

Gateway Academy



MANAGING SERIAL AND UNREASONABLE COMPLAINTS

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PURPOSE

Gateway Academy is committed to dealing with complaints fairly, consistently and impartially and to providing a high-quality service to pupils, parents, carers and members of the Academy community.

The Academy recognises that people may become frustrated or dissatisfied when raising concerns. Parents and carers have the right to raise concerns and complaints and to expect them to be considered properly.

At the same time, Academy staff have the right to work in an environment where they are treated with courtesy and respect and are protected from abusive, threatening, intimidating, discriminatory or violent behaviour.

This policy sets out how Gateway Academy will manage situations where the frequency, nature or manner of contact becomes unreasonable or significantly disrupts the Academy's ability to carry out its functions.

This policy should be read alongside the Academy's Complaints Policy, Parent/Carer Code of Conduct, Behaviour Policy, Safeguarding and Child Protection Policy, Data Protection Policy and other relevant Academy policies.

The Academy's Complaints Policy is available on the Academy website and in paper format on request.

EXPECTED STANDARDS OF BEHAVIOUR

Gateway Academy expects parents, carers and visitors to:

- communicate with staff calmly, courteously and respectfully
- raise concerns through the appropriate Academy procedures
- provide relevant and accurate information
- allow the Academy reasonable time to investigate and respond
- respect the roles and responsibilities of individual members of staff
- attend meetings by prior arrangement where appropriate
- follow reasonable instructions concerning access to Academy premises
- avoid behaviour that could intimidate, threaten, distress or undermine staff or pupils
- respect the privacy and confidentiality of pupils, families and staff

The Academy will not tolerate:

- threatening, aggressive or intimidating behaviour
- shouting, swearing or abusive language directed at staff or others
- discriminatory or offensive language or behaviour
- threatening or actual violence
- harassment or persistent unwanted contact
- deliberately providing false or misleading information
- behaviour intended to intimidate or humiliate staff

- unreasonable disruption to the operation of the Academy
- behaviour that places pupils, staff or visitors at risk

The Academy will distinguish between a person who is dissatisfied or persistent and a person whose behaviour has become unreasonable. Making a complaint, challenging an Academy decision, asking difficult questions or disagreeing with an outcome does not, in itself, constitute unreasonable behaviour.

WHAT IS UNREASONABLE BEHAVIOUR?

The Academy will consider behaviour to be unreasonable where the frequency, nature or manner of contact has a significant and disproportionate impact on the Academy's ability to investigate or respond to a complaint, provide services to pupils, or carry out its other functions.

This will be assessed case by case and in the circumstances of the individual situation.

Examples may include a complainant who:

- refuses to clearly explain their complaint, the grounds for it or the outcome sought, despite reasonable assistance being offered
- refuses to cooperate with a reasonable complaints investigation
- repeatedly raises matters that are outside the scope of the Academy's complaints procedure after this has been explained
- insists that a complaint is dealt with in a way that is incompatible with the published complaints procedure
- introduces large amounts of irrelevant or trivial information and expects every point to be addressed
- raises excessive numbers of detailed questions which are not relevant to the complaint
- insists on immediate responses or responses within timescales that are unreasonable
- makes unjustified personal complaints about staff involved in dealing with the matter and seeks their removal without reasonable grounds
- repeatedly changes the basis of a complaint once the investigation is underway
- repeatedly raises substantially the same complaint after the Academy has completed its published complaints procedure and provided a clear response
- refuses to accept the outcome of a properly completed complaints procedure and repeatedly seeks to reopen the same matter without providing new information
- pursues an outcome that is clearly unrealistic or disproportionate
- makes frequent, lengthy or complicated contact by letter, email, telephone, text or in person which significantly disrupts the Academy's work
- contacts multiple members of staff about the same matter in an attempt to obtain a different response
- deliberately provides false or misleading information
- uses threats, intimidation, harassment or abusive language
- behaves aggressively towards staff, pupils or visitors
- engages in discriminatory behaviour

- publishes threatening, abusive or discriminatory material about Academy staff or pupils
- uses social media or other public forums to share confidential or personal information about pupils, families or staff without lawful justification

The Academy will not regard a complaint as unreasonable simply because it is critical, persistent, detailed or difficult to resolve.

