



Excalibur Academies Trust
Concerns and Complaints
Procedure

Date of approval June 2019

Approved by CEO

Review date June 2023

This procedure applies to all academies within Excalibur Academies Trust

General Principles

This procedure is intended to allow you to raise a concern or complaint relating to Excalibur Academies Trust, any of its academies or the services that they provide.

Excalibur Academies Trust has adopted this procedure for complaints from people who are parents/carers of students attending any of the academies at the time the complaint is made, or from people who are accessing services from the Trust at the time the complaint is made.

Excalibur Academies Trust will usually also follow this procedure when dealing with complaints from others, but reserves the right to substitute this procedure for an alternative process where it is appropriate to do so. . Complainants will be informed about the process that will be used to consider their complaint as soon as possible after their complaint is received by the academy.

Introduction

Excalibur Academies Trust endeavours to provide the best education possible for all of its students in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised, it is the intention of the trust for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Board of Directors has approved the following procedure which explains what you should do if you have any concerns about the trust or any of its academies. Members of staff will be familiar with the procedure and will be able to assist you.

Which procedure do I need?

Where concerns are more specific there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on individual academy websites, Excalibur Academies Trust's website, or request a copy from the academy.

- Student admissions – Admission policy for the academy
- Student exclusions – Academy's Behaviour policy or Exclusion policy
- Child protection and safeguarding (including allegations) – Excalibur Academies Trust Safeguarding policy
- Staff grievance, capability or disciplinary – Excalibur Academies Trust's grievance, capability or disciplinary policy and procedures.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves (unless it directly effects the safety or welfare of the child)
- Anonymous complaints – please refer to the whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the Excalibur Academies Trust's Data Protection and Freedom of Information policy

Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's tutor/class teacher/head of year/relevant subject teacher via the phone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the academy's safeguarding policy which can be found on the academy website. The Excalibur Academies Trust model policy can be found [here](#).

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Excalibur Academies Trust insists that complainants, do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the CEO/principal and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied and with this response and believe the issue has not been resolved, please use the following procedure.

Timeframes

Excalibur Academies Trust will endeavour to abide by timeframes at each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information required to review a complaint or the availability of individuals. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible to agree a timeframe that works for all parties involved.

Excalibur Academies Trust will not investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Principal or CEO will review the situation and decide whether or not to enact the complaints procedure.

Concern	Informal and immediate addressing of issue by a relevant staff member	Concerns must be raised within three months
Complaint - Stage 1	Informal investigation Where dissatisfied with outcome proceed to Stage 2	20 working days in total
Complaint - Stage 2	Formal investigation Where dissatisfied with outcome proceed to Stage 3	30 working days in total
Complaint - Stage 3	Formal appeal to a panel This is the final stage of Excalibur Academies Trust's complaints procedure	30 working days in total

Excalibur Academies Trust will take seriously complaints from any party, but must prioritise its provision for current students. There is no automatic right to proceed to Stage 3 of the procedure for anybody other than existing parents/carers.

Who to approach

If you are unsure whom to contact please seek advice from enquiries@excalibur.org.uk

Complaint regarding:-	Raising concern	Stage 1 Informal investigation	Stage 2 Formal investigation	Stage 3 Formal appeal
Class/subject teacher	Direct with member of staff	Line manager or other appropriate, more senior member of staff	Member of senior leadership team or Principal if no senior leadership team	Panel of Excalibur governors
Other school staff	Line manager	Senior staff member	Member of senior leadership team or Principal if no senior leadership team	Panel of Excalibur governors
Member of senior leadership team	Direct with member of staff	More senior member of senior leadership team	Principal	Panel of Excalibur governors
Principal	Direct with Principal	CEO	Chair of Governors	Panel of Excalibur governors
Officer of Excalibur Academies Trust	Direct with member of staff	CEO	Chair of Directors	Panel of Directors
CEO	Direct with CEO	Director	Chair of Directors	Panel of Directors
Local governor	Direct with governor	Vice Chair of Governors or other governor as appropriate	Chair of Governors	Panel of Excalibur governors
Chair of LGB	Direct with Chair	Director	Chair of Directors	Panel of Directors
Director	Direct with director	Vice Chair of Directors or other director as appropriate	Chair of Directors	Panel of Directors
Chair of Directors	Direct with Chair	Vice Chair of Directors	Chair of Members	Panel of Members

Stage 3 panels will always include one person who is independent of Excalibur Academies Trust

Stages of the complaint

Stage 1 – Informal investigation

Our intention is that the vast majority of concerns can be raised and dealt with informally before there is a need to raise a more formal complaint. Parents and carers are encouraged to make their concerns known to the school informally at an early stage so that they can be addressed in the spirit of partnership. Effective and fair resolution of concerns usually requires they are brought to the school's attention promptly and should therefore be brought within 3 months of the relevant events.

