

BOURN C of E PRIMARY ACADEMY

PERSISTENT COMPLAINTS AND HARASSMENT POLICY AND PROCEDURE



Committee: HR & Comms
November 2018

1. Introduction

- 1.1. The School will always seek to work with pupils, parents, carers, staff and the local community with a legitimate complaint in an attempt to resolve the issue.
- 1.2. Sometimes, however, those pursuing complaints or other issues treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept inappropriate, harassing or threatening behaviour.
- 1.3. It is important to remember that unacceptable behaviour can take place not just in person, but also by post or electronically (telephone or email), through rumour, gossip and the use of social media sites such as Facebook, Twitter etc. Unacceptable behaviour can also include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, over time have a cumulative effect of undermining confidence, well-being and health.

2. Aims

- 2.1. 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 pupils, staff and everyone else who has legitimate interest in the work of the School, including governors and parents;
 - deal fairly, honestly and properly with persistent or vexatious complainants and those who harass members of staff in School while ensuring that other members of the School community suffer no detriment.

3. Human Rights

- 3.1. 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 members of the School community.

4. Definitions

4.1. Unreasonable Complainant

4.1.1. For the purpose of this policy an unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint, either formally or informally.

4.1.2. This will include pupils, parents, staff and members of the local community who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards members of the School community.

4.1.3. Unreasonable behaviour may include, but is not limited to, the following:

- Actions which are:
 - out of proportion to the nature of the complaint;
 - persistent – even when the complaints procedure has been exhausted;
 - personally harassing;
 - unjustifiably repetitious;
 - obsessive, harassing, or prolific.
- Acting in a way not in line with the School's aim of reaching a resolution and working with the School.
- An insistence on:
 - pursuing justifiable complaints in an unreasonable manner e.g., being aggressive, shouting or using abusive or threatening language;
 - making complaints in public; or
 - refusing to attend appointments to discuss the complaint.
- Refusing to specify the grounds of a complaint, despite offers of assistance from School staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Insisting on complaints being dealt with in ways which are incompatible with the School's Complaints Policy and Procedure.
- Changing the basis of the complaint as the investigation proceeds, and/or denying statements he or she made at an earlier stage.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other participants.

4.2. Persistent Complainant

4.2.1. For the purpose of this policy a persistent complainant may be anyone who demonstrates a combination of some or all of the actions or behaviours listed below, which may lead to the school invoking this procedure.

4.2.2. Persistent behaviour may include but is not limited to the following:

- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.

- Refusing to accept that issues are not within the remit of the School's Complaints Procedure despite having been provided with information about the Procedure's scope.
- Making unsubstantiated and/or groundless complaints about the staff dealing with their complaint.
- An insistence on:
 - pursuing unjustified or unmeritorious complaints, and/or
 - unrealistic outcomes to justified complaints.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered.
- Adopting a 'scattergun' approach; pursuing the same or similar complaint or complaints with different bodies at the same time e.g., the Local authority/ Member of Parliament/ Councillors/ Standards Board/ Police.
- Making unnecessarily excessive demands on the time and resources of School staff and/or Governors whilst a complaint is being looked into, by, for example, excessive telephoning or sending emails to numerous people, writing frequent lengthy and/or complex letters and expecting immediate responses.
- Submitting repeat complaints after the complaints process has been completed, essentially about the same issues with additions/variations which the complainant insists make these "new" complaints which should be put through the full Complaints Procedure again.

4.2.3. The above behaviours may be displayed in a variety of ways including in person, in writing delivered either by hand, post or email, by means of social networking websites and other e-based communications.

4.3. **Harassment**

4.3.1. For the purpose of this policy; harassment is the unreasonable and/or persistent pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

4.3.2. Behaviour will fall into the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more members of the school community;
- the way in which a complaint or other issues are pursued (as opposed to the complaint itself) causes ongoing distress to school staff or other members of the School community;
- it is 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;
- it has a significant and disproportionately adverse effect on the School community;
- actions are pursued aggressively or in any manner not appropriate to an effective resolution.

4.3.3. Harassment is not necessarily face-to-face. It may occur through written communications, visual images, email and phone, by means of social networking websites and other e-based communications.

5. Parents' Expectations of the School

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

- Follow the School's Complaints Policy and Procedure;
- Regularly communicate to parents/carers in writing about:
 - how and when problems can be raised with the School;
 - the existence of the School's complaints procedure;
 - the existence of the Persistent Complaints & Harassment Policy;
- Recognise that some problems may not be resolved in a short time;
- Respond within a reasonable time;
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at 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 and in line with guidance and advice from Cambridgeshire County Council;
- Keep those involved informed of progress towards a resolution of the issues raised.

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

6.1. 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 within the School;
- Speak politely and respectfully using appropriate language and avoid any aggression, shouting or verbal abuse, including name-calling;
- Never use violence (including 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;
- Recognise that some problems may not be resolved in a short time;
- In the case of a complaint, follow the School's Complaints procedure;
- Respect confidentiality;
- Refrain from discussing the complaint;
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example, not in front of other parents or pupils and not in an open public space or on social media platforms);
- Refrain from making the complaint public via telephone, e-mail or any other social media network facility;

- Be prepared to work towards a resolution and in partnership with the school.
- 6.2. Negative statements or comments about members of the School Community (including but not limited to staff and governors) should not be made on social networking websites. Such statements can be offensive and distressing for those concerned and are also potentially libellous. Legal advice may be sought where the School considers an incident falls into this area.
- 6.3. Members of the School community are reminded that should they have any issue, the School's Complaints Policy and Procedure should be used.

7. Physical or Verbal Aggression

- 7.1. The School will not tolerate any form of physical or verbal aggression or personal harassment against School staff. If staff are subject to this type of aggression the School may:
- prohibit the individual from entering the school site, with immediate effect;
 - inform the individual that communication with them will cease other than in an emergency;
 - request an Anti-Social Behaviour Order (ASBO);
 - prosecute under Anti-Harassment legislation.

8. The School's Actions in Cases of Unreasonable, Persistent or Harassing Complainants

- 8.1. This policy is intended to be used in conjunction with the School's Complaints Procedure and Policy. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint, in order to resolve the difficulty. However, in cases of unreasonably persistent complaints or harassment, the School may take action to address the behaviour.
- 8.2. There is no requirement to escalate the response in the order set out below. While the initial response in most cases may be verbal communication that the behaviour or action exhibited may be considered to be unreasonable or inappropriate (Stage 1), a more robust response can be made where the severity or persistence of the behaviour warrants it. Therefore, the School may move straight to Stage 2 where it is deemed necessary. In most cases of unreasonably persistent complaints or harassment, the School may take the following steps as appropriate:
- 8.3. **Stage 1**
- 8.3.1. If it is considered that any actions of an individual constitute unreasonable, persistent or harassing behaviour, the Head Teacher, in consultation with the Chair of Governors, will verbally inform the individual informally that their behaviour or actions may be considered to fall under the terms of this policy and request a changed approach.
- 8.4. **Stage 2**
- 8.4.1. The School will take the following consecutive steps as necessary, either if the complainant's behaviour is not modified after a Stage 1 intervention or where it is considered necessary, having regard to the nature of the complainant's behaviour and the effect on the School Community.

- 8.4.2. The Head Teacher will inform the complainant in writing that his/her behaviour is now considered by the School to be becoming unreasonable/unacceptable (Model Letter 1).
- 8.4.3. The Head Teacher will inform the complainant in writing that his/her behaviour is now considered by the School to fall under the terms of this policy (Model Letter 2), and that the complaint will not be investigated further until it is pursued in a manner that the School considers to be reasonable.
- 8.4.4. A copy of this policy must be sent to the individual with a letter from the Head Teacher giving details of any, or all, of the following restrictions that may apply, as appropriate:
- informing the complainant that restrictions will be applied on the number and specified times for telephone calls (except in cases of emergency), e.g., one call on one specified morning/afternoon of any week;
 - informing the complainant that, except in emergencies, all communication from the complainant to the School should be carried out in writing and that the School will respond only to written communication from the individual;
 - specifying with whom the complainant is to communicate;
 - informing the complainant that future correspondence will be read by the Head Teacher or her designated representative and placed on file but not acknowledged unless it contains any relevant new information or information which in the School's opinion requires a response;
 - informing 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;
 - informing the complainant that they may be banned from the School premises and, in the case of physical or verbal aggression, consider warning the complainant about being banned from the whole School site; or proceed straight to a temporary ban (advice is available from the Schools Helpline 01223 717970);
 - advising the complainant that the police may be informed (consider taking advice from Cambridgeshire County Council on requesting an Anti-Social Behaviour Order - 01223 717970);
 - advising the complainant that legal advice may be sought (consider taking advice from Cambridgeshire County Council on pursuing a case under Anti-Harassment legislation - 01223 717970).

