

Guidance for Dealing with Persistent or Vexatious Complaints/Harassment **(Based on Solihull Model for Schools and Academies)**

Introduction

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 and Compliments Policy.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant, who could be a pupil's parent, relative or carer.

However there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing complaints. The consequences are that the actions of the complainant begin to impact negatively on the day to day running of the school and directly or indirectly the overall well-being of staff, children and parents in the school community. In these exceptional circumstances the school may take action in accordance with this policy.

Aims of Guidance

1.1 The aims of the guidance 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 the children, staff and everyone who has a legitimate interest in the work of the school, including governors and parents;
- Deal fairly with those who make persistent or vexatious complaints and those who harass members of staff in school.

Parents Expectations of the School

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

- Regularly communicate to parents/carers in writing:
 - a) how and when problems can be raised with school
 - b) the existence of the school's complaints policy
 - c) the existence of this guidance
- 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 and Compliments Procedure
- Keep complainants informed of progress towards the resolution of the issues raised

The School's Expectations of Parents/Carers/Members of the Public

3.1 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 time
- (in the case of a complainant) follow the school's Complaints Procedure.

Who is a Persistent Complainant:

4.1 For the purpose of this document, a persistent complainant is a parent/carer/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. Such behaviour may be characterised by:

- Actions which are persistent, obsessive, harassing, prolific, repetitious
- Prolific correspondence or excessive email or telephone contact about a concern or complaint
- 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 a specific member of staff on all occasions irrespective of the issue and the level of delegation in school to deal with such matters
- An insistence on repeatedly pursuing a complaint where the outcome is not satisfactory to the complainant but cannot be changed

4.2 For the purpose of this guidance, harassment is the unreasonable pursuit of such actions as 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 ongoing distress to the individual member(s) of school staff and/or
- Have a significant adverse effect on the whole/parts of the school community including individuals
- Are pursued in a manner which can be perceived as intimidation 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 the Case of Persistent or Vexatious Complaints or Harassment:

5.1 In the first instance the school 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.

5.2 This will be confirmed in writing (Model Letter 1)

5.3 If the behaviour is not modified the school may 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 guidance. (Model Letter 2)
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of the meeting may be taken in the interest of all parties (Model Letter 2)
- Inform the complainant that, except in emergencies, all routine communication with the complainant should be by letter only (Model Letter 2)
- (in the case of physical or verbal aggression) take advice from LA HR/Legal Services and consider warning the complainant about being banned from the school site; or proceed immediately to a temporary ban
- Consider taking advice from the LA on pursuing a case under Anti-Harassment legislation

- Consider taking advice from HR/Legal Services of the LA 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 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, or vexatious and then advise the headteacher accordingly.

5.4 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 LA HR/Legal Services.

5.5 Members of the Resources Committee will act as a Complaints Committee+ and an Appeals Committee at the appropriate procedural stage.

Review

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

Model Letter 1
(To be sent recorded delivery)

Dear...

This letter is to inform you that the school considers your actions in *(describe actions, date, behaviour)* onwhen you.....to be unreasonable/unacceptable.

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 of behaviour complained of did not occur on school site eg persistent use of email, verbally abusive telephone call.)*

We are aware 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. This includes*(select from list below or from within the policy)* :

- Treating others with courtesy and respect
- Resolving complaints using the school's complaints procedure
- Not pursuing unsubstantial complaints and/ or unrealistic or unreasonable outcomes
- Nor behaving obsessively, persistently, harassing or repetitious
- Not behaving in an unreasonable matter
- Not insisting in pursuing a complaint when the outcome is not satisfactory to the complainant

The Policy also indicates the steps that we may take if these standards are breached. These include:

- Making special arrangements for communications and meetings with the school
- Considering a ban from school premises
- Considering legal action

I would ask you to 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

Model Letter 2
To be sent Recorded Delivery

Dear

You will recall that I wrote to you on -----telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on ...when you...it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment 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 the school, will be by letter only. Letters from you need to be addressed to.....at the school address
- An appointment will be arranged and confirmed in writing as soon as possible
- A third party from the school will be present
- In the interest of all parties, formal notes of the meeting may be made.

B

For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by.....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.....at the school address
- An appointment will be arranged and confirmed in writing as soon as possible
- A third party will be present
- In the interest of all parties, formal notes of the meeting may be made.

Exceptionally these arrangements do not apply to any emergency involving (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 summary written 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 good conduct, you can do so by writing to me at the school by (10 working days from date of 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 hope the difficulties we are currently experiencing can soon be resolved.

Yours sincerely