



Bishop Cornish CEVA Primary School **Guidance for dealing with persistent or** **vexatious complaints/harassment.**

Esteem and Educate Every Child

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Reviewed: This policy will be reviewed annually

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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**.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant, who could be a pupil's parent, relative, carer or neighbour i.e. someone not directly involved in school who would have certain LA/School policies to deal with their issues.

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 staff, children and parents in the school community. In these exceptional circumstances the school may take action in accordance with this policy.

1. AIMS OF GUIDANCE

1.1 The aims of this guidance 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 with those who make persistent or vexatious complaints and those who harass members of staff in school.

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:

- regularly communicate to parents/carers in writing:
 - a) how and when problems can be raised with the school;
 - b) the existence of the school's complaints procedure, and
 - c) the existence of this guidance;
- respond within a reasonable time;
- 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;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the school's Complaints Procedure, other policies for example Dignity in the Workplace.
- 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:

- treat all school staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in the school;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time;
- (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 document, 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:

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- uses Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on only dealing with a specific member of staff on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

4.2 If a complainant tries to re-open a complaint that has been dealt with by the school, then the complainant will be informed that the procedure has been completed and that the matter is now closed.

4.3 If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond.

4.4 For the purpose of this guidance, harassment is the unreasonable pursuit of such actions detailed above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community including individuals.
- 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.

4.5 The school will not refuse to accept further correspondence or complaints from a complainant it has had repeat or excessive contact with. The school's application of a 'serial or persistent' marking is against the subject or complaint itself rather than the complainant.

4.6 The school defines unreasonable behaviour as that which hinders its consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the 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 they expect to be taken into account and commented on
- 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 including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate

- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

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

A frivolous' or 'vexatious' complaint is defined as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

The 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 complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached. If the school believes that a complainant is becoming unreasonable, persistent or vexatious then the following will apply.

5.1 In the first instance the school will verbally inform the complainant that their behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, further action may be taken.

5.2 If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it 5.3 If the behaviour is not modified the school may 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:

- inform the complainant in writing that their behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this guidance ;
- 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 ;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only ;
- inform the complainant that the amount of contact with the school will be limited to a restricted amount per term, which the school will determine

- (in the case of physical, or verbal aggression) take advice from LA HR / Legal Services and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- consider taking advice from the LA on pursuing a case under Anti-Harassment legislation;
- 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 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.

7. WHEN THE SCHOOL MAY STOP RESPONDING

The school may take the decision to stop responding if the following criteria has been met:

- the school has taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of the school's position and their options
- the complainant contacts the school repeatedly, making substantially the same points each time

The school may also decide to stop responding if one or more of the following has occurred:

- The complainant's letters, emails, or telephone calls are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- The school has reason to believe the complainant is contacting it with the intention of causing disruption or inconvenience

8. BARRING FROM SCHOOL PREMISES

8.1 If the school believes that a complainant's behaviour gives rise for concern, the complainant may be asked to leave the school's premises.

8.2 In some cases, the school may decide to bar a complainant from the school. If this decision is made, the school will allow the complainant the opportunity to express their views on the decision to bar them and the decision will be reviewed by either the chair of governors or a committee of governors.

8.3 The review will take into account any representations that the complainant made.

8.4 If the review process confirms that the bar should remain in place, the complainant will be notified in writing, and be informed of:

- how long the bar will be in place; and
- when the decision will be reviewed

8.5 The complainant will have the right to appeal the decision.

9. REVIEW

9.1 The School will review any sanctions after 6 months.