

Policy for managing serial and unreasonable complaints & communications

Policy type	Statutory
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Reviewed	Adrian Ball
Approved by	Trust Board
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Review cycle	EVERY TWO YEARS Policies will be reviewed in line with DEMAT's internal policy schedule and/or updated when new legislation comes into force
Description of changes	Amendments to existing policy, including: 1. Expanding the definition of unreasonable complaints 2. Adding a section on barring complainants from academy/trust premises

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1. Application of this Policy

The policy is applicable to all complaints received by DEMAT academies as defined under this policy.

2. Relationship with DEMAT Values

The policy must be always applied in a way that reflects the values of DEMAT and its Christian Ethos:

Vision

To Learn. To Know. To Lead Out. "I can do all things through Christ who strengthens me"
(Philippians 4:13)

Values

Love – We engender love and tolerance between and for our staff, pupils, and others to foster an inspiring atmosphere of mutual support.

Community – We are committed to ensuring our academies are a living part of the community and contribute positively to its needs.

Trust – We acknowledge accountability and responsibility for our actions and ensure that we encourage each other to make brave decisions and then learn from any mistakes.

Ambition – We are determined that our academies offer a place for the joy of learning, enabling those of all abilities to thrive and go on to lead rewarding lives.

Respect – We do everything to provide a caring, safe, and secure place for our staff and pupils to be happy and respected in our academies so they may achieve their potential.

3. Associated Policies and documents

DEMAT Complaints Policy

4. Definitions

Complainant	Applies to an individual stakeholder, as complaints from groups of stakeholders will be dealt with in a different manner. Complainant may also be interpreted to encompass stakeholders, who may not be seeking to make formal complaints but whose communications and/behaviour falls under categories defined in the Implementation section of this policy
Hub Directors	Line Managers of DEMAT Head Teachers in which capacity it is appropriate for them to handle stage 2 complaints. The Hub Director may delegate the handling of specific complaints to the Chair of Governors.
LGB	Local Governing Body of an individual Academy within the Trust.
Trust	Diocese of Ely Multi-Academy Trust (DEMAT), which consists of all Academy staff, governors, central team, executives and trustees.
Unreasonable behaviour	Behaviour which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Academy, such as, if the complainant: • 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 that 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 Academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education or the Education Funding Agency. • Seeks an unrealistic outcome. • Makes excessive demands on Academy staff 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. • Publishes unacceptable information on social media or other public forums. A complaint may also be considered unreasonable if the person making the complaint acts in a manner which is: • Malicious • Aggressive • Threatening, intimidating, or violent • Made using abusive, offensive or discriminatory language • Made knowing the complaint to be false • Made using falsified information • Otherwise made using conduct, which is intended to intimidate, harass or is otherwise similarly inappropriate
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5. Policy Statement

DEMAT is committed to dealing with all complaints fairly and impartially and seeks to swiftly resolve all such matters in line with its Complaints Policy.

We will not normally limit the contact complainants have with our academies. 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.

This policy and the procedures for its implementation aim to clarify the way in which serial and unreasonable complaints are managed. It aims to do so in a way which is clear and concise. The policy seeks to promote a consistent and transparent approach to dealing with such matters.

6. Process to be applied

Complainants should try to limit their communication with the Academy and/or the Trust that relates to their complaint, while the 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.

Whenever possible, the Headteacher or Hub Director will discuss any concerns with the complainant informally before determining that the complaint has met the threshold for being considered “unreasonable”.

If the behaviour continues, the Headteacher will discuss the matter with the Hub Director and/or the DEMAT Head of Governance ahead of writing to the complainant explaining that their behaviour is unreasonable and ask them to modify their approach to communicating with the Academy and/or wider Trust.

For complainants who excessively contact the Academy or wider Trust, causing a significant level of disruption, we may put communications strategies in place, such as:

- Reserve the right not to engage with the complainants unless in accordance with any communication strategy put in place.
- Give the complainant a single point of contact via an email address.
- Limit the number of times the complainant can make contact, such as a fixed number per term.
- Ask the complainant to engage a third party to act on their behalf, such as the Citizens Advice Bureau.
- Put any other strategy in place, as necessary.

This will be reviewed after six months.

In response to any serious incident of aggression, violence or repetitive behaviour or actions that could be deemed as harassment, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Academy site or Trust Head Office premises.

Duplicate or multiple complaints multiple stakeholders

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete;
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

Where the Academy or the Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Academy or Trust, the Academy or Trust may respond to these complaints by:

- Publishing a single response on the Academy website;
- Sending a template response to all of the complainants

If individual complainants are not satisfied with the response from the Academy or the Trust, or wish to pursue the complaint further, the stages set out in the Trust's Complaint Policy should be followed.

7. Barring complainants from the Academy/Trust premises

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without legal permission to cause or permit a nuisance or disturbance. Trespassing itself does not constitute a criminal offence.

To have committed a criminal offence, an abusive individual must have been barred from the premises or have exceeded their 'implied licence', then also have caused a nuisance or disturbance.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. DEMAT academies will therefore act to ensure they remain a safe place for students, staff and other members of their community.

If behaviour of a complainant is a cause for concern, a school/ academy can ask an individual to leave the premises.

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.

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.

Anyone wishing to complain about being barred should be submitted via the link below:

https://docs.google.com/forms/d/1KOKbnqfD7f8Zk7jXCqfS7d-Aw_pyqGG5sOEtOv8j6mM

Where this is not possible, please email complaints@demat.org.uk.

Complaints about barring cannot be escalated to the Education and Skills Funding Agency. Once the 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.

8. Legal duties of DEMAT Academies under the Equality Act 2010

The [Equality Act 2010](#) prohibits discrimination against an individual based on the protected characteristics, which include age, sex, disability, race, religion or belief, pregnancy and maternity, and gender reassignment.

It is not considered that provisions of this policy would create the risk of discrimination as contemplated under this Act.