MORTON PRIMARY SCHOOL

Policy for Dealing with Persistent or Vexatious Complaints/Harassment in Schools

Introduction

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

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, 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 take action in accordance with this policy.

1. Aims of Policy

1.1 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 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 and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

2. Parents/Carers' Expectations of the School

2.1 Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

a) regularly communicate to parents/carers in writing:
   (i) how and when problems can be raised with the school;
   (ii) the existence of the school's complaints procedure, and
   (iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools;
b) respond within a reasonable time;
c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
d) respond with courtesy and respect;
e) attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and in line with advice from the Local Authority (LA) keep complainants informed of progress towards a resolution of the issues raised.

3. The School's Expectations of Parents/Carers/Members of the Public

3.1 The school can expect parents/carers/members of the public who wish to raise problems with the school to:

a) treat all school staff with courtesy and respect;
b) respect the needs and well-being of pupils and staff in the school;
c) avoid any use, or threatened use, of violence to people or property;
d) avoid any aggression or verbal abuse;
e) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
f) recognise that resolving a specific problem can sometimes take some time;
g) (in the case of a complaint) follow the School's Complaints Procedure.

4. Who is a Persistent Complainant?

4.1 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 unsubstantial complaints and/or unrealistic or unreasonable outcomes;
e) an insistence upon pursuing complaints in an unreasonable manner;
f) an insistence on only dealing with the head teacher 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 but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

4.2 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 on-going 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.

5. The School's Actions in Cases of Persistent or Vexatious Complaints or Harassment

5.1 In the first instance the school will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.

5.2 This will be confirmed in writing (Model Letter 1).

5.3 If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

a) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2);
b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see Model Letter 2);
c) inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only (see Model Letter 2);
d) (in the case of physical, or verbal aggression) take advice from LA HR / Legal Services (services purchased by the Governing Body)and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
e) consider taking advice from the LA on pursuing a case under Anti-Harassment legislation;
f) consider taking advice from the HR / Legal Services of the LA about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the head teacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the head teacher accordingly.

5.4 Legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. However, the school will be advised by the HR / Legal Services of the LA.

5.5 If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the HR/Legal Services of the LA.

7. 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.

Policy Approved by Full Governing Body

September 2018

Model Letter 1:

Initial Letter Informing a Complainant that His/Her Behaviour is Considered to Fall Below a Reasonable/ Acceptable Standard

Dear

This letter is to inform you that the school considers your actions in *[describe actions, dates, behaviour]* on [date] when you *[details]* to be unreasonable/unacceptable *[delete as appropriate*].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers *[delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls].*

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure.

At the moment we are dealing with these issues by *[describe actions being taken to resolve concern]*.

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the School's Complaints Procedure;
- avoiding physical and verbal aggression at all times.

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the school;
- considering a ban from the school premises;
- considering legal action.

I would ask that you allow school time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

Headteacher

Model Letter2:

Informing a Complainant that His/Her Behaviour is Now Considered to Fall Under the Terms of the Policy for Dealing with Persistent or Vexatious Complaints/Harassment

Dear

You will recall that I wrote to you on *[insert date]* telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on *[date]*, when you *[describe actions/behaviour]* it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply from the date of this letter.

In the circumstances I have made the following arrangements for your future contact with the school:

*[*Delete A or B as applicable]*

*A For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

(a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to *[Staff Members name]* at the school address; email correspondence will not be responded to;
(b) an appointment will be arranged and confirmed in writing as soon as possible;
(b) a third party from the school will be present;
(c) in the interests of all parties, formal notes of this meeting may be made.

*B For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by *[Governor representative's name]* representing the school. I would ask you to note:
(a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to *[Staff Members name]* at the school address; email correspondence will not be responded to;
(b) an appointment will be arranged and confirmed in writing as soon as possible;
(b) a third party will be present;
(c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of pupil]* – in which case you should contact the school in the usual way.

While these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the school by *[state ten working days from the date of the letter]*. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher