



**POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS
COMPLAINTS/HARASSMENT IN SCHOOLS**

**September 2019
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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 Procedure**. We are committed to dealing with all complaints fairly and impartially.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, we do not expect our staff to tolerate unacceptable behaviour and actions will be taken to protect staff from certain behaviour which is abusive, offensive, threatening and persistent.

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, staff in the school and the School Community. 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' EXPECTATIONS OF THE SCHOOL

2.1 Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can have access to the Complaints Policy which clearly states how to make a complaint, available online or in the school office.

The School will:

- a) respond within a reasonable time;
- b) 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;
- c) ensure parents know how problems can be raised with the school.

- 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).
- f) 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, repetitive;
- b) prolific correspondence, 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 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 but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

h)

- refuses to articulate their complaint or specify the grounds of the complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of a complaints procedure.
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 school's complaint procedure has been fully and properly implemented and completed.
- seeks an unrealistic outcome.
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

4.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (h) 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.

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

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; For complainants who excessively contact the school causing the school causing a significant level of disruption we may limit the number of contacts in a communication plan.
- 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;
- c) inform the complainant that, except in emergencies and safeguarding issues, all routine communication with the complainant to the school should be by letter;
- d) (in the case of physical, or verbal aggression) take advice from LA and HR / Legal Services and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban; which will be put in writing
- e) consider taking advice from the LA on pursuing a case under Anti-Harassment legislation; If serious acts of aggression or violence the police will be informed.
- f) advice from the HR / Legal Services of the LA will be sought 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 Headteacher 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 Headteacher accordingly.

g) if a parent/carer behaviour is a cause for concern they will be asked to leave the school site immediately

5.4 Thus, based on 5.3 if 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.

6. REVIEW

7.1 The School will review as appropriate at a minimum of every 2 years.