



Hollinsclough C of E Academy

DEALING WITH PERSISTENT or VEXATIOUS

COMPLAINTS / HARASSMENT IN SCHOOLS POLICY: 2018

Mission Statement

To encourage high levels of achievement through the enthusiasm and joy of learning, coupled with a creative curriculum and a holistic approach to education that reflects Christian values and supports our community.

We guarantee accessibility and availability to all.'

Developing potential

Pre-amble

Our Principal and staff deal with specific complaints as part of their day-to-day management of the academy in accordance with our standard Complaints Policy and its related procedures.

The majority of general complaints are handled informally 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 academy and directly or indirectly the overall well-being of the children, staff or other stakeholders. In these exceptional circumstances, the school may take action in accordance with this policy.

Aims

The aims of this policy are to:

- uphold the basic standards of courtesy and reasonableness that should characterise all communication between the academy 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 academy, including Trustees, Governors, Parents and other Stakeholders etc.;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in academy while ensuring that other stakeholders suffer no detriment.

Parents expectation of the academy

Parents/ carers/members of the public who raise either informal concerns or formal complaints with the academy can expect the academy to:

- regularly communicate to parents/carers in writing:
 - how and when problems can be raised with the academy;
 - the existence of the academy's complaints procedure, and
 - the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools;
- respond within a reasonable time;
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the academy and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the academy's complaints procedure, other policies and practice and in line with advice from the Trust Board's legal advisors,
- keep complainants informed of progress towards a resolution of the issues raised.

The Academy's expectations of Stakeholders

The academy can expect parents/ carers/members of the public who wish to raise problems with the academy to:

- treat all academy staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in the academy;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in the academy work and allow the academy a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time;
- (in the case of a complaint) follow the Academy's Complaints Procedure.

Who is a persistent complainant

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 academy, and whose behaviour is deemed 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 the Principal on all occasions irrespective of the issue and the level of delegation in the academy to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant and cannot be changed, for example, if the desired outcome is beyond the remit of the academy because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in those indicated above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of academy staff, pupils, parents or other stakeholders
and/or
- cause ongoing distress to those individuals above
and/or
- have a significant adverse effect on the whole/parts of the academy 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, while not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

Our actions in handling these matters.

In the first instance the academy 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.

This will be confirmed in writing (**Model Letter 1 – see below**).

If the behaviour is not modified the academy 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 academy community:

- inform the complainant in writing that their behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, will fall under the terms of this policy (**see Model Letter 2 – see below**);
- 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 – see below**);
- inform the complainant that, except in emergencies, all routine communication with the complainant to the academy should be by letter only (**see Model Letter 2 - see below**);
- in the case of physical, or verbal aggression take advice from a variety of sources including Trustee's legal team, LA HR / Legal Services (services purchased by the Trustee Board and / or Governing Body) and consider warning the complainant about being banned from the academy site; or proceed straight to a temporary ban;
- consider taking advice from our legal team on pursuing a case under Anti-Harassment legislation;
- consider taking advice from our legal team 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 Principal, but only with a third person to be identified by the Trust Board / Governing Body of the academy, who will investigate. Determine whether or not the concern/complaint is reasonable or vexatious and then advise the Principal accordingly.
- 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 academy will be advised by the Academy's Legal Team or HR / Legal Services of the LA.

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 academy may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from our legal team or HR/Legal Services of the LA.

Review

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

Equality Duty

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

British Values

Children who attend our academy experience an enabling environment in which they will develop self-knowledge, self-esteem and self-confidence. Coupled with this they will develop the ability to distinguish right from wrong and to respect the civil and criminal law of England.

Within this enabling environment, your child or children will develop the ability over time to accept responsibility for their behaviour, show initiative, and to understand how they can contribute positively to the lives of those living and working in the locality of the academy and to society more widely.

While you attend the academy parents can expect their children to acquire a broad general knowledge of and respect for public institutions and services in England, and to develop a personal character that is tolerant and can foster harmony between different cultural traditions, along with respect for their own and other cultures.

We firmly believe and encourage our pupils to show respect for other people; and for democracy and the support for participation in the democratic processes, including respect for the basis on which the law is made and applied in England.

To be part of our academy, it is unacceptable on the part of any stakeholder to promote discrimination against people or groups on the basis of their beliefs, opinions or background.

Implementation of this procedure/policy

Our academy will manage the implementation of this procedure/policy with the support and guidance of the appropriate body/bodies as defined at the time of writing.

General

This procedure/policy and its guidance will always reflect the present and future needs of all stakeholders and to support this we are always open to suggestions for changes and alterations of and to any specific individual provision/requirement to ensure full access to all.

Signed...

Designation: Chair of Governors

Date... February 2018

Signed...

Designation: Principal

Date... February 2018

This procedure/policy is to be reviewed by Governors / Trustees during Autumn 2020

MODEL LETTER 1:

INITIAL LETTER INFORMING A COMPLAINANT THAT THEIR BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE / ACCEPTABLE STANDARD THIS LETTER CAN BE EMAILED – ALSO USE RECORDED DELIVERY

(Delete text – insert letterhead)

Dear **xxxxxxxxxxxxxx**

This letter is to inform you that the school considers your actions in [describe actions, dates, behaviour] on when you 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 Academy'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.

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

Yours sincerely

Principal

Hollinsclough CE Academy

MODEL LETTER 2:

INFORMING A COMPLAINANT THAT THEIR BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT – THIS CAN BE EMAILED BUT ALSO USE RECORDED DELIVERY (Delete this text and insert letterhead)

Dear **xxxxxxxxxxxxx**

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 School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy 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 below as applicable and this text]**

***A** For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the academy, will be by letter only. Letters from you need to be addressed to..... at the school address; further email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the academy will be present;
- (c) 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 academy will not be conducted by a member of staff, but will be conducted by representing the academy.

I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the academy, will be by letter only. Letters from you need to be addressed to at the academy address; email communication regarding this matter will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving your child or children – in which case you should contact the academy office 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 straightaway. 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 me at the academy by **[state ten working days from the date of the letter]**. If on receipt of your comments I consider that 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 sincerely

Principal

Hollinsclough CE Academy