SERIAL AND PERSISTENT COMPLAINTS

A complaint may be regarded as serial or persistent where the Academy has fully and properly completed its published complaints procedure and the complainant continues to pursue substantially the same issue without providing significant new information.

The Academy will not normally describe an individual as a “serial complainant”. Any restriction will relate to the specific complaint, issue or pattern of contact, rather than being a general judgement about the individual.

The Academy will not restrict a person's right to make a genuinely new complaint simply because they have previously made complaints.

A person will not be treated as unreasonable simply because they exercise their right to refer a completed complaint to the Department for Education, their MP or another appropriate external body.

Where the Academy's published complaints procedure has been fully completed, the Academy may confirm in writing that the matter is closed and that further correspondence on the same issue will not normally receive a substantive response.

The Department for Education is not a further stage of the Academy's complaints procedure. The DfE may consider whether an academy has followed its published complaints procedure but does not normally re-investigate the original complaint or overturn the Academy's decision.

WHEN THE ACADEMY MAY STOP RESPONDING TO FURTHER CORRESPONDENCE

The decision to stop responding to correspondence will not be taken lightly.

Before doing so, the Academy will normally ensure that:

- all reasonable steps have been taken to address the person's concerns
- the Academy has provided a clear explanation of its position
- the person has been informed of any appropriate next steps or external routes available to them
- the published complaints procedure has been completed where applicable
- the person continues to make substantially the same points repeatedly

The case for limiting or stopping substantive responses will be stronger where contact is also abusive, threatening, harassing, personally insulting or clearly intended to cause disruption.

The Academy will not stop responding simply because someone is difficult to deal with, disagrees with the Academy, asks complex questions or makes a complaint that staff find challenging.

Where further substantive responses are no longer considered necessary, the Academy will write to the individual explaining:

- that the matter has been addressed
- the reason for the communication restriction
- the form of contact that will be accepted in future
- the circumstances in which the restriction may be reviewed
- how genuinely new matters should be raised

COMMUNICATION PLANS AND RESTRICTIONS

Where a person's contact is causing a significant level of disruption, the Academy may introduce a proportionate **communication plan**.

Depending on the circumstances, this may include:

- nominating one member of staff as the main point of contact
- requiring communication to take place by email or in writing
- restricting contact to a specified Academy email address
- limiting the frequency of contact
- requiring appointments to be made in advance
- specifying reasonable times for telephone contact
- requiring correspondence about a particular issue to be consolidated into one communication
- declining to arrange repeated meetings where the same matter has already been addressed

Any communication restriction will be proportionate to the circumstances and will not prevent a parent or carer from accessing information or services to which they are legally entitled.

A communication plan will normally be reviewed within six months, or sooner where circumstances change or there is evidence that behaviour has improved.

The Academy will consider whether reasonable adjustments are required before implementing communication restrictions.

EQUALITY ACT 2010 AND REASONABLE ADJUSTMENTS

When considering whether behaviour is unreasonable and what action is appropriate, Gateway Academy will take account of any relevant disability, health condition, communication need or other circumstance that may affect the person's ability to communicate.

The Academy will make reasonable adjustments where required under the Equality Act 2010.

A disability or communication difficulty does not prevent the Academy from managing unreasonable behaviour. However, the Academy will consider whether the behaviour can reasonably be addressed through an adjustment to communication methods, meeting arrangements, timescales or other appropriate support.

The Academy will ensure that any restriction is based on the person's behaviour and its impact, rather than on a protected characteristic.

