



**PORTICO**  
ACADEMY TRUST

opening doors, unlocking potential

## **Complaints Policy V3**

Date Created:	September 2020
Last Updated	December 2023
Next Review Date:	December 2024

Signature of Chair of Trustees  _____	Signature of Chief Executive Officer  _____
Date __ 18th January 2024 _____	Date __ 18th January 2024 _____

## **GENERAL PRINCIPLES**

- This procedure is intended to allow you to raise a concern or complaint relating to Portico Academy Trust or any of its academies or the services that they provide.
- The Trust has adopted this procedure for complaints from people who are parents/carers of pupils attending any of the academies at the time the complaint is made, or from people who are accessing the services of the Trust at the time the complaint is made.
- The 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 procedure that will be used to consider their complaint as soon as possible after their complaint is received by the Trust.
- This procedure does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:
  - Staff Grievances or Disciplinary Procedures
  - Admissions
  - Exclusions
  - Issues Related to Child Protection
  - Statements of SEND/EHC Plans
  - Complaints concerning third parties using any school site
- The aims of the procedure are:
  - to deal with any complaint against the Trust or an academy or any individual connected with it by following the correct procedure
  - to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant
- All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.
- Should a complaint involve an investigation by the police the Trust may be required to suspend their own complaints procedure.
- If legal proceedings are taken against the Trust, and legal advice is sought, the Trust's investigations may cease.

## **Understanding this procedure**

- In order to investigate your complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.
- We expect our members of staff to be addressed in a respectful manner and for communication to remain appropriate at all times. The procedure under Part 2 will only be

used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

- To enable a proper investigation, concerns or complaints should be brought to the attention of Portico Academy Trust (for Portico Academy Trust complaints) or to the individual academy, as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the Trust may make exceptions to this.
- If, at any stage, the Trust or the academy believes that the concern or complaint is vexatious, has insufficient grounds, has already been considered in full or has been closed, the CEO, Headteacher / Principal or Chair of Trustees (as appropriate) may write to you to refuse to consider the concern or complaint under this procedure and the reasons why they are refusing to do so. In this eventuality, the individual with the concern or complaint may proceed directly to Stage 4 of this procedure.
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.
- If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.
- A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.
- In this procedure:
  - “school days” excludes weekends, bank holidays and academy holidays
  - “parent” means a parent, carer or anyone with legal responsibility for a child

## **PART ONE - RAISING A CONCERN OR COMPLAINT**

### **1 Informal Stage**

- Many concerns can be resolved by simple clarification or the provision of information.
- Where a complaint is about Portico Academy Trust, it is normally appropriate to communicate directly via the CEO. This may be by email, letter, by telephone or in person by appointment, requested via the Trust office. Where the complaint is about a member of staff, it is normally appropriate to communicate directly with them in the first instance. This may be by email, letter, by telephone or in person by appointment, requested via the Trust office.
- Where a complaint concerns your child or a child attending an academy, it is normally appropriate to communicate directly with the child's class teacher, or the academy's Headteacher/Principal. Where the complaint is about a member of academy staff, it is normally appropriate to communicate directly with them in the first instance. This may be by email, letter, by telephone or in person by appointment, requested via the academy office.

We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding. If you wish to hold a meeting to discuss your concern or complaint, please explain the nature of your concern or the complaint in advance using the Meeting Request Form provided.

In the case of serious concerns it may be appropriate to address them directly to the Principal/Headteacher (or to Portico Academy Trust CEO, via the Trust office, if the complaint is about a Headteacher/Principal or Chair of Trustees). If you are uncertain about who to contact, please seek advice from the Trust CEO.

It is anticipated that most complaints will be resolved by this informal stage within 15 working school days of being notified of the complaint.

### **2 Formal Stage**

If your concern or complaint is not resolved to your satisfaction at the informal stage or you wish the complaint to be dealt with immediately as a formal complaint, you should put your complaint in writing.

- If your complaint is about the CEO, your complaint should be sent to Portico Academy Trust Chair of Trustees, via the Trust Office.
- If your complaint is about a Headteacher/Principal, your complaint should be sent to Portico Academy Trust CEO, via the Trust office.

Please forward documentation to:  
Portico Academy Trust Office  
Portico Academy Trust  
59 Ronald Hill Grove,  
Leigh-on-Sea,  
Essex

SS9 2JB

Tel: 01702 987890

Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your concern. You may wish to use the Complaint Form provided.

Your written complaint will be acknowledged within 5 school days of receipt. You may be invited to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may wish to be accompanied by one other person such as a relative or friend, who should not be legally qualified, to assist you in explaining the nature of your concerns. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

Where you decline the invitation to a meeting or the complaint cannot be resolved through a meeting, arrangements will be made for the matter to be formally investigated.

