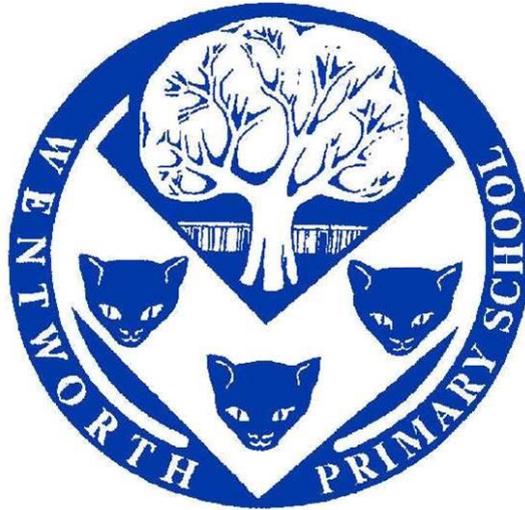


Wentworth Primary School



POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT

Agreed by the Governing Body PPP Committee: 05.06.19

Minor Amendments prior to ratification by FGB: July 2019

Review Date: June 2022

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.

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. This may impact negatively on the day-to-day running of the school and, directly and/or indirectly, the overall wellbeing of the children in the 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 of all communication between the school and persons who wish to express a concern or pursue a complaint;
- Support the wellbeing of children, staff and anyone else who has legitimate interest in the work of the school, including governors and parents;
- Deal fairly, honestly, openly and transparently with complainants that the school consider to be making persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

2. SCHOOL'S RESPONSE TO ANY COMPLAINT FROM ANY PARTY

2.1 The school will:

- a) Communicate with parents/carers/members of the public in writing:
 - (i) How and when problems can be raised with the school;
 - (ii) The existence of the school's complaints procedure;
 - (iii) The existence of the policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools;
- 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) Respond with courtesy and respect;
- d) 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);
- e) Respond within a reasonable time;
- 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 When raising a complaint, parents/carers/members of the public will:

- a) Treat all school staff with courtesy and respect;
- b) Respect the needs and wellbeing 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) Recognise that some problems may not be within the schools remit to resolve;

h) 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 the issues, either formally or informally, and/or frequently raises issues that are outside 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) An insistence upon pursuing unsubstantiated complaints and/or seeking unrealistic or unreasonable outcomes;
- d) An insistence on only dealing with the Headteacher and/or any other single member of staff on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- e) An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant;
- f) This list is not exhaustive.

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

- a) Appear to be targeted over a significant period of time or high frequency over a short 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, or 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, wellbeing and health of any one individual or the school community as a whole.

5. THE SCHOOL'S ACTION IN CASES OF PERSISTANT 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 (see 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, the complainant may be warned about being banned from the school site; or proceed straight to a temporary ban;
- e) Consider 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.

f) It should be noted that the first stage of the above procedure, detailed in paragraphs 5.1 and 5.2, may be omitted and proceed to paragraph 5.3 should the school consider the behaviour of the complainant to be serious and warrant the initial steps being omitted.

5.4 Thus, based on 5.3e, 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.

5.5 If a complainant's persistent complaining/harassing behaviour is modified but is resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level irrespective of the facts of the complaint.

5.6 Nothing in this policy precludes the school from not engaging the procedures set out in 5.1-5.3 and reporting the matter directly to the police if, in the opinion of the school, the vexatious/harassing/threatening behaviour is beyond the scope of the policy.

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.

MODEL LETTER 1:

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ACCEPTABLE STANDARD

Dear *[insert name]*,

This letter is to inform you that the school considers your actions on *[insert date]* when you *[describe actions, behaviour]* 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.

We have enclosed a copy of the policy for your information. We ask that you allow school time to resolve the issues according to the correct procedures, and assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely,

Mrs D Dack
Headteacher

MODEL LETTER 2:

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 *[insert name]*,

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

We are now writing to inform you that in our 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 we 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, we would ask you to comply with the following:

- a) All routine communication, including any request for a meeting between you and the school, will be in writing only. Letters from you need to be addressed to *[insert name]* at the school address;
- b) An appointment will be arranged and confirmed in writing as soon as possible;
- c) A third party from the school will be present;
- d) 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 *[insert name]* representing the school. We 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 *[insert name]*;
- b) An appointment will be arranged and confirmed in writing as soon as possible;
- c) A third party will be present;
- d) 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 immediately. 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 the school by *[state ten working days from the date of the letter]*. If, on receipt of your comments, we consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

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

Yours sincerely,

Mrs D Dack
Headteacher