

LAAT Harassment, Persistent and Vexatious Complaints Policy of staff including aggressive behaviour from parents/carers and visitors to the school



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Policy Owner: DCEO

Ephesians 4:2: Be completely humble and gentle; be patient, bearing with one another in love.

Introduction

The Exec/Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the Trust's Complaints Procedure. The majority of concerns 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 on the overall wellbeing of the children or staff in the school. In these circumstances the school may take action in accordance with this policy.

AIMS OF POLICY

The aims of this policy are:

- set the tone and expectations for all communication between the school and persons who wish to express a concern or pursue a complaint
- support the well-being and safety of students, staff and everyone else who has legitimate interest in the work of the school, including Academy Committee members and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in, or outside the school, or via social media, while ensuring that other stakeholders suffer no detriment.

EXPECTATIONS OF THE SCHOOL

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

- a) regularly communicate to parents/carers in writing:
 - (i) how and when concerns 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/students within the school and the nature of the complaint
- d) respond with courtesy and respect
- e) attempt to resolve concerns using reasonable means in line with the school's complaints procedure, other policies and practice and in line with guidance
- f) keep complainants informed of progress towards a resolution of the issues raised.

THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

The school can expect parents/carers/members of the public who wish to raise concerns 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
- e) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond. This is usually within 48 hrs as detailed in the 'How to Raise a Concern with the school' guidance.
- f) recognise that resolving a specific concern can sometimes take some time
- g) (in the case of a complaint) follow the School'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 School and whose behaviour is considered unreasonable in line with the below. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, unfounded, harassing, prolific, repetitious or slanderous/defamatory
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing insubstantial complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner
- e) 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
- f) 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.

Central Trust Officers will oversee the application of this policy to ensure fair and equitable application.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (f) 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 Policy for Dealing with Persistent or Vexatious Complaints/Harassment
- 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.

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

In the first instance the school will 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.

In appropriate instances, the school will take immediate action to support individual members of staff or where the behaviour warrants immediate steps (e.g. threats or physical aggression towards staff, defamatory comments on social media).

Where relevant, the school will report harassment/ threats/ physical aggression/ assault directly to the Police. In the case of use of social media to harass or vilify the school or staff, the school will request the posts to be removed immediately.

If the behaviour is not modified (or in instances where the behaviour is extreme) 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 their behaviour is now considered by the School to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy;
- b) restrict communication to a central contact rather than individual staff members
- c) 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
- d) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only
- e) (in the case of physical or verbal aggression) consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban
- f) consider taking advice on pursuing a case under Anti-Harassment legislation; Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints / Harassment in Schools. 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.

Appendices – to be retained for school use only

Appendix 1 (for use by schools)

Model letter 1: Warning a complainant that their behaviour is considered to be in breach of the policy and of the consequences of remaining in breach of policy.

Dear

This letter is to inform you that the School considers your actions on..... **INSERT DATE** when you**(INSERT ACTIONS RELEVANT TO THE BREACH)** .to be in breach of the School's Harassment/Persistent/Vexatious Complaints Policy in relation to Section(s) **INSERT RELEVANT SECTIONS BREACHED**

We are aware that you have raised some concerns and would advise you that these can be addressed by/the School is addressing these by * At the moment we are dealing with these issues at stage **INSERT STAGE OF COMPLAINT** of the School's Complaints Procedure.

Please note that the School's Harassment/Persistent/Vexatious Complaints Policy and Parent/Carers Code of Conduct both set out standards of behaviour expected of all people towards the School, both of which can be found on the School's website. These include:

- behaving reasonably
- treating others with courtesy and respect
- avoiding harassing behaviour
- reasonably resolving complaints using the School's protocol for Raising A Concern and Complaints Procedure (if required)
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we can take if these standards are breached. Steps that we will take:

- not investigating your complaint further unless it is pursued in a manner considered by the School to be reasonable

Additional steps that we may take if necessary:

- make special arrangements for your meetings and communication with the School
- ban you from the School premises
 - take legal action against you

I would ask that you allow the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible. I am confident that you will respect our need to maintain a calm, safe and welcoming environment at all times.

Yours sincerely

Exec/Headteacher

Cc Chair of Academy Committee

Model letter 2: Informing a complainant that their further behaviour means that the sanctions referred to in Letter 1 will now be invoked.

Dear

You will recall that I wrote to you on..... * telling you that we felt your behaviour on **INSERT DATE** when you **INSERT DETAILS** was below the standard we expect of all people toward the School and was in breach of the Harassment, Persistent and Vexatious Complaints Policy and the overall conduct of parents and carers as set out in our Parent/Carer Code of Conduct.

I am now writing to inform you that your behaviour on **INSERT DATE** when you **INSERT DETAILS** has now led us to apply for the foreseeable future the School's Harassment, Persistent and Vexatious Complaints Policy because it again breached that policy.

