

Thorpe Primary School



THORPE
PRIMARY SCHOOL

**POLICY FOR DEALING WITH
PERSISTENT OR VEXATIOUS
COMPLAINTS/HARASSMENT**

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We acknowledge the School Standards and Framework Act 1998 that clearly states that:

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.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

1. AIMS OF POLICY

The aims of this policy 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 students, staff and everyone else who has legitimate interest in the work of the school, including governors and parents,
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school, outside school, includes on-line (see e-safety policy) while ensuring that other stakeholders suffer no detriment.

2. HUMAN RIGHTS

2.1 In implementing this policy the school will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. PARENTS' EXPECTATIONS OF THE SCHOOL:

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

a) regularly communicate to parents/carers in writing:

(i) how and when problems 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 problems using reasonable means in line with the trust's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority

f) keep complainants informed of progress towards a resolution of the issues raised

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

4.1 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 aggression or verbal abuse

d) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond. This includes not attempting to contact staff with complaints during the evening, at weekends or in holiday periods.

e) recognise that resolving a specific problem can sometimes take some time

f) (in the case of a complaint) follow the School's Complaints Procedure

This school will not tolerate any use, or threatened use, of violence to people or property. Parents/Carers and Members of the Public must not use any aggression or verbal abuse.

5. WHO IS A PERSISTENT OR VEXATIOUS COMPLAINANT?

5.1 For the purpose of this policy, a frequently 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. A vexatious complainant is one who makes complaints when there are insufficient grounds for a complaint, and/or a malicious intent.

Such behaviour may be characterised by:

a) actions which are obsessive, persistent, harassing, prolific, repetitious,

b) prolific correspondence or excessive or inappropriate e-mail or telephone contact about a concern or complaint,

c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes,

d) an insistence upon pursuing complaints in an unreasonable manner,

e) 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,

f) an insistence on repeatedly pursuing a complaint, even when the school has investigated the complaint to the satisfaction of the governors.

5.2 For the purpose of this policy, harassment is the malicious and/or unreasonable pursuit of such actions as in (a) to (e) 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

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.

6. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS

COMPLAINTS OR HARASSMENT

6.1 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. (Model Letter 1).

6.3 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) consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban. (Advice is available from the School's Legal and/or Human Resources provider/s)

e) consider taking advice from the School's Legal Provider on pursuing a case under Anti-Harassment legislation

6.4 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 and/or

Harassment in Schools. In these circumstances advice may be sought from the School's Legal Provider.

6.5 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. In these circumstances advice may be sought from the School's Legal Provider.

7. REVIEW

7.1 The policy shall be reviewed every 2 years or as appropriate.

MODEL LETTER 1: INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ACCEPTABLE STANDARD

RECORDED DELIVERY

Dear

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 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

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.

Yours sincerely

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

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 School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the school:

[*Delete as applicable]

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

(a) an appointment will be arranged and confirmed in writing as soon as possible;

(b) a third party from the school will be present;

(c) in the interests of all parties, formal notes of this meeting may be made.

* For the foreseeable future, all routine communication with the School should be by letter only. Please address letters to at the School. We shall respond as quickly as possible.

E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of student] – in which case you should contact the school in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the school present.

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 you are prepared to give about your future good conduct, you can do so by writing to me at the school 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

Headteacher