FREEDOM OF INFORMATION AND DATA PROTECTION REQUESTS

Freedom of Information requests, Subject Access Requests (SARs) and other statutory data protection rights are not part of the Academy's complaints procedure.

Such requests will be dealt with under the Academy's relevant statutory procedures and in accordance with applicable data protection and freedom of information legislation.

A request will not be refused or restricted simply because the person has previously made complaints or because responding to the request is inconvenient.

Where the law permits a request to be treated as manifestly unfounded or excessive, the Academy will assess the request individually and in accordance with the applicable statutory requirements and Information Commissioner's Office guidance.

The Academy will not apply a blanket policy to repeated SARs or other data protection requests.

SERIOUS, THREATENING OR ABUSIVE BEHAVIOUR

Gateway Academy will take immediate and proportionate action where a person behaves in a threatening, abusive, discriminatory or violent manner.

Depending on the circumstances, the Academy may:

- end a telephone call or meeting
- ask the individual to leave the premises
- require future communication to take place in writing
- restrict contact with individual members of staff
- introduce a communication plan
- bar the individual from Academy premises
- seek advice from the Academy's legal or HR advisers

- report an incident to the police where appropriate
- take other lawful action to protect pupils, staff and visitors

Where there is an immediate risk of harm, the Academy will prioritise the safety of pupils, staff and visitors and will contact the emergency services where appropriate.

Serious incidents will be recorded and managed in accordance with the Academy's safeguarding, health and safety and incident-reporting procedures.

SAFEGUARDING

Nothing in this policy will prevent or delay the Academy from taking action where there is a safeguarding concern.

Concerns relating to child protection, abuse, neglect, the welfare of a child or allegations about adults working with children will be dealt with under the Academy's Child Protection and Safeguarding Policy and relevant statutory safeguarding guidance.

A communication restriction or premises ban will not prevent the Academy from taking appropriate safeguarding action or communicating essential information about a child.

BANNING FROM ACADEMY PREMISES

Gateway Academy is a private place of education and members of the public do not have an automatic right to enter Academy premises.

Parents and carers have an implied licence to enter the Academy for appropriate purposes, such as dropping off or collecting children, attending appointments or attending Academy events. This licence may be withdrawn where there are reasonable grounds to do so.

The Academy will always seek to act proportionately and to maintain a safe environment for pupils, staff and visitors.

A Headteacher may ask an individual to leave Academy premises where their behaviour is causing concern.

An individual may be barred from Academy premises where their aggressive, abusive, threatening or insulting behaviour or language creates a risk to pupils, staff or visitors, or where they have otherwise exceeded their permission to be on the premises.

Section 547 of the Education Act 1996 provides for criminal offences in specified circumstances where a person who has no legal permission to be on school premises causes or permits a nuisance or disturbance. Trespassing itself is generally a civil matter.

PROCEDURE FOR BANNING AN INDIVIDUAL

Where appropriate, the Academy will write to the individual explaining that:

- they are being temporarily barred from the premises

- the Academy is considering barring them from the premises and inviting them to provide representations

Where there is an immediate safeguarding or safety concern, the Academy may impose a temporary bar while allowing the individual an opportunity to make representations.

The individual will normally be given a reasonable opportunity to provide their views before a decision is confirmed.

Following consideration of any representations, the decision to continue or lift the ban will be made by the appropriate Academy authority.

The CoHeadteachers' decision to bar an individual will normally be reviewed by the Chair of Governors or a committee of governors, in accordance with the Academy's governance arrangements.

The person reviewing the decision should not have a conflict of interest or have been directly involved in the incident where this would affect their ability to act impartially.

Where a ban is confirmed, the individual will be notified in writing and the notification will explain:

- the reason for the decision
- how long the ban will remain in place
- any conditions that apply
- when the decision will next be reviewed
- how the individual may make representations about the decision

The DfE does not determine individual school premises-barring cases.

