



Kemsley Primary Academy

Unacceptable Behaviour policy

<i>Signed by Headteacher:</i>	<i>Miss I Homer</i>
<i>Signed by Chair of Governors</i>	<i>Mr S Edwards & Mrs H Duffy</i>
<i>Dated:</i>	<i>September 2023</i>
<i>Reviewed by:</i>	<i>September 2024</i>

Unacceptable Behaviour Policy

1. Policy Aims and Expectations

1.1 The aim of this Unacceptable Behaviour Policy (the Policy) is to:

- a. ensure consistent communication between Kemsley Primary Academy (the Academy) and a parent, carer or member of the public;
- b. establish the behaviour expected of parents, carers, visitors and volunteers (Adults)
- c. support the well-being of pupils, staff and those connected with the Academy, including Local Governors and parents
- d. deal fairly with persistent complainants, poor behaviour and those who harass members of staff or pupils in the Academy or Reach2 Academy Trust (the Trust).

1.2 The Academy expects all parents, carers or members of the public with a complaint to:

- a. correctly follow the Academy's Complaints Policy procedures;
- b. treat Academy staff and Local Governors with courtesy and respect;
- c. behave reasonably;
- d. respect the needs of pupils and staff in the Academy;
- e. never use, or threaten to use, violence;
- f. never be aggressive or give verbal abuse;
- g. recognise the time constraints under which staff in the Academy work.

Where expectations are not met, this Policy shall apply and sanctions shall be considered.

2. What is inappropriate behaviour?

Inappropriate behaviour is taken very seriously, and the Academy shall have absolute discretion to determine whether the behaviour of an Adult is contrary to this Policy.

Examples of inappropriate behaviour include, but are not limited to:

- a. any form of verbal abuse, threatening behaviour, aggressive and demanding language, racist and sexual comments or violence;
- b. publishing falsified information;
- c. trespassing on the Premises;
- d. unnecessary physical contact;
- e. subjecting staff to a pattern of persistent and unreasonable behaviour. Such behaviour may be face-to-face, by telephone, in writing or electronically (including email, websites or social media).
- f. Inappropriate behaviour may be subject to the sanctions contained within this policy. In extreme cases, the behaviour may constitute an offence under the Protection from Harassment Act 1997. If so, the Police have powers to take action against the offender.

3. What is a persistent complaint?

A “persistent complaint” is where a parent, carer or member of the public makes regular complaints under the Academy’s Complaints Policy, or frequently raises issues that the complainant perceives to be within the remit of the Academy, and the volume or content of such complaints is unreasonable. Examples of such behaviour include:

- a. making substantially the same complaint to the Academy more than once;
- b. repetitious raising of historical complaints, for which the Academy’s complaints process has been exhausted and a final response provided;
- c. continuous, unnecessary and prolific correspondence, by letter, email or telephone, which causes a high level of disruption;
- d. raising complaints about matters which do not affect the complainant or which have no merit;
- e. making repeated complaints with the intention to cause disruption or inconvenience;
- f. raising complaints for which the continued use of the Academy’s resources to progress through all the stages of the Complaints Policy would be disproportionate;

4. What is harassment?

4.1 The Academy considers there to be “harassment” where staff are subjected to a pattern of persistent and unreasonable behaviour from a parent, carer or member of the public. Such behaviour may be face-to-face, by telephone, in writing or electronically (including email, websites or social media).

4.2 Harassment does not have to be abusive or overtly aggressive to fall within this Policy. It can include a member of staff receiving constant demands, criticism or complaints which, whilst not always serious in isolation, can have the cumulative effect over time of undermining their confidence, well-being and health.

4.3 Any form of verbal abuse, threatening behaviour, violence or publishing falsified information will automatically be categorised as harassment by the Academy.

4.4 Harassment can:

- a. be targeted over a significant period of time on one or more members of Academy staff;
- b. cause ongoing distress to staff at the Academy; or
- c. have a significant adverse effect on any of the Academy community or wider Trust.

4.5 In extreme cases, the behaviour may constitute an offence under the Protection from Harassment Act 1997. If so, the Police have powers to take action against the offender.

4.6 The Academy shall have absolute discretion to determine whether the behaviour of a parent, carer or member of the public has become “harassment” and falls within this Policy.

5. Sanctions

5.1 Where behaviour expectations are not met by a parent, carer or member of the public, through persistent complaints, poor behaviour or harassment, the Academy can exercise the following sanctions:

- a. stop investigating an existing complaint until the individual’s behaviour is modified in a manner the Academy considers to be reasonable;
- b. make special arrangements for future meetings and communication with the Academy to ensure the safety of staff, Local Governors and pupils;
- c. ban an individual from the Academy premises;
- d. take legal action.

5.2 The sanction selected shall be at the absolute discretion of the Academy.

5.3 It is unlikely to be appropriate to ban a member of the public, with no child or children at the Academy, from the premises as they have no right to be there. If they do continue to access the Academy premises, legal advice will be sought to have the individual removed and prosecuted under Section 547 of the Education Act 1996. If convicted under this Act, that individual will be liable to a court fine.

5.4 All correspondence sent by the Academy in respect of the sanctions can be issued either by the Headteacher or Chair of Governors. Copies of any letters must be kept on file. Correspondence can be issued by email to any relevant party if an email address is held on file.

6. Process

6.1 In the first instance, complaints raised by parents, carers or members of the public will be dealt with under the Complaints Policy, until the Academy considers it necessary to refer the matter under this Policy.

Stage 1 Letter

6.2 The Academy shall notify the parent, carer or member of the public (the Referred Party) in writing that their persistent complaint/behaviour is considered to be unacceptable/unreasonable and failure to modify their behaviour will result in sanctions. The recommended form of letter is contained in Schedule 1 (*Stage 1 Letter*).

6.3 Where Referred Party has been physically violent or threatening, the Academy does not need to issue a Stage 1 letter and can immediately move to a Stage 2 letter.

Stage 2 Letter

6.4 Where the Referred Party does not comply with the Stage 1 letter issued under paragraph 5.2 or paragraph 5.3 applies, they shall be notified in writing that their persistent complaint/harassing behaviour is unreasonable and sanctions will

consequently take place. Sanctions available to the Academy are listed in paragraph 4 above. The recommended form of letter is contained in Schedule 2 (*Stage 2 Letter*).

Stop Investigating Underlying Complaint

- 6.5** The Academy shall have absolute discretion to determine whether a Referred Party has satisfactorily modified their behaviour in order that the underlying complaint continues to be investigated. The Referred Party may not appeal this sanction.

Special Arrangements for Meetings and Communications

- 6.6** Where the Referred Party has been informed in a Stage 2 letter that special arrangements for future meetings or communication are to be put in place, the Academy shall issue either:

- a. A letter confirming that (i) all meetings with member of staff will be conducted with a third party present; and (ii) contemporaneous notes will be taken. The recommended form of letter is contained in Schedule 3 (*Special Meeting Arrangements Letter*).
- b. A letter confirming that all communications from the Referred Party will be in writing. The recommended form of letter is contained in Schedule 4 (*Communications Arrangements Letter*). The Referred Party may not appeal the special arrangements.

Banning From Premises – including Kemsley Community Café which is located on the site

- 6.7** Where the Referred Party has been informed in a Stage 2 letter that they are to be banned from the Academy premises, the Academy shall issue a letter concerning the arrangements for such ban. There are four stages of a banning sanction. All letters must be sent by recorded delivery and email (if an email address is available).

- 6.8** In the first instance, a letter will be sent to the Referred Party confirming that they are not permitted on the Academy premises, the duration of the ban, the appeals process and limited exceptions. The banning may be appealed by the Referred Party back to the person who issued the letter within ten school days of that letter. The recommended form of letter is contained in Schedule 5 (*Banning Letter 1*).

- 6.9** Once the time period to appeal the banning has expired, the Academy will consider whether the ban is to continue or be lifted based upon the representations made by the Referred Party (if any). A letter will be sent to the Referred Party confirming the decision made. The banning may be further appealed by the Referred Party to the Headteacher or Chair of Governors (as the Academy shall decide appropriate). The recommended form of letter is contained in Schedule 6 (*Banning Letter 2*).