As a result, of the following action(s) will be taken: **(delete as appropriate)**

- The school will not investigate your complaint further unless it is pursued in a manner considered by the School to be reasonable
- The School will make special arrangements for meetings and/or communication with the School. These arrangements do not, apply, of course, to any emergencies concerning your child which should be reported to the School in the usual way. I will write to you separately with details of this. **[send modal letter 3 and/or 4 as appropriate)**
- banning you from the School premises. I will write to you separately with details of this **[see banning letters .)**
- considering legal action against you.

These measures will be reviewed by the School on **INSERT DATE**.

I do hope that the difficulties can now be quickly resolved.

Yours sincerely

Exec/Headteacher

Cc Chair of Academy Committee

Model letter 3: Informing a complainant that special arrangements will be made for them to meet members of staff

Dear

Following my letter to you of **INSERT DATE** informing you that we felt your recent behaviour in connection with the School to be unacceptable/ unreasonable , and that we now considered you to be subject to the School's Harassment, Persistent and Vexatious Complaints Policy which can be found on the School's website, I am now writing to outline for you the arrangements we have made regarding meetings at the School.

For the foreseeable future, should you wish to meet with a member of staff, we would ask you to note:

a) this meeting will be arranged with a written appointment as soon as possible and with a third party present from the school

b) in the interests of all parties, formal notes of this meeting may be made

These arrangements do not, apply, of course, to any emergencies concerning **INSERT CHILD'S NAME** which should be reported to the School in the usual way.

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

Yours sincerely

Exec/Headteacher

Cc Chair of Academy Committee

Model letter 4: Requesting that future communication should be by letter only

Dear*

You will recall that I wrote to you on..... * informing you that we felt your recent behaviour in connection with the School to be unacceptable/unreasonable and that we now consider you to be subject to the School's Harassment, Persistent and Vexatious Complaints Policy which can be found on the School's website.

I am now requesting that, for the foreseeable future, all routine communication with the School should be by letter only, delivered to the school office/office post box located in (insert details).

Please address all letters to.....*. We shall respond in line with our Raising A Concern protocol.

This request does not apply, of course, to any emergency involving INSERT NAME OF CHILD in which case you should contact the School in the usual way, or to parents' evenings or any meetings with the SENDCO (delete SENDCo if not relevant), which will continue, as in the past, but with a third party, from the school, present.

I do hope that we can resolve the ongoing difficulties as soon as possible.

Yours sincerely

Exec/Headteacher

Cc Chair of Academy Committee

Banning letter 1: Initial letter to parent with children at the School RECORDED DELIVERY. We will need to discuss whether this letter 1 comes from the Head, with any further letters coming from the Trust, or whether letter 1 comes from the Trust. The letter is written as from the school in this example

Dear INSERT NAME

I am writing to inform you that further to the incident on INSERT DATE in which you INSERT DETAILS INCLUDING IMPACT ON STAFF AND PUPILS, and in line with our Parent Code of Conduct and Harassment, Persistent and Vexatious Complaints Policy, I am removing your right to be on the school premises for a period of INSERT TIMESCALE AND DATE We may need to take some advice on what is practical and reasonable and then offer guidance to schools. I would suggest a period of 2 weeks.

If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996..

[In the case of a primary school include:] Arrangements will made for your [delete as appropriate] son(s)/daughter(s) (insert child/rens names) to be collected, and returned to you, at the school gate by a member of the School's staff.

The withdrawal of permission for you to enter the school premises takes effect straightaway.

Towards the end of this period, we will discuss the situation, on the telephone, at a mutually convenient time, at which point I will require assurances that this behaviour will not be repeated. I will then decide whether the withdrawal of permission to be on site ends, or continues, based on these assurances.

I appreciate that this temporary withdrawal of permission to be on site may be inconvenient but the welfare of my staff and all children is my primary concern and the maintenance of a safe environment for all.

Yours sincerely

Exec/Headteacher

Cc Chair of Academy Committee

Banning letter 2: Continuation of ban, letter to parent with child/ren at the School **RECORDED DELIVERY** **We will need to decide, based on who sent letter 1, whom this letter should be from.**

Dear **INSERT NAME**

I wrote to you on (INSERT DATE OF LETTER 1) withdrawing permission for you to come onto the premises School for a period of **INSERT TIME PERIOD** with a review of this decision following a telephone call and assurances from you that this behaviour would not be repeated.

This call took place on **INSERT DATE** and you were/not able (**delete as appropriate**) to provide these assurances.

As a result, you are now welcomed back onto the school premises. Please ensure that your future conduct is line with the expectations set out in our Parent Code of Conduct and Persistent Harassment and Complaints Policy.

or

Unfortunately, you were not able to provide me with these reassurances and therefore the withdrawal of permission remains and you are not to come onto the premises until further notice and advice is sought by the school.

The current arrangements will continue for your **delete as appropriate** son(s)/daughter(s) **insert child/rens names** to be collected, and returned to you, at the school gate by a member of the School's staff.

I appreciate that you may be disappointed by this decision but the welfare of my staff and all children is my primary concern and the maintenance of a safe environment for all.

Yours sincerely

Exec/Headteacher/**Or Trust**

Cc Chair of Academy Committee