- ii. School has 10 school days to investigate and respond to concern
  - a. Concern discussed and resolved – no further action;
  - b. Not resolved with form teacher/class teacher etc - escalated to member of SLT;
  - c. Discussed and resolved with SLT – no further action;
  - d. Not resolved with SLT – escalated to headteacher;
  - e. Not resolved with headteacher – move to Stage 2: Formal Complaint/Formal Resolution.

### **Stage 2: Formal Procedures – Formal Resolution**

- a. Formal complaint to be raised within 10 school days of unsatisfactory stage 1.
- b. Complaint to be submitted using official form (Appendix C).
- c. Appendix C sent/mailed to Complaints Coordinator ([complaints@st-maryshigh.hereford.sch.uk](mailto:complaints@st-maryshigh.hereford.sch.uk)).
- d. School to acknowledge receipt within 5 school days.

After receipt of appendix C – meeting between complainant and Complaints Coordinator within 10 school days after receipt.

**Or:** if circumstances appropriate or concern/complaint about headteacher – concern/complaint straight to Clerk to the Governing Body. Meeting between complainant and governor nominee within 10 school days after receipt.

- a. Complaints Coordinator or chair/nominee sends/emails written Note of Meeting within 5 school days of meeting;
- b. Complainant may appeal (Stage 2) but must do so within 10 school days of meeting.

### **Stage 3: Complaint heard by Governing Body’s Appeal Panel**

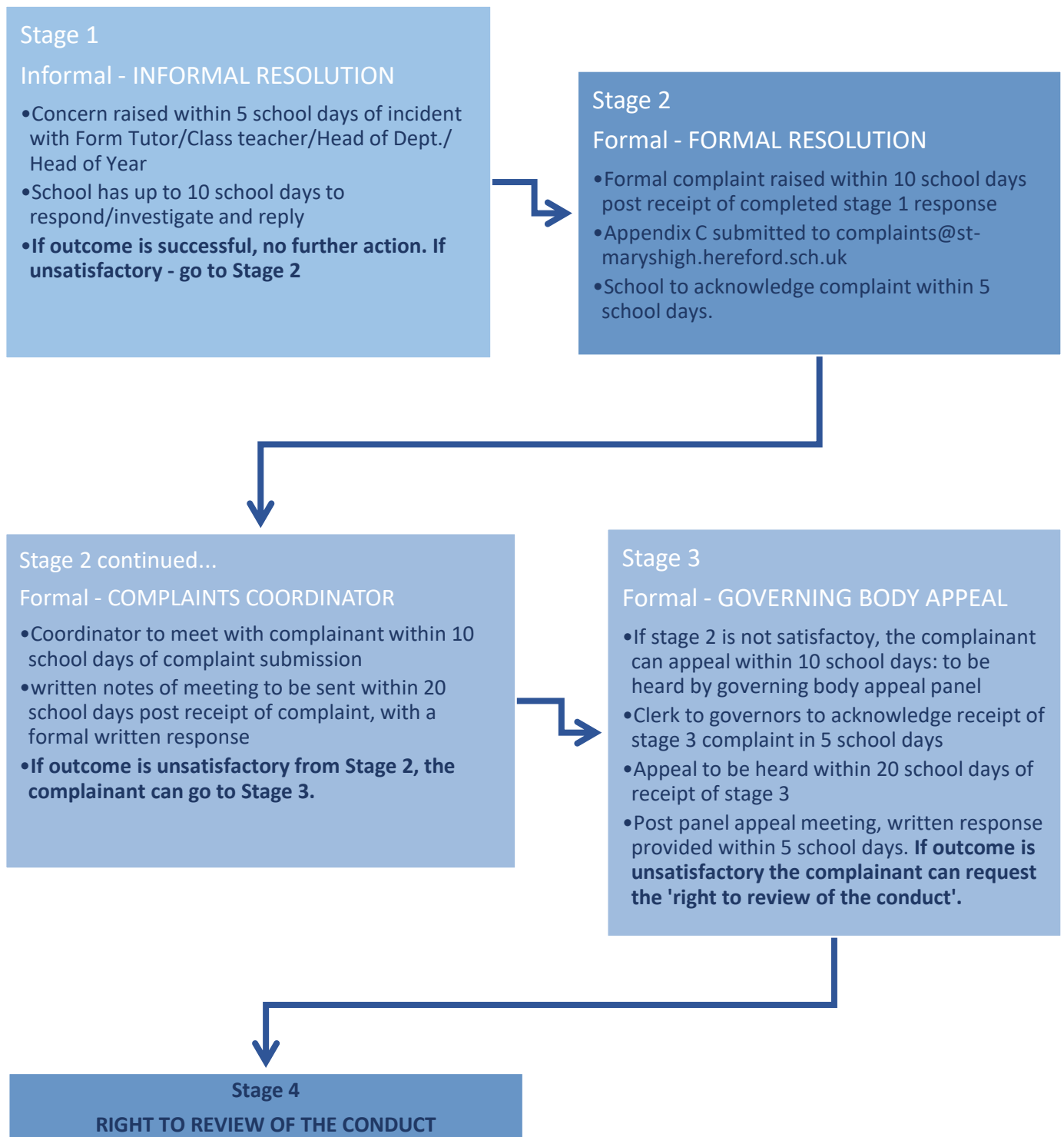
- a. Complainant to write/email to clerk to the governors within 10 school days of stage 3 meeting;
- b. Governing Body Appeal Panel convened – to hear appeal within 20 school days of receipt of complainant’s wish to appeal;
- c. Parties notified of panel’s decision within 5 school days after the hearing;
- d. Complainant satisfied – end of process;
- e. Complainant not satisfied that procedures were conducted properly - Right of Review of the Conduct of the Procedure exercised.

### **Stage 4 Right to Review of the Conduct of the Procedure**

Note: This is a review of the conduct of the procedure, not the outcome.

Apply to Diocesan Director of Education within 10 school days of Appeal Panel hearing.

## APPENDIX B: COMPLAINTS PROCEDURE FLOW CHART



THERE ARE NO FURTHER STAGES FOLLOWING THE RIGHT TO REVIEW OF THE CONDUCT.

## APPENDIX C: NOTIFICATION OF CONCERN OR COMPLAINT

**To:** Complaints Coordinator, St Mary's RC High School, Lugwardine, Hereford, HR1 4DR.

**Email:** [complaints@st-maryshigh.hereford.sch.uk](mailto:complaints@st-maryshigh.hereford.sch.uk)

Please complete and return this form to the email above, who will acknowledge receipt and what action will be taken.

Your name:	
Pupil's name:	
Your relationship to pupil:	
Your address:	
	Your postcode:
Daytime telephone number:	Evening telephone number:
Please give details of your complaint:	
Possible witnesses to your concern/complaint:	
What action, if any have you already taken to try to resolve your complaint. (Who did you speak to and what was the response?)	