- 6.10** Where the Referred Party has sent an appeal request to the Headteacher or Chair of Governors in accordance with paragraph 5.8 above, they shall consider whether the ban is to continue or be lifted based upon:

- a. the representations made by the Referred Party; and
- b. discussion with the original decision maker.

The decision of the Headteacher or Chair of Governors shall be final and communicated to the Referred Party in writing. The recommended form of the letter is contained in Schedule 7 (*Banning Letter 3*).

6.11 At the review date of any banning decision, as set out in the relevant letter, the Academy may continue or lift the ban placed upon the Referred Party. The decision maker will consider:

- a. the Referred Party's compliance with the ban;
- b. any expressions of regret; and
- c. any assurance of future good conduct.

Where the ban is lifted, a letter shall be issued by the last decision maker to the Referred Party confirming the lifting. The recommended form of the letter is contained in Schedule 8 (*Banning Letter 4*). Where the ban is to continue, a letter shall be issued by the last decision maker to the Referred Party confirming the continuation. The recommended form of the letter will be a modified version of that contained in Schedule 7 or Schedule 8 (as appropriate). Legal Action

6.12 If the Academy wishes to take legal action against a Referred Party it shall consult with the Trust before commencing any action.

Legitimate New Complaints

6.13 Where a Referred Party wishes to raise a new complaint, it shall be managed in accordance with the Academy's Complaints Policy provided that their behaviour does not fall within this Policy.

Relapse in Behaviour

6.14 If a Referred Party relapses into unreasonable persistent complaint behaviour or harassment, following a period modified behaviour, the Academy shall activate this Policy again at the last level of sanction.

7. Review

The Academy shall review any sanctions applied against a Referred Party at least once a term, in accordance with this Policy.

SCHEDULE 1 STAGE 1 LETTER

Warning a Referred Party that their behaviour is considered to be in breach of the Policy and of the consequences of remaining in breach.

Dear [NAME]

Unacceptable Behaviour Policy

This letter is to inform you that Kemsley Primary Academy (the **Academy**) considers your actions **OPTION** [on[DATE]][between[DATE] and [DATE]], when you [INSERT BEHAVIOUR DESCRIPTION], to be **OPTION** [a persistent complaint][and][harassment] under the Academy's Unacceptable Behaviour Policy (copy enclosed).

[I am aware that you have raised a [number of] complaint[s] on [DATE OF ORIGINAL COMPLAINT], but advise that **OPTION** [this is][these are] being addressed by [NAME] under stage **OPTION** [1][2][3] of the Complaints Policy.]

The Unacceptable Behaviour Policy sets out the expected standards of behaviour of all people towards the Academy. Where there is **OPTION** [a persistent complaint][and][harassment], the Academy may:

- (a) stop investigating an existing complaint until your behaviour is modified in a manner the Academy considers to be reasonable;
- (b) make special arrangements for your future meetings and communication with the Academy to ensure the safety and wellbeing of staff, Local Governors and pupils;
- (c) ban you from the Academy premises; or
- (d) take legal action against you.

[I assure you that every care is being taken to move this matter forward as quickly as possible, but we ask that you allow the Academy sufficient time to resolve your complaint[s] according to the Complaints Policy.] If your behaviour continues, we will consider exercising the sanctions set out above.

I am confident that you will respect our need to maintain a calm and welcoming environment at all times.

Yours sincerely

Miss I Homer
Headteacher

SCHEDULE 2: STAGE 2 LETTER

Notifying a Referred Party that their behaviour continues to be in breach of the Policy and the consequences.

Dear [NAME]

Unacceptable Behaviour Policy

I refer to my letter dated [DATE] concerning the Unacceptable Behaviour Policy for Kemsley Primary Academy (the **Academy**) (copy letter attached).

In light of your [further] action[s] **OPTION** [on[DATE]][between[DATE] and [DATE]], when you [INSERT BEHAVIOUR DESCRIPTION], to be **OPTION** [a persistent complaint] [and] [harassment] under the Academy's Unacceptable Behaviour Policy.

As a consequence, the Academy has no option but to

OPTION A stop investigating your existing underlying complaint until your behaviour has been modified in a manner the Academy considers to be reasonable.

