

# Serial or Persistent Complaints and Harassment Policy

This Policy applies to the whole school and is published on the school website for parents, members of the public and staff colleagues

**Author: Headmaster**

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## Introduction

Longridge Towers 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 the School. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Head and staff deal with specific concerns and complaints as part of their day-to-day management of the school in accordance with the *School's Complaints Procedure*.

## 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 or complaints. 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 the children or staff in the School. In these exceptional circumstances, the 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 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, 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.

### **Parents' expectations of the school**

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

- communicate to parents/ carers in writing:
  - how and when problems can be raised with the School;
  - the existence of the School's Complaints Procedure, and
  - the existence of a Policy for dealing with serial or persistent complaints in School;
- 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 and practice

### **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 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;
- 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*.

### **Who is a persistent complainant?**

For the purpose of this policy, the School defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the School, hinder our consideration of their or other people's complaints*'.

A persistent complainant is a parent/carer or member of the public who frequently complains about issues, either formally or informally, that the complainant considers to be within the remit of the School. A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- uses Freedom of Information requests excessively
- insists on the complaint being dealt with in ways which are incompatible with the adopted *Complaints Procedure* or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions with tenuous links to the subject of their complaint 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 complaints procedure has been fully and properly implemented and completed including referral to external agencies;
- seeks an unrealistic outcome;
- an insistence on only dealing with the Head or Chair of Governors on all occasions irrespective of the issue and the level of delegation in the School to deal with such matters;
- makes excessive demands on School time by frequent, lengthy, complicated and stressful contact with staff regarding a concern or complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- 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.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, inflammatory, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media, websites or newspapers.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions 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 on-going distress to individual member(s) 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.
- use of social media of any type to promote any complaint or allegation or threat which are already or part of complaint under investigation using the School complaint procedures.

### **The School's actions in cases of serial or persistent complaints or harassment**

In the first instance, the Head will verbally inform the complainant that his/ her behaviour is considered to be a concern under this policy and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing.

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:

- 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;
- inform the complainant that all meetings with a member of staff will be conducted in line with a communication plan where arrangements may be made for a second person to be 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;

- in the case of physical, or verbal aggression, take advice from the School's legal advisors or professional bodies and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban;
- consider taking advice from the School's legal services on pursuing a case under Anti-Harassment legislation;
- consider taking advice 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 Head or a member of staff 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 Head or Chair of Governors accordingly.

With respect to the recognised term “vexatious”; in the context of Freedom of Information (FOI); this can be defined as “... *manifestly unjustified, inappropriate or improper use of a formal procedure*”. An exemption therefore exists in section 14(1) of the Freedom of Information Act 2000 - this to be applied to the requests themselves and not the individuals.

Thus, based on 5.3f, legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Serial and Persistent Complaints and/or Harassment in School. However, the School will be advised by its legal advisors.

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 its legal advisors.

#### The decision to stop responding

The decision to stop responding will not be taken lightly and the School will only do this when it has taken every reasonable step to address the complainants' needs and when all of the following apply:

- The School has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the School's position and their options (if any); and
- They are contacting the School repeatedly but making substantially the same points each time.

Additional weight is added if any of the following also apply:

- The School has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience;
- The communication to the School is often or always abusive or aggressive; or
- The individual makes insulting, personal comments about or threats towards staff.

In most cases, the subject matter is what the School will refuse to respond to, rather than the correspondent.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Longridge Towers School.

#### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the School can ask him/her to leave School premises. In serious cases, the Head or the Chair of Governors can notify them in writing that their implied licence to be on School premises has been temporarily revoked subject to any representations that the parent may wish to make. The School will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed by representatives of the governing body, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head or Chair of Governors. However, the Department for Education does not get involved in individual cases. Once the School's own complaints procedure has been completed, the only remaining avenue of appeal is through the English Courts; independent legal advice must therefore be sought.