



St. Andrew's CEVA Primary School

Unreasonably Persistent, Harassing or Abusive Complainants Policy

At St Andrew's CEVA Primary School we provide Christian worship and Christian teaching. Spiritual and moral development are central to the life of our school and this will be reinforced in the school's Handling Unreasonably Persistent, Harassing Or Abusive Complainants Policy where appropriate.

Introduction

1. The head teacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.
2. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.
3. The aim of this document is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

Serial and Persistent Complainants

1. The School will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where a school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the School will need to act appropriately.
2. There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the School to recognise when they really have done everything they can in response to a complaint. It is a poor use of the Schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.
3. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.
4. An individual will not be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Is it time to stop responding?

The decision to stop responding should never be taken lightly. The School needs to be able to say yes to all of the following:

- 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.

The case is stronger if the School agrees with one or more of these statements:

- The School has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

1. The School should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.
2. Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.
3. However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.
4. Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations. A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

5. If the School staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the Governor Services team at the LA to ask for assistance. If this is agreed, complainants can be advised not to contact the School, but to communicate instead with the LA who will co-ordinate any response.
6. Complainants who may have been restricted in their communications with the School can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.
7. Ultimately, if a complainant persists to the point that the School considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.
8. Different procedures apply to FOI and Data Protection (DP) correspondence. The School should talk to a FOI/DP advisor contact about those or approach the ICO for further advice.
9. Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

Actions which are

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious

An insistence on

- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints
- pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
- making complaints in public or via a social networking site such as Facebook; or
- refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

A complaint may be regarded as unreasonable when the person making the complaint:-

1. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
2. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
3. refuses to accept that certain issues are not within the scope of a complaints procedure;
4. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
5. 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, and insists they are fully answered, often immediately and to their own timescales;
6. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
7. changes the basis of the complaint as the investigation proceeds;
8. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
9. refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
10. seeks an unrealistic outcome;
11. makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
12. 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, 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 and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

1. Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
2. If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact <...School> causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
3. 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 St. Andrew's CEVA Primary School.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

Schools' responses to unreasonably persistent complaints or harassment

This policy is intended to be used in conjunction with the School's Complaints Procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

Physical or verbal aggression

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request a civil injunction, Community Protection Notice (CPN) or Criminal Behaviour Order (CBO) as punishment for antisocial behaviour.
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/ Harassment Policy. The School, nevertheless, reserves the right not to respond to communications from individuals subject to the policy.

Barring from the School Premises

Although fulfilling a public function, the School is a private place. The public has no automatic right of entry. The School will therefore act to ensure it remains a safe place for pupils, staff and other members of their community. If a complainant's behaviour is a cause for concern, the School can ask him/her to leave school premises. In serious cases, the headteacher or the local authority 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/complainant may wish to make. The School should always give the parent/complainant the opportunity to formally express their views on the decision to bar in writing.

Signed: D. Thompson

Date: October 2020

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