If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil may also be interviewed. Pupils would normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable would be present. If a member of staff is complained against, they must have the opportunity to present their case.

Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the academy will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Review Panel.

Following investigation, the CEO, Headteacher/Principal or Chair of Trustees (as appropriate) will notify you in writing of their decision and the reasons for it. Where possible, this will be within 15 school days of receipt of the complaint.

If in the early stages of the investigation, the CEO/Headteacher/Principal considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of the Trustees and you will be informed of this action without delay.

### **What if the complaint is about a Trustee?**

If the complaint is about a Trustee or the Trust as a whole, you should send your complaint to:

The CEO  
Portico Academy Trust Office  
Portico Academy Trust  
59 Ronald Hill Grove,  
Leigh-on-Sea,  
Essex  
SS9 2JB  
Complaints policy

Tel: 01702 987890

### **3 Review Panel Hearing Stage**

- If you are dissatisfied with the decision of the CEO/Chair of Trustees (in the case of Portico Academy Trust complaints) under the Formal Stage, you may request that a Review Panel of the Trust is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing by the Review Panel, you should write to the Portico Academy Trust Office within 10 school days of receiving notice of the outcome of the Formal Stage.
- If you are dissatisfied with the decision of the Headteacher/Principal/Chair of Trustees (in the case of individual academy complaints) under the Formal Stage, you may request that a Review Panel of the Trustee body is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2. To request a hearing before the Review Panel, you should write to the CEO within 10 school days of receiving notice of the outcome of the Formal Stage.

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you desire. You may wish to use the Complaint Review Request Form provided. The CEO will acknowledge your request in writing within 5 school days of receipt.

The review will be conducted by a panel of at least 3 members, consisting of two Trustees (in the case of Portico Academy Trust complaints) and one other person who is independent of the management and running of the Trust/academy.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practical, and in any event at least 5 working days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the Panel. Copies of any additional documents you wish the Panel to consider should be sent to the CEO at least 3 days prior to the hearing. The Panel reserves the right not to consider any documentation presented after this.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the Trust in defence of the complaint, will be provided to the Review Panel as soon as practicable upon receipt. Copies of these documents shall also be provided to you or CEO/Headteacher/Principal (as applicable) at least 3 school days before the hearing. The Review Panel reserves the right not to consider any documentation presented by either you or the academy, less than 3 school days prior to the hearing. The Review Panel is under no obligation to hear oral evidence from witnesses, but may do so and/or may take written statements into account.

You will be asked to attend the hearing and you may wish to be accompanied by one other person such as a relative or friend, who should not be legally qualified. The Clerk to Trustees or nominated deputy will also attend the hearing in order to keep a record of the proceedings. A record of the meeting and outcome may be kept centrally at the Trust office.

The Review Panel will be conducted in such a way as to ensure that all those present have the opportunity to ask questions and make comments in an appropriate manner. The Panel is under

no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

Unless otherwise stated, the procedure for an appeal is as follows:

- the complainant and CEO will enter the hearing together
- the Chair of the Review Panel will introduce the panel members and outline the process
- the complainant will explain the complaint
- the CEO and committee members will question the complainant
- the CEO will explain the Trust actions
- the complainant and the committee members will question the CEO
- the complainant will sum up their complaint
- the CEO will sum up the Trust actions
- the Chair of the panel will explain that both parties will hear from the committee within 5 school days
- both parties will leave together while the panel decides
- the Clerk or nominated deputy will stay to assist the panel with its decision making and take note of the decision

After the hearing, the Panel; will consider their decision and inform you and the CEO of their decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The Panel can:

- Request further information from you and/or the academy to assist them in making their decision
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not reoccur

#### **4 Referral to the Education Funding Agency (EFA)**

If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the Education Funding Agency who have limited powers to review the academy's handling of the complaint in accordance with EFA's 'Procedure for dealing with complaints about Academies'. At the time of writing this procedure, the EFA procedure and the EFA school complaints form are available at

[www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school](http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school)

#### **RECORDS OF COMPLAINTS**

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential at Trust office, except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

## **PART TWO - UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part One.

These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff or members of the Trustee Board is unacceptable, for example, is abusive, offensive or threatening; i.e:
  - refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - refuses to co-operate with the complaints investigation process
  - refuses to accept that certain issues are not within the scope of the complaints procedure
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - introduces trivial or irrelevant information which they expect to be taken into account and commented on
  - raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  - changes the basis of the complaint as the investigation proceeds
  - repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
  - refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
  - seeks an unrealistic outcome
  - knowingly provides falsified information
  - publishes unacceptable information on social media or other public forums
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- where the complainant's complaint is vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Trust.
- In these circumstances, we may:
  - inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
  - restrict the complainant's access to the Trust eg requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
  - conduct the Review Panel on the papers only ie not hold a hearing;
  - refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Trustee Board or Members, we will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## SUMMARY OF COMPLAINTS PROCEDURE

