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

INTRODUCTION

The Head Teacher and all members of staff at Holy Name 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' 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) communicate to parents/carers: (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; this includes derogatory posts on Social Media, or threats to report the staff to Ofsted, Archdiocese or local press;

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, Deputy Head or Assistant Head 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 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.

4.3 Unreasonable Persistence, Excessive Contact and Unreasonable Demands

The school recognises that parents, carers and members of the public have a right to raise concerns and complaints and to receive appropriate responses. However, behaviour may be regarded as unreasonable where the volume, frequency or nature of contact places a disproportionate burden on staff time and school resources, particularly where no new information is provided and the complaint is already being investigated or has been concluded.

Whilst such behaviour may not be as overtly serious as threatening, abusive or aggressive conduct, it may nevertheless have a significant impact on the effective operation of the school and on the wellbeing of staff.

Examples of unreasonable persistence may include:

a) persistently telephoning, writing or emailing to request updates despite being informed that the matter is being considered and reasonable timescales for response have been provided;

b) refusing to accept explanations or outcomes following the conclusion of a complaint and failing to utilise any appropriate review or appeal procedures;

c) contacting multiple members of staff, governors or external agencies in an attempt to secure a different response or outcome to the same complaint;

d) making contact at a frequency or duration which impacts significantly on the ability of staff to carry out their duties, including repeated calls or emails on the same day concerning the same matter;

e) repeatedly re-framing, re-wording or re-submitting complaints that have already been investigated and concluded;

f) continuing to pursue allegations without providing evidence to substantiate them after reasonable requests have been made.

Examples of unreasonable demands or obstructive behaviour may include:

a) repeatedly demanding responses within unreasonable timescales or insisting on speaking only to a particular member of staff when this is neither appropriate nor possible;

b) refusing to follow the school's published complaints procedure or other reasonable communication arrangements after these have been clearly explained;

c) attempting to dictate how a complaint should be investigated or resolved, despite being informed of the school's procedures;

d) demanding access to senior leaders or governors before the complaint has been considered through the appropriate stages of the complaints process;

e) repeatedly copying numerous members of staff, governors or external organisations into correspondence where there is no legitimate reason to do so;

f) refusing to provide information reasonably required to allow the school to investigate and respond to the complaint.

The school acknowledges that excessive or unreasonable contact can have a detrimental impact on staff wellbeing and may divert resources away from supporting pupils and responding to other legitimate concerns. Where such behaviour occurs, the school may consider the procedures and actions outlined in Section 5 of this policy

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 there will be a joint decision between the Chair of Governors/ Vice Chair and the Head Teacher as to the actions (some or all of the following as necessary) to be taken/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;

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, all routine communication with the complainant to the school should be by letter or email only;

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 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.

5.4 Thus, based on 5.3f 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 HR / Legal Services.

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 HR/Legal Services.

6. REVIEW

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