8.5. **Banning an Individual from School Premises (Banning Letters 1 - 4)**

- 8.5.1. A letter from the Chair of Governors must be sent to the individual giving details of the ban. The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint will always be considered.
- 8.5.2. The School has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme circumstances.

9. **Review**

- 9.1. If a complainant's unreasonable, persistent and/or harassing behaviour is modified but 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 (01223 717970).

- 9.2. If a complainant's unreasonable, persistent and/or harassing behaviour is modified and the complaint still lies within the time limit specified within the School's Complaints Policy, the School will use its discretion and may resume the investigation of the complaint.
- 9.3. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.
- 9.4. Legitimate new complaints, if not pursued in an unreasonable, persistent and/or harassing manner, will still be considered, even if the person making them is (or has been) subject to the Procedure under this Policy. In these circumstances, advice may be sought from the LA (01223 717970). The School nevertheless reserves the right not to respond to communications from individuals subject to the Policy.

10. Monitoring

- 10.1. The Full Governing Body will receive a report if this policy is invoked and will be kept informed of the stage reached.

11. Protection

- 11.1. The School has policies in place to protect all members of the public from unsatisfactory service. The School respects the rights of individuals or groups to make requests or to complain and has established procedures to facilitate this. However, this must be done in an appropriate and reasonable manner. This policy seeks to ensure that this is achieved and that the rights of everyone attending the School for any reason are respected.

12. Model Letter 1

Informing a complainant that his/her behaviour is considered to fall below a reasonable/acceptable standard

Dear

This letter is to inform you that the School considers your actions in on when you to be below the standard expected of pupils, parents and local community members.

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.

We are aware that you have raised some concerns, and would advise you that [these can be addressed by OR the School is addressing these](#) by

At the moment [we are dealing with these issues at stage of the School's Complaint Procedure OR we have dealt with this complaint and the matter has been resolved.](#)

Please note that the School's Persistent Complaints/Harassment Policy sets out standards of behaviour expected of all individuals towards staff and the school. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- respecting the needs and well-being of pupils and staff within the School;
- avoiding harassing behaviour;
- resolving complaints using the School's Complaints Procedure;
- avoiding physical and verbal aggression at all times;
- respecting confidentiality;
- refraining from discussing the complaint;
- raising concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or students and not in an open public space and not on social media platforms);
- refraining from making the complaint public via telephone, e-mail or any other social media network facility;
- being prepared to work towards a resolution and in partnership with the School.

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 applying for an Anti-Social Behaviour Order;
- reporting to the police where your behaviour constitutes a criminal offence and fully supporting any prosecution they may pursue;
- 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.

I am confident that you will respect our need to maintain a calm and welcoming environment at all times.

Yours sincerely

Head Teacher
For and on behalf of Bourn Primary Academy

13. Model Letter 2

Informing a complainant that his/her behaviour is now considered to fall under the terms of the persistent complaints/harassment policy

Dear

You will recall that I wrote to you on telling you that we felt your behaviour in onwhen youwas below the standard we expect of pupils, parents and local community members towards our staff and the school.

I am now writing to inform you that your behaviour in on when you has now led us to apply, for the foreseeable future, the School's Persistent Complaints/Harassment Policy.

In the circumstances, I have made the following arrangements for your future contact with the School:
OR

For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:
[delete as appropriate]

- restrictions on the number and specified times for telephone calls (except in cases of emergency); [Insert details of restriction i.e. number/times/who]
- 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 [INSERT NAME] at the School address; email correspondence will not be responded to;
- an appointment will be arranged and confirmed in writing as soon as possible;
- a third party from the School or the Trust will be present;
- in the interests of all parties, formal notes of this meeting may be made.
- future correspondence will be read by the Head Teacher or his/her designated representative and placed on file but not acknowledged unless it contains any relevant new information or information which in the School's opinion requires a response;
- the original complaint will not be investigated further until communications regarding this complaint are pursued in a manner that the School considers to be reasonable.

Exceptionally, these arrangements do not apply, of course, to any emergency involving [insert name of pupil] – in which case you should contact the School in the usual way.

Please be aware that, should you be responsible for any further unacceptable behaviour in connection with the School or staff, some or all of the following, actions may be taken:

- considering banning you from the School premises;
- considering applying for an Anti-Social Behaviour Order;
- reporting to the police where your behaviour constitutes a criminal offence and fully supporting any prosecution they may pursue;
- considering legal action against you.

These arrangements take effect straight away. 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 [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 thank you for your forbearance in this matter and do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Head Teacher
For and on behalf of Bourn Primary Academy

14. Banning letter 1: Initial letter to parent with children at the School

RECORDED DELIVERY

Dear

I refer to the letter sent to you on informing you that your behaviour in onwhen youwas below the standard we expect of pupils, parents and local community members towards our staff and the school and that your behaviour was now considered to fall under the terms of the persistent complaints/harassment policy.

I have **recently** received a report from the Head Teacher about your conduct on [enter date and time].

[summary of the Add incident and of its effect on staff, pupils, and other parents.]

I must inform you that the School will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils. I am therefore instructing that (for a temporary period) you are not to reappear on the premises of the School. 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. If convicted under this section, you are liable to a fine of up to £500.

(In the case of a primary school include:) For the duration of this decision you may bring your son(s)/daughter(s) *(delete as appropriate)* to school and collect them/him/her *(delete as appropriate)* at the end of the school day, but you must not go beyond the school gate.

(In the case of infant children, also insert:) Arrangements have been 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.

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.

The withdrawal of permission for you to enter the school premises takes effect immediately. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me, in writing, any comments or observations of your own in relation to the incident described above. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by [state date ten working days from the date of letter].

If on receipt of your comments I consider that my decision should be confirmed, you will be supplied with details of how to pursue a review of the circumstances of your case.

Yours sincerely,

Chair of Governors
For and on behalf of Bourn Primary Academy

15. Banning letter 2: Confirmation of ban, letter to parent with child/ren at the School

RECORDED DELIVERY

Dear

On [give date] I wrote to you informing you that on the advice of the Head Teacher, I had withdrawn permission for you to come onto the premises of the School. To enable the Governors to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by [give date].

I have not received a written response from you / I have now received a letter from you dated [insert date], the contents of which I have noted. *(delete either sentence as appropriate).*

In the circumstances, and after further consideration of the Head Teacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed. I am therefore instructing that until further notice you are not to come onto the premises of the School without the prior knowledge and approval of the Head Teacher. 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. If convicted, you are liable to a fine of up to £500.

Regardless of this decision, the Head Teacher and staff at the School remain committed to the education of your *child/children (delete as appropriate)*, who must continue to attend school as normal *[insert in the case of a primary school]: under the arrangements set out in my previous letter.*

The Governors will take steps to review the continuance of this decision on [give date]. When deciding whether it is necessary to extend the withdrawal of permission to come onto the School's premises, the Governors will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from yourself and any evidence of your co-operation with the School in other respects.

I understand that you may be disappointed with this decision. You do however, have the right to a further review by the Chair of the Governing Body.

[ONLY include where the incident has arisen within the context of a parental complaint against the School if the school will still be considering the complaint:] Finally I would advise you that I have asked the Head Teacher to ensure that your complaint that [give brief details] is considered under the appropriate stage of the School's parental complaints procedure. You will be contacted about this by the School in due course.

Yours sincerely

The Chair of Governors
For and on behalf of Bourn Primary Academy

16. Banning letter 3: Continuation of ban, letter to parent with child/ren at the School

RECORDED DELIVERY

Dear

I wrote to you on [give date] withdrawing permission for you to come onto the premises of [insert name] School until further notice. In that letter I also advised you that I would take steps to review this decision on [give date]

I have now completed the review. However, after consultation with the Head Teacher, I have determined that it is not yet appropriate for me to withdraw my decision. [Give a brief summary of reasons].

I therefore advise that the instruction that you are not to come onto the premises of [insert name] School without the prior knowledge and approval of the Head Teacher remains in place until further notice.

I shall undertake a further review of this decision on [give date].

I understand that you may be disappointed with this decision. You do however, have the right to a further review by the Chair of Governors.

Yours sincerely

Chair of Governors
For and on behalf of Bourn Primary Academy

17. Banning letter 4: Removal of ban, letter to parent with child/ren at the School

RECORDED DELIVERY

Dear

On [give date] I wrote to you informing you that, on the advice of the Head Teacher, I had temporarily withdrawn permission for you to come onto the premises of [insert name] Academy. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to let me have your written comments on this incident by [insert date].

I have not received a written response from you / I have now received a letter from you dated [give date], the contents of which I have noted. *(delete either sentence as appropriate)*. [However] In the circumstances, and after consulting with the Head Teacher, I have decided that it is not necessary to confirm the decision, and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

Nevertheless I remain very concerned at the incident which occurred on [give date], and I must warn you that if there is any repetition of your behaviour on that occasion, I shall not hesitate to withdraw permission for you to come onto the premises again.

Yours sincerely

Chair of Governors
For and on behalf of Bourn Primary Academy