<b>Stage 1: Informal concerns</b>	Complainant brings complaint to attention to <ul style="list-style-type: none"> <li>• Portico Academy Trust complaints – CEO or Chair of Trustees</li> <li>• Academy complaints – member of staff / Headteacher/Principal</li> </ul>
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, parent to be advised that they may proceed to Stage 2
<b>Stage 2: Formal Written Complaint</b>	Complainant to put complaint in writing using Complaint Form to <ul style="list-style-type: none"> <li>• Portico Academy Trust complaints – CEO or Chair of Trustees</li> <li>• Academy complaints – Headteacher/Principal</li> </ul>
Complaint to be acknowledged within 5 school days	
(Optional) Meeting with parents within 10 school days	
Response to the complaint sent within 15 school days	
<b>Stage 3: Referral to Review Panel</b>	Complainant to request hearing within 10 school days of receiving notice of the outcome of Stage 2
Request to be acknowledged within 5 school days	
Hearing to take place within 20 school days of receipt of request	
Notification of date, time and place of the hearing and details of the Review Panel present sent at least 5 school days before the hearing	
Trust/academy and complainant to submit evidence in support of their case to the CEO at least 3 school days before the hearing	
Review Panel decision sent not more than 5 school days after the hearing	

### CONTACT DETAILS

Portico Academy Trust informal and formal complaints:

CEO or Chair of Trustees  
 Portico Academy Trust  
 59 Ronald Hill Grove,  
 Leigh-on-Sea,  
 Essex SS9 2JB  
 Complaints policy

Tel: 01702 987890

Academy informal complaints:

Headteacher / Principal at the appropriate academy address

Academy formal complaints:

Headteacher/Principal at the appropriate academy address

**PORTICO ACADEMY TRUST: MEETING REQUEST FORM**

Name of Academy

Your Name:

I wish to meet

to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your name:

Relationship with the Trust/academy  
(e.g. parent/carer of a pupil on the academy roll)

Pupil's name (if relevant to the matter to be discussed)

Your Address

Telephone numbers

Daytime

Evening

E-mail address

Signed

Date

**[Please complete this form and return it to Portico Academy Trust registered office or to the academy office, as appropriate]**

**Admin use**

Date Form received

Date response sent

Received by

Response sent by

## PORTICO ACADEMY TRUST: FORMAL COMPLAINT FORM

Please complete this form and return it, to <b>Portico Academy Trust registered office or to the academy office (as appropriate)</b> who will acknowledge its receipt and inform you of the next stage in the procedure.	
Your name:	
Relationship with the Trust/academy (e.g., parent/carer of a pupil on the academy roll)	
Pupil's name (if relevant to the matter to be discussed)	
Your Address	
Telephone numbers	
Daytime	Evening
E-mail address	
Please give concise details of your complaint (including dates, names of witnesses etc) to allow the matter to be fully investigated:	
You may continue on separate paper, or attach additional documents, if you wish.	
<b>Number of Additional pages attached =</b>	

What action, if any, have you already taken to try to resolve your complaint? (ie who have you spoken with or written to and what was the outcome?)	
What actions do you feel might resolve the problem at this stage?	
Signed	Date
<b>Admin use</b>	
Date Form received	Date acknowledgement sent
Received by	Acknowledgement sent by
Complaint referred to:	Date:

**PORTICO ACADEMY TRUST: COMPLAINT REVIEW REQUEST FORM**

Please complete this form and return it, to **PORTICO ACADEMY Trust registered office or to the academy office (as appropriate)** who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:	
Relationship with the Trust/academy (e.g. parent/carer of a pupil on the academy roll)	
Pupil's name (if relevant to the matter to be discussed)	
Your Address	
Telephone numbers	
Daytime	Evening
E-mail address	
Signed	Date
<p>Dear Sir/Madam</p> <p>I submitted a formal complaint to the Trust/academy on ..... and I am dissatisfied by the procedure that has been followed.</p> <p>My complaint was submitted to ..... and I received a response from ..... on .....</p> <p>I have attached copies of my formal complaint and of the response(s) from the Trust/academy. I am dissatisfied with the way in which the procedure was carried out, because:</p>	
You may continue on separate paper, or attach additional documents, if you wish.	

<b>Number of Additional pages attached =</b>	
What actions do you feel might resolve the problem at this stage?	
Signed	Date
<b>Admin use</b>	
Date Form received	Date acknowledgement sent
Received by	Acknowledgement sent by
Complaint referred to:	Date:
Request referred to:	Date: