



# Unreasonable complaints policy

## March 2017

*Office use*

<b>Published:</b> March 2017	<b>Next review:</b> September 2018	<b>Statutory/non:</b> Non-statutory	<b>Lead:</b> Alison Elway, Company Secretary/Head of Governance Services
<b>Associated documents:</b>			
<ul style="list-style-type: none"><li>Complaints policy</li></ul>			
<b>Links to:</b>			

## Contents

1	Policy statement .....	3
2	Scope and purpose of the policy .....	3
3	Roles and responsibility .....	3
4	Definition of a complaint .....	3
5	Barring from the academy premises .....	5
6	Review of the policy .....	5

## **1 Policy statement**

Diverse Academies Learning Partnership (DALP) is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

## **2 Scope and purpose of the policy**

DALP defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'.

## **3 Roles and responsibility**

The Diverse Academies Learning Partnership (DALP) 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 the policy and ensuring its maintenance and review to the Principal.

## **4 Definition of a complaint**

- 4.1 A complaint may be regarded as unreasonable when the person making the complaint:
- a. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - b. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
  - c. refuses to accept that certain issues are not within the scope of a complaints procedure
  - d. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
  - e. introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  - f. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  - g. changes the basis of the complaint as the investigation proceeds
  - h. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

- i. refuses to accept the findings of the investigation into a complaint where the academy's complaint procedure has been fully and properly implemented and completed including referral to the Education Funding Agency
- j. seeks an unrealistic outcome
- k. 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

4.2 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:

- a. maliciously
- b. aggressively
- c. using threats, intimidation or violence
- d. using abusive, offensive or discriminatory language
- e. knowing it to be false
- f. using falsified information
- g. publishing unacceptable information in a variety of media such as in social media websites and newspapers

4.3 Complainants should limit the numbers of communications with an 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.

4.4 Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying any sanctions.

4.5 If the undesirable behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable/unacceptable and which may be considered to fall under the terms of this policy. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. 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

4.6 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our premises.

4.7 All bans and sanctions will usually be reviewed after 6 months.

4.8 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 a parent's behaviour is a cause for concern, an academy can ask him/her to leave academy premises. In serious cases, the Principal can notify them in writing that their implied license to be on academy premises has been temporarily revoked subject to any representations that the parent may wish to make. We will always give the parent the opportunity to formally express their views on the decision to bar in writing.

5.3 The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

5.4 Anyone wishing to complain about being barred can do so by letter or email to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Education Funding Agency. Once the academy's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **6 Review of the policy**

This policy is reviewed annually by the Trust we will monitor the application and outcomes of this policy to ensure it is working effectively.