OPTION B make special arrangements for any future **OPTION** [meetings] [and] [communication] with the Academy to ensure the safety and wellbeing of staff, Local Governors and pupils. I will write to you under separate cover with details of the arrangements to be put in place.

OPTION C ban you from the Academy premises. I will write to you under separate cover with details on the restrictions to be put in place.

OPTION D take legal action against you. I will arrange for our legal advisors to contact you separately.

These arrangements do not apply to:

- (a) any emergencies concerning your **OPTION** [child][children], which should be reported to the Academy in the usual way; or
- (b) parents evenings, provided a third party is present.

These measures will be reviewed on [DATE].

I look forward to these difficulties being resolved in due course.

Yours sincerely

Miss I Homer
Headteacher

SCHEDULE 3: SPECIAL MEETING ARRANGEMENTS LETTER

Informing a Referred Party that special arrangements will be made for him/her/them to meet members of staff

Dear [NAME]

Unacceptable Behaviour Policy

I refer to my letter dated [DATE] concerning special meeting arrangements pursuant to the Unacceptable Behaviour Policy for Kemsley Primary Academy (the **Academy**) (copy letter attached). I am now writing to outline the arrangements to be put in place for all future meetings at the Academy. Should you wish to meet with any member of staff from the date of this letter:

- (a) this can only be by appointment;
- (b) with a third party present; and
- (c) contemporaneous notes will be taken and stored on file.

These arrangements do not apply to:

- (a) any emergencies concerning your **OPTION** [child][children], which should be reported to the Academy in the usual way; or
- (b) parents evenings, provided a third party is present.

These measures will be reviewed on [DATE].

I look forward to these difficulties being resolved in due course.

Yours sincerely

Miss I Homer
Headteacher

SCHEDULE 4: COMMUNICATIONS ARRANGEMENTS LETTER
Requesting that future communication should be by letter only

Dear [NAME]

Unacceptable Behaviour Policy

I refer to my letter dated [DATE] concerning special communication arrangements pursuant to the Unacceptable Behaviour Policy for Kemsley Primary Academy (the **Academy**) (copy letter attached).

I am now writing to outline the arrangements to be put in place for all future correspondence with the Academy from the date of this letter. Should you wish to contact any member of staff this must be by letter to **OPTION** [NAME][myself] at Kemsley Primary Academy, Coldharbour Lane, Sittingbourne, Kent, ME102RP

These arrangements do not apply to:

- (a) any emergencies concerning your **OPTION** [child][children], which should be reported to the Academy in the usual way; or
- (b) parents evenings, provided a third party is present.

These measures will be reviewed on [DATE].

I look forward to these difficulties being resolved in due course.

Yours sincerely

Miss I Homer
Headteacher

SCHEDULE 5: BANNING LETTER 1

Initial letter to parent/carers with child or children at the Academy

Dear [NAME]

Unacceptable Behaviour Policy

I refer to my letter dated [DATE] concerning your banning from Kemsley Primary Academy, Coldharbour Lane, Sittingbourne, Kent, ME102RP (the **Premises**) pursuant to the Unacceptable Behaviour Policy for Kemsley Primary Academy (the **Academy**) (copy letter attached).

I am now writing to confirm that with immediate effect you are banned from entering the Premises until further notice. If you do not comply with this letter, I shall arrange for you to be removed and prosecuted under Section 547 of the Education Act 1996. If convicted under this Act, you are liable to a fine of up to £500.

Notwithstanding the above, this arrangement does not apply to:

- (a) dropping your **OPTION** [child][children] at the gate to the Premises at the beginning of the day;
- (b) collecting your **OPTION** [child][children] at the gate to the Premises at the end of the day;
- (c) any emergencies concerning your **OPTION** [child][children]. Which should be reported to the Academy in the usual way; or
- (d) parents evenings, where a third party is present.

These measures will be reviewed on [DATE].

If you wish to make representations on this sanction you may do so in writing within ten school days from the date of this letter. Please write to me setting out the full reasons why you believe the ban should be withdrawn. If on receipt of your comments I believe that my decision should continue, you will be supplied with details of how to refer the matter for review by the Chair of Governors.

I look forward to these difficulties being resolved in due course.

Yours sincerely

Miss I Homer
Headteacher

SCHEDULE 6: BANNING LETTER 2

Confirmation of ban, letter to parent/carer with child or children at the Academy

Dear [NAME]

Unacceptable Behaviour Policy

I refer to my letter dated [DATE] concerning your banning from Kemsley Primary Academy, Coldharbour Lane, Sittingbourne, Kent, ME102RP the **Premises**) pursuant to the Unacceptable Behaviour Policy for Kemsley Primary Academy (the **Academy**) (copy letter attached).

OPTION A

As I have not received a response from you within ten school days of the date of my letter, I confirm that the ban on your entering the Premises continues until further notice. This ban is subject to the limited exceptions set out in my last letter.

OPTION B

I have received your letter dated [DATE] and, following careful consideration, confirm that the ban on your entering the Premises continues until further notice. This ban is subject to the limited exceptions set out in my last letter.

If you do not comply with this letter, I shall arrange for you to be removed and prosecuted under Section 547 of the Education Act 1996. If convicted under this Act, you are liable to a fine of up to £500.

These measures will be reviewed on [DATE]. Your compliance with the ban, any appropriate expressions of regret and assurance of future good conduct received will be considered at such review date.

If you wish to appeal the continuation of this sanction you may do so in writing within ten school days of the date of this letter. Please write to the Chair of Governors at Kemsley Primary Academy, Coldharbour Lane, Sittingbourne, Kent, ME102RP setting out the full reasons why you feel the ban should be withdrawn.

I look forward to these difficulties being resolved in due course.

OPTION C

I have received your letter dated [DATE] and, following careful consideration, confirm that the ban on your entering the Premises has been lifted with immediate effect.

Nevertheless I remain very concerned about the incident(s) that led to the ban. I must warn you if there is any repetition of such behaviour, I shall not hesitate to withdraw permission for you to come onto the premises again.

Yours sincerely

Miss I Homer
Headteacher

SCHEDULE 7: BANNING LETTER 3

Continuation of ban, letter to parent/carers with child or children at the Academy

Dear [NAME]

Unacceptable Behaviour Policy

I refer to the letter dated [DATE] from [NAME] concerning your banning from Kemsley Primary Academy, Coldharbour Lane, Sittingbourne, Kent, ME102RP (the **Premises**) pursuant to the Unacceptable Behaviour Policy for Kemsley Primary Academy (the **Academy**) (copy letter attached).

OPTION A

I have received your letter dated [DATE] and, following careful consideration of the facts and discussions with the Headteacher, confirm that the ban on your entering the Premises continues until further notice. This ban is subject to the limited exceptions set out in the original banning letter.

If you do not comply with the terms of the banning letter, the Academy shall arrange for you to be removed and prosecuted under Section 547 of the Education Act 1996. If convicted under this Act, you are liable to a fine of up to £500.

These measures will be reviewed on [DATE]. Your compliance with the ban, any appropriate expressions of regret and assurance of future good conduct received will be considered at such review date.

We look forward to these difficulties being resolved in due course.

OPTION B

I have received your letter dated [DATE] and, following careful consideration of the facts and discussions with the Headteacher, confirm that the ban on your entering the Premises has been lifted with immediate effect.

Nevertheless I remain very concerned about the incident(s) that led to the ban. I must warn you that if there is any repetition of such behaviour, permission for you to come onto the Premises again will be withdrawn without hesitation.

Yours sincerely

Mr P Walton

Chair of Governors

SCHEDULE 8: BANNING LETTER 4

Removal of ban, letter to parent/carers with child or children at the Academy

Dear [NAME]

Unacceptable Behaviour Policy

I refer to the letter dated [DATE] from [NAME] concerning your banning from Kemsley Primary Academy, Coldharbour Lane, Sittingbourne, Kent, ME102RP (the **Premises**) pursuant to the Unacceptable Behaviour Policy for Kemsley Primary Academy (the **Academy**) (copy letter attached).

Following careful consideration, I confirm that the ban on your entering the Premises has been lifted with immediate effect.

Nevertheless I remain very concerned about the incident(s) that led to the ban. I must warn you that if there is any repetition of such behaviour, I shall not hesitate to withdraw permission for you to come onto the Premises again.

Yours sincerely

Miss I Homer
Headteacher