

# **Policy for dealing with persistent or vexatious complaints/harassment in schools**

**LIBANUS PRIMARY SCHOOL**



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## INTRODUCTION

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Policy.

Libanus Primary School 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 our school. However, The Health and Safety at Work etc. Act 1974 places a duty on employers to take reasonably practicable steps to protect the safety and health of their employees whilst at work, and that of others who may be affected by their operations and activities. Therefore, 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.

There are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may act in accordance with this policy.

## AIMS OF POLICY

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- support the well-being of children, staff and everyone else who has a legitimate interest in the work of the school, including governors and parents;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints/harass members of staff in school while ensuring that other stakeholders suffer no detriment.

## PARENTS/ CARERS / MEMBERS OF THE PUBLIC EXPECTATIONS OF THE SCHOOL

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the complaint to be managed in accordance with the school's complaint policy.

## THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

We believe that all complainants have a right to be heard, understood and respected. But school staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining or harassment of staff.

## WHO IS A PERSISTENT COMPLAINANT?

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) uses Freedom of Information requests excessively and unreasonably
- d) an insistence upon pursuing unsubstantiated complaints/harassment and/or unrealistic or unreasonable outcomes;
- e) an insistence upon pursuing complaints/harassment in an unreasonable manner;
- f) an insistence on only dealing with the headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- g) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant.

## WHAT IS HARASSMENT?

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) cause ongoing distress to individual member(s) of school staff and/or
- c) have a significant adverse effect on the whole/parts of the school community and/or
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

## THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

There are relatively few complainants whose conduct we may consider unacceptable. How we aim to manage this conduct depends on its nature and extent. Where staff have concerns about or difficulties with their dealings with any complainant, in addition to the provisions below they are also advised to complete a chronology of contacts utilising the form attached at Model 1. This chronology will be co-ordinated by the headteacher and the level of contact will be closely monitored.

If it adversely affects the ability of a member of staff to do his/her work and provide a service to others, the school may need to restrict complainant contact in order to manage the unacceptable conduct. We aim to do this in a way, that allows a complaint to progress to completion through the established school's complaints process.

We may restrict contact in person, by telephone, letter, electronically (email, social media, school apps (Goggle Classroom, See-Saw, etc) or by any combination of these, examples of which are set out below. We will maintain at least one form of contact. In extreme cases and where it is appropriate, we will advise the complainant in writing that their name is on a 'no

personal contact' list. This means that they must restrict contact with the school in relation to any complaint matter to either written communication or through a third party. These steps should only be taken after careful consideration of the situation by the headteacher.

It is acknowledged that unreasonable people may make reasonable complaints and it is important that staff take note of the matters being referred to ensure that they do not overlook a genuine concern.

The threat or use of physical violence, verbal abuse or harassment towards any member of staff is likely to result in the ending of all direct contact with the complainant and must be dealt with under the School's Health and Safety Policies. Such actions can lead to the personal details of the individual being stored within a computerised database of violent people and/or addresses within the Authority that is available for staff who may be at risk of violence or aggression in the course of their work. Employees can check the name and/or address of people they are visiting to establish whether there is a known risk. **Where the school has concerns regarding the safety of a member of staff, the police will be called immediately.**

We do not accept correspondence (letter or electronic) that is abusive to staff. When this happens, we will tell the complainant that we will not respond to their correspondence.

If they do not stop, the complainant will be advised that we may require future contact to be through a third party. Staff may end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Staff are advised to report this type of behaviour to the headteacher.

Where a complainant repeatedly phones, visits the school, or sends irrelevant documents or continually raises the same issues, we may decide to: -

- Only take telephone calls from the complainant at set times on set days and/or appoint a single point of contact to deal with calls or correspondence from the complainant in the future
- Require the complainant to make an appointment before visiting the School or restrict contact to written correspondence only
- Return 'irrelevant' documents to the complainant
- Take other action that we consider appropriate e.g. legal advice

We will, however, always tell the complainant what action we are taking and why.

Where a complainant continues to correspond on a wider range of issues, and this conduct is considered unreasonably excessive, then the complainant may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly. The school's response will be proportionate to the nature of the given issues raised.

Complainant action may be considered unreasonably persistent if the school's complaints policy has been exhausted and the complainant continues to persistently dispute the decision relating to their complaint. The complainant may be told that no future phone calls will be accepted, or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence may be read and filed, but only subject to further enquiry or review if the complainant provides significant new information relating to the same complaint.

If no new issues are raised in the correspondence by the complainant, the correspondence will not be acknowledged and placed on file.

Wherever possible, we will give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants will be told in writing why a decision has been made to restrict future contact and what the restricted contact arrangements are.

## MANAGING PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT IN SCHOOLS

There are relatively few complainants whose conduct we may consider unacceptable. How we aim to manage this conduct depends on its nature and extent. Where staff have concerns about or difficulties with their dealings with any complainant or harassment, staff are also advised to complete a chronology of contacts utilising the form attached at (see Model 1).

## ROLE OF THE LOCAL EDUCATION AUTHORITY (LEA)

**Prior to schools implementing this policy, advice must be sought from the LEA. Therefore, it is essential an up-to-date and detailed chronology is provided by the school to assist the LEA during this process. In all cases, the LEA will record the advice that has been given.**

## REVIEW

7.1 The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

## SAFEGUARDING

If this policy is enforced, it must be noted that any new information received by the school from the complainant, which is of a safeguarding nature and against a member of staff, then this would always be considered on an individual basis and aligned with the school's own safeguarding procedures and Wales Safeguarding Procedures.

