



In a caring school, such as St Mary's, we wish to resolve any concerns, complaints, issue or problems, as informally as possible and in ways that are fair, impartial, simple, confidential, non-adversarial, fast, effective and appropriate. Therefore, anyone who has concerns of any kind, should first discuss the matter with the School. Every effort will be made to resolve the matter informally first. Only if the complaint cannot be resolved to everyone's satisfaction, will more formal action be needed.

Time scales

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. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

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.

Stage 1: Informal complaints

It is to be hoped that the majority of concerns can be expressed and resolved on an informal basis.

Where a complaint is made regarding the day to day running of the school, the treatment of an individual student, or the implementation of a school policy, in the first instance, parents should attempt to resolve the problem by bringing it to the attention of their child's Form Tutor, class teacher, Head of Year or Head of Department, if the complaint relates to a particular subject area.

If the problem cannot be resolved through these channels, or if the problem is deemed more serious, then the parent should contact by telephone, or in writing, a member of the Senior Leadership Team (Assistant Headteacher/Deputy Headteacher) or Senior Pastoral Leadership Team (Key Stage Leader) who will offer to meet them to discuss the problem. They will attempt to resolve the problem without recourse to Stage 2 (the formal stage) of this procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal response by telephone or an informal written response, within **10 working days** of the concern being raised.

As stated, we would hope that the majority of concerns will be resolved informally, however, if the issue remains unresolved, the next step is to move to Stage 2, a formal complaint.

Stage 2: Formal complaints

If the above channels do not resolve the problem, parents may refer the matter to the Headteacher for consideration.

Formal complaints must be made to the Headteacher, via the school admin email address. This should be done in writing (preferably on the Complaint Form, Appendix B).

The Headteacher will acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days**.

The Headteacher will then investigate the complaint and:

- Evaluate the substance of the matter, obtaining additional information if necessary
- Determine whether Stage 1 was handled appropriately
- Decide upon further action if necessary
- Inform the Complainant of the outcome of the investigation, detailing any actions taken to investigate the complaint and a full explanation of the decision made and the reason(s) for it

Generally, a Complainant will be informed of the outcome of this investigation in writing, within **20 working days** from the receipt of the formal complaint to the Headteacher. A complaint received during a school holiday or within 20 working days of the end of a term or half-term may take longer to resolve.

Written records will be kept of any complaints made at the formal stage, whether they are resolved following a formal procedure, or proceed to a panel hearing; and the action(s) taken by the school as a result of those complaints (regardless of whether they are upheld). Written records of all complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

If a formal complaint is not resolved to the satisfaction of the Complainant within 20 working days from the receipt of the formal complaint, the Complainant may request, in writing, either that:

- The Chair of the Governing Committee (LGC) considers the complaint. In this case, the Chair of Governors will acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days**. Generally, a Complainant will be informed of the outcome of the Chair of Governors investigation in writing, within **20 working days** from the receipt of the written request for the Chair of Governors to consider the complaint.

or

- The complaint be heard by an independent panel under Stage 3 of the Procedure.

Stage 3: Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk to the Hearing Panel, via the school admin email address, within **10 working days** of receipt of the Stage 2 response from the Headteacher and/or Chair of Governors.

A request for a complaint to be heard by a panel must be:

- set out in writing
- made within 10 working days from receipt of the outcome letter under Stage 2 of the Procedure
- accompanied by Appendix B: Complaint Form
- accompanied by all relevant documents or copies of all documents referred to

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days**.

The Clerk to the Hearing Panel will write to the Complainant:

- acknowledging receipt of the Request
- setting out the steps under the procedure
- providing their contact details and an invitation to contact the Clerk, should the Complainant require any additional assistance or information, from the School, concerning their complaint
- providing the Complainant with any other necessary information

The Clerk will write to the complainant to inform them of the date of the meeting. Generally, within **20 working days** of the request, the Clerk will convene a Panel Hearing or as soon as practically possible.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Hearing Panel will consist of:

- 2 members of the Local Governing Committee and/or Trustees that serve on the Board of the Trust
- 1 person who is independent of the management and running of the School

The persons that serve on the Hearing Panel will be people who were not directly involved in the matters detailed in the complaint.

The Hearing Panel will choose one of their own as the Chair of the Hearing Panel.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

Powers of the Hearing Panel

After receiving and considering representations – from the Complainant, the School, and/or any other relevant person (as provided for below) – the Hearing Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part
- decide upon any appropriate action to be taken to resolve the complaint
- recommend any changes to the School to improve its policies, procedures and/or systems to ensure that issues raised by the complaint do not occur in the future

Evidence to be considered

The Complainant and the School are allowed to provide evidence they seek to rely on to the Hearing Panel such as:

- copies of relevant documents
- a written document setting out a chronology and key dates
- written statements

At least **5 working days** before the hearing, the Clerk to the Hearing Panel must provide these documents and the completed Complaint Form to:

- the complainant
- the persons appearing for the School
- the Hearing Panel

The documents and the completed Complaint Form will be considered by the Hearing Panel, at the Hearing, in addition to any other representations allowed by the procedure.