In the first instance, a concern should be raised with the member of staff most closely involved. If that does not provide a satisfactory outcome, then an informal complaint should be made with a view to resolving the issue informally before moving to the formal stage. See table above for whom to contact

The procedure is as follows:-

1. Complainant contacts the relevant staff member (see table above)

The complainant must explain:-

- An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right
2. The staff member will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
 3. Where the complaint is about a member of staff, governor or director, the staff member will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
 4. The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to **stage 2** of the complaints process by submitting a formal complaint.
 5. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

Stage 2 – Formal investigation of complaint

A formal complaint must be made in writing, by telephone or in person to the appropriate person as detailed above. Excalibur Academies Trust has regard to Equalities legislation (Equality Act 2010) so does not restrict complainants to having to make their complaints in writing where they are unable to do so. In order to prevent any later challenge or disagreements over what was said, brief notes of meetings and telephone calls will be kept

1. The complainant may submit a formal complaint to the relevant person; see table above. Contact details can be obtained from the school office or enquiries@excalibur.org.uk. There is a form at the end of this procedure which may be used.
2. The relevant person will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The relevant person will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The relevant person may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the relevant person can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the investigator may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The relevant person must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to **stage 3** if they are not satisfied, providing them with the appropriate contact details.

Stage 3 – Appeal, review by a panel

If the complainant is not satisfied with the decision made or action taken in relation to the complaint at Stage 2 of the procedure they are able to appeal the decision. This is Stage 3 of the complaints process. The purpose of the appeal is to review the investigation process and to make a judgement of the fairness of the decision reached; it is not a reinvestigation of the complaint. The Complaints Review Panel will consist of at least three people not directly involved in the matters detailed in the complaint; one panel member must be independent of the management and running of the academy.

The complainant must write to the Clerk to the Directors as soon as possible after receiving notice of the decision, briefly outlining the content of their complaint and requesting that a complaints review panel be convened. The request for a complaints review must be made within four weeks of receiving the decision or it will not be considered except in exceptional circumstances.

The complaints review panel operates according to the following formal procedures:-

1. The Clerk to the Directors will aim to arrange for the panel meeting to take place within 20 school working days (excluding those which fall in school holidays) following the request to appeal.
2. The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. You will be asked to prepare a written report for the panel. This report should outline which points of the complaint were not adequately addressed at Stage Two and what you expected the decision to be. Members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The clerk will inform all concerned, in writing, at least five working days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in an Excalibur academy; but we will do what we can to make alternative arrangements if you prefer.
5. The clerk will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The clerk will explain what will happen at the panel meeting. You are entitled to be accompanied to the meeting. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them. The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after this meeting any party feels that legal action is necessary, please see the contact details at the end of the procedure.
7. With the agreement of the chair of the panel, members of staff directly involved in matters raised by you may be invited to attend the meeting,

8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. No evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. You will be informed, in writing, of the outcome of the panel meeting which should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes please state this in advance. If the panel agrees for the minutes to be copied to you, the clerk will provide confidential minutes.
12. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response;
 - you to question the investigator about the complaint;
 - you to be questioned by the investigator about the complaint;
 - the panel members to be able to question you and the investigator;
 - any party to have the right to call witnesses (subject to the chair's approval)
 - all parties to have the right to question all witnesses;
 - you and the investigator to make a final statement
13. In closing the meeting, the chair will explain that the panel will now consider its decision. All participants other than the panel and the clerk will then leave. The panel's discussions during this part of the meeting are not minuted.

The panel will consider the complaint and all the evidence presented in order to:

 - reach a unanimous, or at least a majority, decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again
14. The panel can make the following decisions:
 - Dismiss the decision taken at Stage Two in whole or in part
 - Uphold the decision taken at Stage Two in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

15. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).
16. A copy of all correspondence and notes will be maintained on file for 12 months in accordance with Data Protection regulations.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the academy trust's complaints procedure, and that procedure has been exhausted, Excalibur Academies Trust will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the CEO will write to them explaining that the matter has been dealt with fully in line with Excalibur Academies Trust's complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include, but are not limited to, the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The CEO will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Directors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the CEO to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the CEO's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the directors nicola.hickford@excalibur.org.uk

If the complainant feels that Excalibur Academies Trust acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

Ofsted will also consider complaints about schools.

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

Excalibur Academies Trust – Formal 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 of receipt:		Signed:	