IMPACT OF A PREMISES BAN ON PARENTS AND CARERS

A premises ban does not remove a parent's or carer's parental responsibilities or their entitlement to receive information about their child.

Where a parent or carer is barred from the Academy premises, the Academy will make reasonable alternative arrangements for necessary communication, meetings, collection or other essential matters.

These arrangements may include:

- telephone or email communication
- online meetings
- meetings at an alternative location where appropriate
- communication through a nominated member of staff
- another reasonable arrangement agreed with the Academy

Any statutory information that the parent or carer is entitled to receive will continue to be provided within the applicable statutory timescale.

REVIEW OF RESTRICTIONS AND BANS

Communication restrictions and premises bans will be reviewed within a reasonable period and normally within six months, or sooner where circumstances change.

The Academy may lift or vary a restriction where there is evidence that it is no longer necessary or proportionate.

A new incident may result in a restriction being extended or a new restriction being considered.

Individuals who remain barred after the Academy's review process may have legal remedies available to them and may wish to obtain independent legal advice.

RECORDING AND DATA PROTECTION

The Academy will maintain appropriate records of:

- incidents of threatening, abusive or unreasonable behaviour
- decisions to introduce communication restrictions
- communication plans
- decisions to restrict or stop substantive responses
- premises bans and reviews
- representations and decisions relating to such restrictions

Records will be factual, objective and proportionate.

Information will be stored securely and processed in accordance with the Academy's Data Protection Policy, Data Retention Schedule and applicable data protection legislation.

Access to records will be restricted to those who have a legitimate professional need to access them.

STAFF WELLBEING AND SUPPORT

Gateway Academy recognises the impact that persistent, abusive or threatening contact can have on staff.

Staff should not be expected to tolerate abusive, threatening, discriminatory or intimidating behaviour.

Where appropriate, the Academy will provide staff with appropriate support following difficult or serious incidents.

A member of staff who is the subject of a complaint will not normally be expected to manage repeated direct contact from the complainant where this would create an unreasonable burden or undermine their wellbeing.

The Academy will ensure that complaints are investigated fairly and that appropriate separation is maintained between complaint handling and staff disciplinary or performance procedures.

LEGAL ADVICE AND EXTERNAL AGENCIES

The Academy may seek legal, HR, safeguarding, data protection or other professional advice where appropriate.

Where behaviour may amount to harassment, intimidation, violence, a criminal offence or other unlawful conduct, the Academy may consider appropriate legal action.

Where necessary, the Academy may involve the police or other relevant external agencies.

The Academy will not routinely refer all incidents to the Local Authority. Any external referral will be made where there is a legal, safeguarding, operational or other appropriate reason to do so.

RELATIONSHIP WITH THE COMPLAINTS POLICY

This policy should always be read alongside the Academy's Complaints Policy.

Nothing in this policy will:

- prevent a parent or carer from making a legitimate complaint
- prevent a complainant from completing the Academy's published complaints procedure
- prevent a person from exercising a statutory right
- prevent a person from contacting the Department for Education, their MP or another appropriate external body
- prevent the Academy from making reasonable adjustments
- override statutory safeguarding procedures
- remove any legal right available to an individual

The Academy will continue to consider genuinely new complaints and concerns, even where communication restrictions are in place.

MONITORING AND REVIEW

The implementation of this policy will be monitored by the Headteachers and reported to governors where appropriate.

The policy will be reviewed annually, or sooner where there are significant changes to legislation, statutory guidance, DfE guidance, Information Commissioner's Office guidance or the Academy's governance arrangements.

The Academy will ensure that any changes to this policy are communicated to staff and published where appropriate.

Appendix A: Gateway Academy Parent and Carer Code of Conduct

Working together for our children

At Gateway Academy, we want every child to feel **safe, happy and ready to learn**. We know that children do best when home and school work together in a positive and respectful way.

We welcome parents and carers sharing concerns, asking questions and giving feedback. We recognise that there will be times when parents and carers are worried, frustrated or disagree with a decision. We will listen and respond professionally.

In return, we ask all parents and carers to communicate and behave in a way that supports a safe, respectful and positive environment for our whole school community.

Our expectations apply whenever parents and carers are communicating with or visiting Gateway Academy, including by telephone, email, letter, online platforms, social media, meetings, school events and when speaking to staff or other members of the school community.

1. We ask parents and carers to:

Communicate respectfully

- Speak to staff and other members of our school community calmly and respectfully.
- Use appropriate and courteous language, even when raising a concern or disagreeing with a decision.
- Allow staff to explain their position and listen to their response.
- Raise concerns through the appropriate school procedure rather than confronting staff or other parents.
- Give staff reasonable time to investigate concerns and respond.
- Communicate with the appropriate member of staff rather than contacting multiple members of staff about the same issue.
- Respect the confidentiality and privacy of other children, families and members of staff.

Work with us

- Remember that staff are working to support the best interests of all children.
- Provide accurate and relevant information when raising a concern.
- Follow agreed school procedures and reasonable requests.
- Attend meetings by prior arrangement rather than arriving unexpectedly to demand a meeting.
- Respect decisions made by staff while using the appropriate complaints procedure if you wish to challenge a decision.
- Support the Academy's expectations for behaviour, attendance, safeguarding and learning.

Help us maintain a safe school

- Follow instructions when entering or leaving the Academy.
- Sign in and follow visitor procedures when required.

- Do not enter areas of the Academy that are not open to parents and carers.
- Do not approach, photograph, film or question other children.
- Do not attempt to resolve disagreements with other parents, carers or children yourself.
- Report concerns to an appropriate member of staff.

2. Behaviour that is not acceptable

Gateway Academy will not tolerate behaviour that makes pupils, staff, parents or visitors feel threatened, intimidated, harassed or unsafe.

This includes:

- shouting, swearing or using abusive language towards staff or others
- threatening or intimidating behaviour
- aggressive or confrontational behaviour
- threatening or actual violence
- discriminatory, racist, homophobic, sexist or otherwise offensive language or behaviour
- personal insults or derogatory comments about members of staff
- repeatedly contacting staff in a way that is excessive or unreasonable
- demanding an immediate response or insisting that staff work to unreasonable timescales
- repeatedly contacting different members of staff about the same matter in an attempt to obtain a different response
- deliberately providing false or misleading information
- filming, photographing or recording staff or children without appropriate permission where this creates safeguarding, privacy or confidentiality concerns
- publishing or sharing confidential or personal information about pupils, families or staff
- using social media or other public forums to threaten, harass, abuse or intimidate members of the school community
- attempting to enter the Academy or remain on the premises when permission to do so has been withdrawn
- damaging Academy property
- any behaviour that places pupils, staff or visitors at risk

This list is not exhaustive.

3. Raising concerns and complaints

We encourage parents and carers to raise concerns promptly so that they can be addressed wherever possible.

If you have a concern:

1. Speak to the appropriate member of staff first, where this is appropriate.
2. If the concern cannot be resolved, use the Academy's Complaints Policy.
3. Put concerns in writing where requested so that the Academy can understand the issue clearly and investigate it properly.
4. Allow reasonable time for the Academy to respond.

Parents and carers are entitled to disagree with an Academy decision and to make a complaint.

Making a complaint, asking questions, challenging a decision or expressing disagreement does not, in itself, constitute unacceptable behaviour.

However, complaints must be raised and pursued respectfully and through the appropriate procedure.

4. Communication with the Academy

The Academy will communicate with parents and carers through appropriate channels. Parents and carers should:

- use the appropriate school email address or communication system
- contact the relevant member of staff rather than contacting multiple staff members about the same issue
- avoid sending repeated messages while waiting for a response
- allow staff reasonable time to respond
- make appointments rather than arriving at school expecting an immediate meeting
- understand that staff may not be available to respond immediately during teaching, meetings, duties or other professional commitments

Where communication becomes excessive or unreasonable, the Academy may introduce a communication plan or other proportionate restriction in accordance with the Academy's Managing Serial, Persistent and Unreasonable Complaints and Unacceptable Behaviour Policy.

5. Social media and online communication

We recognise that parents and carers may wish to discuss their experiences or express opinions online.

Parents and carers should ensure that online communication does not:

- threaten, abuse, harass or intimidate members of the school community
- contain discriminatory or offensive material
- identify or share personal information about children, families or staff without lawful justification
- publish confidential Academy information
- encourage others to target or harass a member of the school community; or
- knowingly publish false information about individuals

Where concerns relate to a member of staff or another child, parents and carers should raise them directly with the Academy rather than discussing individuals publicly.

The Academy may take appropriate action where online behaviour has a direct impact on the safety or wellbeing of pupils, staff or the wider school community.

6. On Academy premises

Parents and carers are welcome on Academy premises for appropriate purposes and during agreed times.

The Academy is a place of work and learning and must remain safe and calm for everyone. Parents and carers must:

- follow visitor and signing-in procedures;
- follow reasonable instructions from Academy staff;
- remain in areas to which they have been given access;
- leave the premises when asked to do so by an authorised member of staff; and
- avoid confronting staff, pupils or other parents about disagreements or incidents.

Parents and carers should never attempt to resolve an incident involving another child themselves. Concerns should be reported to a member of staff.

Where behaviour creates a risk to pupils, staff or visitors, the Academy may ask an individual to leave or may withdraw permission for them to enter the premises.

Further restrictions, including a premises ban, may be applied in accordance with the Academy's Managing Serial, Persistent and Unreasonable Complaints and Unacceptable Behaviour Policy.

7. Keeping children at the centre

We ask everyone in our community to remember that children are at the heart of everything we do.

Children notice how adults communicate and behave. When adults model calm, respectful and constructive communication, children learn that disagreements can be resolved positively.

Our shared aim is to:

Be kind. Be safe. Be a learner.

This applies to all members of the Gateway community.

8. What parents and carers can expect from Gateway Academy

Respect is a two-way responsibility.

Parents and carers can expect Gateway Academy to:

- listen to concerns
- treat parents and carers fairly and respectfully
- communicate clearly and professionally
- investigate complaints appropriately
- provide reasonable opportunities to discuss concerns
- protect confidentiality and personal information

- make reasonable adjustments where required
- follow relevant legislation and statutory guidance
- act in the best interests of pupils and the wider school community

Where a concern or complaint is raised, the Academy will seek to resolve it fairly and proportionately.

9. When this Code is not followed

Where a parent or carer does not follow this Code, the Academy will seek to respond proportionately.

Depending on the circumstances, this may include:

- reminding the parent or carer of the expected standards
- arranging a meeting to discuss concerns
- agreeing a communication plan
- requiring communication to take place through a named member of staff
- restricting communication to particular methods or reasonable times
- asking an individual to leave Academy premises
- withdrawing permission to enter Academy premises
- involving the police or other appropriate agencies where necessary
- taking other lawful and proportionate action

Where behaviour is threatening, abusive, discriminatory or violent, the Academy may take immediate action without first issuing a reminder.

Any action taken will take account of relevant circumstances, including disability or communication needs, and reasonable adjustments will be considered where required.

The Academy will continue to consider legitimate concerns and complaints and will not use this Code to prevent a parent or carer exercising a lawful or statutory right.

10. Our shared commitment

Gateway Academy is a community of children, families and staff.

We may not always agree, but we can always communicate respectfully.

By working together, listening to one another and keeping children at the centre of our decisions, we can maintain a school environment where everyone feels safe, respected and valued.

Be kind. Be safe. Be a learner.

Gateway Academy