

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

North Leigh CE Primary School



Valuing Everyone in our school, in our community, in our world.

This policy was updated in March 2021.

The policy must be reviewed and updated at least every 36 months.

All children are provided with equal access to the curriculum. We aim to provide suitable learning opportunities regardless of gender, ethnicity or home background.

The impact of this policy on staff workload has been considered.

Signed *Deborah Seccull*
Headteacher

Sophie Warner
Chair of Governors

Date *25 March 2021*

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

Agreed: March 2021

Next Review Date: March 2024

Introduction

The Headteacher and staff deal with specific complaints as part of their day to day management of the school in accordance with the Complaints Policy.

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 wellbeing of the children or staff in school. In these exceptional circumstances, school may take action in accordance with this policy.

Aims of the Policy

The aims of this Policy are to:

- Uphold the standards of courtesy and reasonableness that should characterize 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 a 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.

Who is a Vexatious Complainant?

A vexatious 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 behavior is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive email 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 the Headteacher 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; for example, if the desired outcome is beyond the remit of the school because it is unlawful.

What is Harassment?

Harassment is the unreasonable pursuit of such actions detailed in the previous paragraph (Who is a Vexatious Complainant?) 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 members of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- 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.

Actions North Leigh School will Take in Cases of Vexatious Complaints or Harassment

In the first instance, the school will verbally inform the complainant that this/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this Policy. This will be confirmed in writing (Appendix 1).

If the behavior 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:

- 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 (Appendix 2);
- 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 (Appendix 2);
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only (Appendix 2);
- (in the case of physical or verbal aggression) take advice from the Trust's HR/Legal teams and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- consider taking advice from the Trust on pursuing a case under Anti-Harassment legislation;
- consider taking advice from the Trust's HR/Legal teams about putting in place a specific procedure for dealing with complaints from the complainant, eg 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 and then advise the Headteacher accordingly; and therefore
- legitimate, new complaints may still be considered even if the person making them is, or has been, subject to this Policy for Dealing with Persistent or Vexatious Complaints/Harassment in School. However, North Leigh School will be advised by the Trust's HR/Legal teams;
- if a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date with a reasonable period of time, North Leigh School may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the Trust's HR/Legal teams.

North Leigh School will review as appropriate, and at a minimum of every three years, any sanctions applied in the context of this Policy.

Appendix 1

Initial letter informing a complainant that his/her behaviour is considered to fall below a reasonable/acceptable standard

(To be sent via recorded delivery)

Dear

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

I 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, eg persistent use of email, verbally abusive telephone calls]*.

I am aware that you have raised some concerns and would advise you that these are usually dealt with effectively through the Complaints Policy. At the moment we are dealing with these issues *[describe actions being taken to resolve concern]*.

Please note that the Parental Code of Conduct sets out standards of behaviour expected of all people in their dealings with school and the steps that may be taken if these standards are breached.

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

Yours

Headteacher

Appendix 2

Letter 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 in School.

(To be sent via recorded delivery)

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 Policy for Dealing with Persistent or Vexatious Complaints/Harassment in School 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:

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

***B**

For the foreseeable future, all meetings arising from any written communication with School will not be conducted by a member of staff, but will be conducted by *[insert name]*, representing the School. I would ask you to note:

- 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]* at the school address; email correspondence will not be responded to;
- an appointment will be arranged and confirmed in writing as soon as possible'
- a third party will be present;
- in the interests of all parties, formal notes of this meeting will 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 written, summary 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 conduct, you can do so by writing to me at school by *[state ten working days from the date of this letter]*. If, on receipt of your comments, I consider 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

Headteacher