

MANAGING SERIAL AND UNREASONABLE COMPLAINTS POLICY

Date of issue: 01/11/2021

1. Policy statement

- 1.1 The Two Counties Trust is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain.
- 1.2 We will not normally limit the contact complainants have with our academies. However, we do not expect our employee to tolerate unacceptable behaviour and will take action to protect employees from that behaviour, including that which is abusive, offensive or threatening.

2. Roles and responsibilities

- 2.1 The Two Counties Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating this policy to the Headteacher of each school /academy.
- 2.2 A complaints policy has been established and complainants should follow the procedure outlined in this document when making a complaint. The policy is located on the Trust website.
- 2.3 All stakeholders should treat each other with respect and be mindful of their actions in order to avoid any detrimental impact on the health and wellbeing of others including but not exclusively staff, students, parents and carers.

3. Scope

- 3.1 The Two Counties Trust defines unreasonable complainants as those which hinder the consideration of complaints because the frequency or nature of the contact with the academy hinders the consideration of their, or other people's, complaints.
- 3.2 A complaint may be regarded as unreasonable when the person making the complaint:
 - 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 complaint investigation process while still wishing their complaint to be resolved.
 - Refuses to accept that certain issues are not within the scope of a complaints procedure.
 - Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - Introduces trivial or irrelevant information which the complainant expects 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 a complaint where the academy's complaints procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency,
 - Seeks an unrealistic outcome,
 - Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- 3.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
 - Maliciously



- Aggressively
 - Using threats, intimidation or violence
 - Using abusive, offensive or discriminatory language
 - Providing information knowing it to be false
 - Using falsified information
 - Publishing unacceptable information or statements in a variety of media such as in social media or other public forums
- 3.4 Complainants should limit the numbers of communications with a academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

4. Dealing with an unreasonable complaint.

- 4.1 Whenever possible, the Headteacher will discuss any concerns with the complainant informally before applying next steps.
- 4.2 If the undesirable behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable/unacceptable and ask them to change it.
- 4.3 For complainants who excessively contact the academy causing a significant level of disruption, the Headteacher may specify methods of communication and limit the number of contacts in a communication plan to be reviewed in 6 months. This may result in informing the complainant that:
- All meetings with a member of staff will be conducted with a second person being present and notes of the meeting may be taken in the interest of all parties
 - Except in emergencies, all communication to the academy must be in writing
 - Advice may be sought from our legal team under Anti-Harassment legislation
- 4.4 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police maybe informed. Action may include banning an individual from academy premises.
- 4.5 All bans and sanctions will be reviewed after 6 months.
- 4.6 Legitimate new complaints, if not pursued in a harassing or unreasonable way, may still be considered even if the person making them is, or has been, subject to the contents of this policy.

5. Barring from the academy premises

- 5.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Our academies will therefore act to ensure they remain a safe place for students, staff and other members of their community.
- 5.2 If behaviour is a cause for concern, a school/ academy can ask an individual to leave the premises.
- 5.3 In serious cases, the Headteacher can notify them in writing that their implied license to be on academy premises has been temporarily revoked subject to any representations that the individual may wish to make. The academy will always give the parent the opportunity to formally express their views on the decision to bar in writing.
- 5.4 The decision to bar will be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place and when it will be reviewed.
- 5.5 Anyone wishing to complain about being barred can do so by letter or email to the Chair of Governors. Complaints about barring cannot be escalated to the Education and Skills Funding Agency. Once the academy's own complaints procedure has been exhausted, the only remaining avenue of appeal is through the Courts; independent legal advice should therefore be sought at this stage.



6. General Data Protection Regulation

- 6.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