At the hearing, the Complainant and the School are allowed to submit written or oral representations to the Hearing Panel.

The following persons are allowed to attend the Hearing:

- the Complainant and/or one representative of their choosing
- a person appearing for the School (Headteacher, CEO of Trust, Chair of Governing Committee, Chair of the Board of Trustees) and/or one (1) and more representative of their choosing
- any other person who, in the opinion of the Hearing Panel, a reasonable and justified interest in the Hearing under this stage of the procedure will be named by the Hearing Panel and recorded as such an interested party

Order of proceedings at the Hearing

- The Clerk will signal that everyone is present and introduce the Chair of the Hearing Panel.
- The Chair of the Hearing Panel will welcome all attendees and provide an overview of the order of proceedings to take place.
- The Complainant will be given an opportunity to make representations to the Hearing Panel. In response, the persons appearing for the School may ask questions directed through the Chair of the Hearing Panel.

- The Complainant may also present evidence or may lead a Witness who will present evidence to the Hearing Panel. In response, the persons appearing for the School may put questions to the Witness through the Chair of the Hearing Panel.
- The persons appearing for the School will be given an opportunity to make representations to the Hearing Panel. In response, the Complainant may ask questions directed through the Chair of the Hearing Panel.
- The persons appearing for the School may also present evidence or may lead a Witness who will present evidence to the Hearing Panel. In response, the Complainant may put questions to the Witness through the Chair of the Hearing Panel.

All attendees at the hearing must conduct themselves in a respectful manner whilst on School premises. The Hearing Panel will not tolerate unacceptable behaviour. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- using abusive or foul language
- making threats towards persons or property
- gesticulating or making displays with hands and/or other body parts

The Hearing Panel may ask questions of any person in attendance with the aim of resolving the complaint or to aid the Hearing Panel with their functions under the Procedure.

After the Hearing Panel have received representations, the Chair of the Hearing Panel will ask the Clerk to escort those in attendance out of the venue.

The Hearing Panel will then make their decision in accordance with their powers under the procedure.

The Clerk will make a confidential written record of the entire proceedings of the Hearing for the benefit of the Hearing Panel in arriving at their decision.

Should any attendee at the Hearing fail to conduct themselves in a respectful manner whilst on School premises, the Hearing Panel reserves its right to take the appropriate action, which may include reporting misconduct or incidents of involving unacceptable behaviour the relevant authorities.

The decision of the Hearing Panel and notification of the decision

Within **10 working days** of the Hearing, the Hearing Panel will reach a decision and communicate this, in writing, to the Clerk to the Hearing Panel.

In accordance with the procedure, the Decision will:

- set out the reasons for the decision
- any recommendations made by the Hearing Panel

The Decision of the Hearing Panel is final.

Within **20 working days** of the Hearing, the Clerk to the Hearing Panel will deliver a copy of the Decision, to the following stakeholders:

- the complainant
- the Headteacher and/or CEO
- the Chair of the Local Governing Body
- any relevant person who formed the basis of the complaint

Withdrawing a complaint

Once a complaint has been made, a Complainant is free to withdraw their complaint, at any stage, at any time. If the complaint is being dealt with under Stage 2 or Stage 3 the Complainant should put the withdrawal of the complaint in writing.

Generally, a withdrawal of complaint will result in the end of an investigation. However, due to certain duties and responsibilities under education law the School may have to make the necessary reports and referrals to the relevant authorities.

Persistent, serial and vexatious complainants

While the School aims to resolve all concerns and complaints that are raised we wish to remind our community that:

- the primary function of the School is to educate students in our community
- decisions of the Hearing Panel under the Procedure are final

Persistent and serial complaints, are unreasonable concerns or complaints raised with the School, which because of the frequency or nature hinder the School from:

- consideration of their own, or others people's complaints
- impact on the primary function of the School

Vexatious complaints are those complaints made without sufficient grounds, but made especially so as to cause annoyance or disruption.

The School distinguishes between people who may raise a number of concerns or complaints in good faith and persons who raise such concerns and complaints in bad faith with the intention of being difficult.

Where a person seeks to use the Procedure to take up an unwarranted amount of the School's resources or impede an investigation under the Procedure, the Governors will assess such complaints, on a case-by-case basis at Governing Committee Level and will respond appropriately through the Chair or through a legal professional.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of the Governing Committee (LGC), if appropriate, will determine whether the complaint warrants an investigation.

Publicising the Complaints Policy

The policy will be available on St Mary's Catholic School website.

Complaining to the Education and Skills Funding Agency (ESFA)

If you have followed the School/Trust's Complaints Procedure and feel that the School/Trust has failed to adequately address your concern or complaint, you may wish to make a complaint to the ESFA under its guidance available at:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

The ESFA will address the following complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter

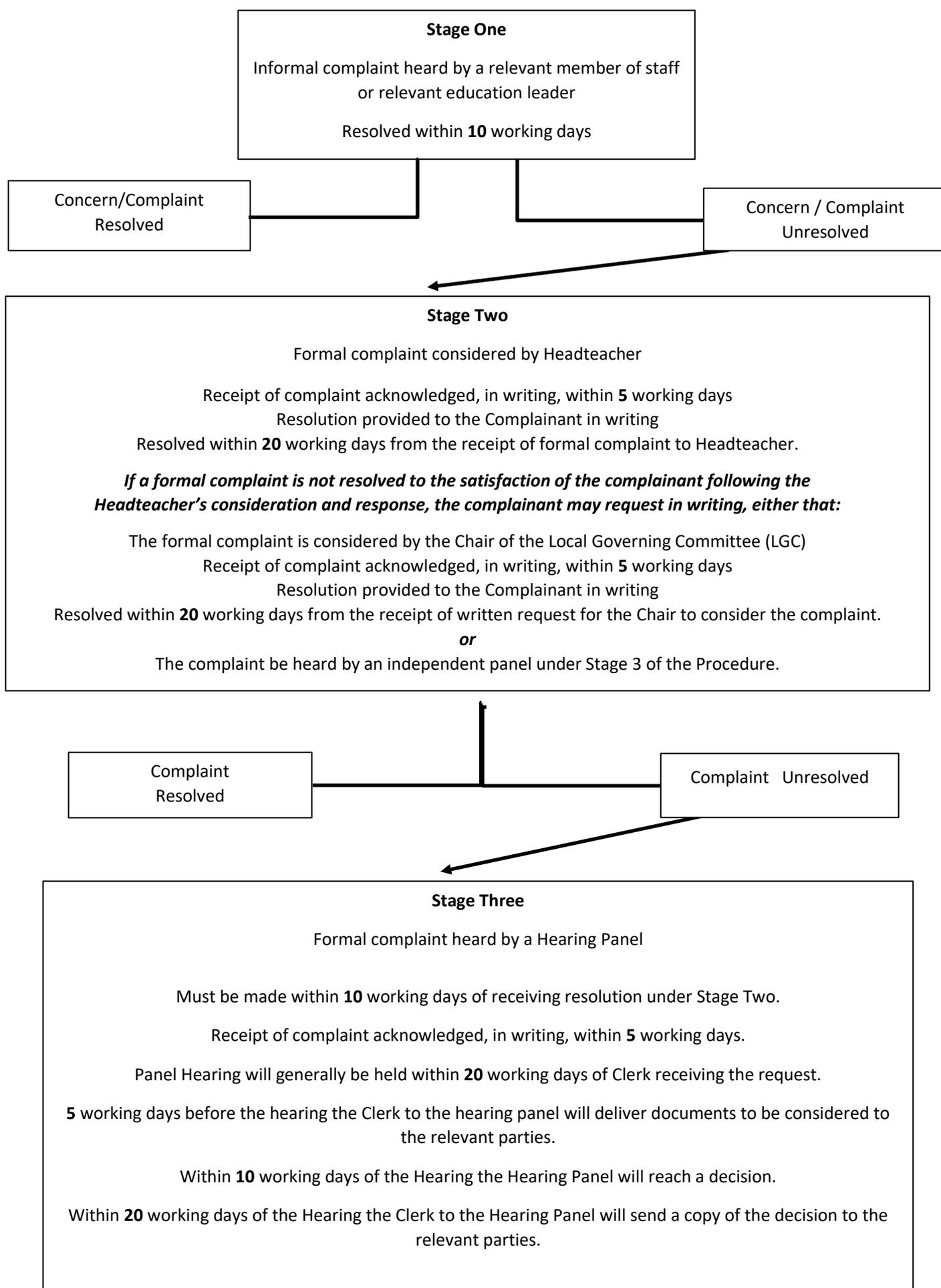
Generally, the ESFA will not consider complaints more than 12 months after a decision or action is taken.

Conclusion

St Mary's Catholic School hopes this procedure will not be needed. For the very rare occasion when it is, it will be followed objectively. If a complainant tries to re-open the same issue, Chair of the Governing Committee (LGC), will inform her/him that the procedure has been followed and is now closed.

Policy review date	By whom	Approved (insert date)
December 2015	FGB-Academy Directors	10/12/15
November 2018	FGB-Academy Directors	18/11/18
November 2020	Local Governing Committee	13/11/20

Academy complaints procedure must comply with Part 7 of the Education (Independent School Standards) Regulations 2014 (the regulations). This policy meets this requirement.



Appendix B: Complaint Form

Please complete and return to Admin@st-marys.newcastle.sch.uk for the attention of the appropriate person (depending on the stage of the complaint).

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
Address:
Postcode:
Telephone number:
Email address:
Please give brief details of your complaint.
Please provide us with detail of what action(s), if any, have you already taken to try to resolve your concern or complaint, as well as who you have spoken to and what was their response.
What actions do you feel might resolve the problem at this stage?
Do you wish to provide the School with documents to help us understand your complaint better? If so, please provide details.
Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date: