Policy for dealing with persistent or vexatious complaints/harassment in schools

WAUNFAWR PRIMARY SCHOOL

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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 Policy.

Waunfawr Primary 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 our school. However, The Health and Safety at Work etc. Act 1974 places a duty on employers to take reasonably practicable steps to protect the safety and health of their employees whilst at work, and that of others who may be affected by their operations and activities. Therefore, 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.

There are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. 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 act in accordance with this policy.

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 children, staff and everyone else who has a 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/harass members of staff in school while ensuring that other stakeholders suffer no detriment.

PARENTS/ CARERS / MEMBERS OF THE PUBLIC EXPECTATIONS OF THE SCHOOL

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the complaint to be managed in accordance with the school's complaint policy.

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

We believe that all complainants have a right to be heard, understood and respected. But school staff and governors have the same right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining or harassment of staff.

WHO IS A PERSISTENT COMPLAINANT?

For the purpose of this policy, a 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. Such behaviour may be characterised by:

a) actions which are obsessive, persistent, harassing, prolific, repetitious;
b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
c) uses Freedom of Information requests excessively and unreasonably
d) an insistence upon pursuing unsubstantiated complaints/harassment and/or unrealistic or unreasonable outcomes;
e) an insistence upon pursuing complaints/harassment in an unreasonable manner;
f) an insistence on only dealing with the headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
g) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant.

WHAT IS HARASSMENT?

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) 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.

THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

There are relatively few complainants whose conduct we may consider unacceptable. How we aim to manage this conduct depends on its nature and extent. Where staff have concerns about or difficulties with their dealings with any complainant, in addition to the provisions below they are also advised to complete a chronology of contacts utilising the form attached at Model 1. This chronology will be co-ordinated by the headteacher and the level of contact will be closely monitored.

If it adversely affects the ability of a member of staff to do their work and provide a service to others, the school may need to restrict complainant contact in order to manage the unacceptable conduct. We aim to do this in a way, that allows a complaint to progress to completion through the established school's complaints process.

We may restrict contact in person, by telephone, letter, electronically (email, social media, school apps (ClassDojo) or by any combination of these, examples of which are set out below. We will maintain at least one form of contact. In extreme cases and where it is appropriate, we will advise the complainant in writing that their name is on a 'no personal

contact' list. This means that they must restrict contact with the school in relation to any complaint matter to either written communication or through a third party. These steps should only be taken after careful consideration of the situation by the headteacher.

It is acknowledged that unreasonable people may make reasonable complaints and it is important that staff take note of the matters being referred to ensure that they do not overlook a genuine concern.

The threat or use of physical violence, verbal abuse or harassment towards any member of staff is likely to result in the ending of all direct contact with the complainant and must be dealt with under the School's Health and Safety Policies. Such actions can lead to the personal details of the individual being stored within a computerised database of violent people and/or addresses within the Authority that is available for staff who may be at risk of violence or aggression in the course of their work. Employees can check the name and/or address of people they are visiting to establish whether there is a known risk. **Where the school has concerns regarding the safety of a member of staff, the police will be called immediately.**

We do not accept correspondence (letter or electronic) that is abusive to staff. When this happens, we will tell the complainant that we will not respond to their correspondence.

If they do not stop, the complainant will be advised that we may require future contact to be through a third party. Staff may end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. Staff are advised to report this type of behaviour to the headteacher.

Where a complainant repeatedly phones, visits the school, or sends irrelevant documents or continually raises the same issues, we may decide to: -

• Only take telephone calls from the complainant at set times on set days and/or appoint a single point of contact to deal with calls or correspondence from the complainant in the future
• Require the complainant to make an appointment before visiting the School or restrict contact to written correspondence only
• Return 'irrelevant' documents to the complainant
• Take other action that we consider appropriate e.g. legal advice

We will, however, always tell the complainant what action we are taking and why.

Where a complainant continues to correspond on a wider range of issues, and this conduct is considered unreasonably excessive, then the complainant may be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly. The school's response will be proportionate to the nature of the given issues raised.

Complainant action may be considered unreasonably persistent if the school's complaints policy has been exhausted and the complainant continues to persistently dispute the decision relating to their complaint. The complainant may be told that no future phone calls will be accepted, or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence may be read and filed, but only subject to further enquiry or review if the complainant provides significant new information relating to the same complaint.

If no new issues are raised in the correspondence by the complainant, the correspondence will not be acknowledged and placed on file.

Wherever possible, we will give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants will be told in writing why a decision has been made to restrict future contact and what the restricted contact arrangements are.

MANAGING PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT IN SCHOOLS

There are relatively few complainants whose conduct we may consider unacceptable. How we aim to manage this conduct depends on its nature and extent. Where staff have concerns about or difficulties with their dealings with any complainant or harassment, staff are also advised to complete a chronology of contacts utilising the form attached at (see Model 1).

ROLE OF THE LOCAL EDUCATION AUTHORITY (LEA)

Prior to schools implementing this policy, advice must be sought from the LEA. Therefore, it is essential an up-to-date and detailed chronology is provided by the school to assist the LEA during this process. In all cases, the LEA will record the advice that has been given.

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 policy.

SAFEGUARDING

If this policy is enforced, it must be noted that any new information received by the school from the complainant, which is of a safeguarding nature and against a member of staff, then this would always be considered on an individual basis and aligned with the school's own safeguarding procedures and Wales Safeguarding Procedures

MODEL 1: CHRONOLOGY OF CONTACT

Date and Time	Nature of Contact	Contact made with (Name of Member of Staff)	ACTIONS / OUTCOMES
19.10.22 2pm	Telephone call to clerk demanding meeting with headteacher	Mrs. Jones (clerk)	Headteacher to arrange meeting
20.10.22 10am	E mail to headteacher demanding meeting	Mr. Evans (HT)	E mail sent with time and date of meeting
22.10.22 3.30pm	Mrs X. came to school to collect x and was demanding to see the class teacher	Mrs. Jones (clerk)	Mrs Jones advised that the teacher was unavailable and that matters could be discussed during the meeting with the HT
24.10.22 11.30am	Despite meeting with headteacher. Mrs X called the school and was demanding to speak with the headteacher.	Mrs. Jones (clerk)	Advised to make a formal complaint (Stage B) if Mrs X remains dissatisfied after the meeting.
27.10.22 9am	Mrs X dropped x off at school and was demanding a response to the formal complaint made on 25-10-22	Mrs Davies (Class teacher)	Mrs X was advised Mr Evans has 10 school days to respond. However, she would let Mr Evans know Mrs X approached her on the yard re: his response.
03.12.22 3.30pm	Complaint went to Stage C, but Mrs X is unhappy with the outcome. As a result, Mrs X is demanding another meeting with the headteacher.	Mrs Jones (clerk)	Message passed to headteacher. Mr Evans called Mrs X to advise the complaint has reached the end of the school's complaint process. Therefore, the matter is closed, and he will not be revisiting/discussing the complaint in the future.
04.12.22 9.30am	Email received from Mrs X raising the same concerns.	Mr Evans (HT)	Headteacher issued a response and referred to the conversation the previous day re: the complaint is now closed.
04.12.22 5.30pm	Email received from Mrs X demanding a meeting to discuss previous concerns	Mr Evans (HT)	HT discussed the possibility of using the vexatious policy for Mrs X, with the Chair.

MODEL LETTER RESPONSE TEMPLATES:

Dear <insert name here>

I am writing to you following your recent <phone call, letter etc. delete as appropriate> with my colleague, <insert officer name and job title here> regarding <insert subject here>.

I note that over the last few weeks there has been many email exchanges between you and various members of staff at the school. Having reviewed the correspondence, I consider the volume of correspondence, and its content at times, has reached the threshold required to invoke our policy for dealing with unacceptable behaviour of parents/carers/members of the public. I enclose a copy for your information.

The policy allows the school to restrict its dealings with you. However, before the policy is invoked I am obliged to provide you with the opportunity to modify how you are communicating with us.

I request that you limit the number of emails and remove any inflammatory content. I would like to avoid having to apply the policy and impose restrictions if possible and I look forward to your co-operation in this matter.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I am writing to you following your recent <phone call, letter etc. delete as appropriate> with my colleague, <insert officer name and job title here> regarding <insert subject here>.

I have been advised by <insert officer name here> that <insert description of incident>.

I would like to take this opportunity to advise you that this behaviour towards staff at the school is unacceptable. Staff undertake a difficult and challenging job and should be able to work without fear of encountering such behaviour.

If I am notified of this type of incident again, I will be forced to take action to protect my staff.

I look forward to your co-operation in this matter.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I write further to your letter to <insert name here>, <insert date here> regarding <insert summary here>.

The matter has been referred to me as a result of the school receiving, what is deemed to be, excessive correspondence from you directed towards various members of staff.

The school aims to deal fairly and properly with parents/carers/members of the public, ensuring other parents/carers/members of the public, staff, or the school as a whole do not suffer any abuse, detriment or unacceptable and unreasonable behaviour. I have reviewed the level and nature of correspondence received from you. I consider the volume of correspondence to have reached the threshold required to invoke our policy for unacceptable behaviour by parents/carers/members of the public, I enclose a copy for your information.

The policy allows the school to restrict its dealings with you. However, before the policy is invoked, I am obliged to provide you with an opportunity to change your behaviour. I will closely monitor the level of contact the school receives from you and will take action as appropriate in line with the policy.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I am writing to formally confirm that following your unacceptable behaviour on <insert date here> at <insert location here>, in order to protect the environment for other parents/carers/members of the public and members of staff, it has been necessary to instigate the following restrictions listed below;

<insert details of restriction here>

These restrictions will be valid for a period until <insert date here>.

Should you fail to comply with this instruction, we may consider restricting contact with you entirely.

Should you wish to appeal this decision, please write to Chair of Governors at <insert address of school here> within the next ten working days, setting out the reasons why you wish to appeal.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I am writing to you following a recent visit to your home by <insert officer name and job title here>.

I have been advised by my staff that you have been verbally aggressive towards them and at times they felt threatened by your actions and that their own personal safety was at risk. This type of incident has happened before when officers have visited your home. This incident resulted in them having to terminate their appointment early due to their concern about personal safety.

I would like to take this opportunity to advise you that this is unacceptable and our staff should not have to face such aggression. Staff undertake a difficult and challenging job and should be able to do to this without fear of such behaviour.

If I am notified of this type of incident again, we will have no choice but to pass this onto the Police for further investigation and issue a warning to staff that will be working with you.

I will expect any staff from the school to be able to visit your home with your agreement and undertake their duties without any such incident in the future.

Please contact me if you need to discuss the matter further.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I write in response to your letter dated <insert date> regarding <insert topic>.

I find both the content and tone of your letter to be offensive, unnecessary and unhelpful. Accordingly, I return the letter to you and do not intend to reply at this time.

Should you wish to modify your letter in order to remove the abusive content, I will consider the issues you wish to raise.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I am writing to you following your recent <phone call, letter etc. delete as appropriate>with my colleague, <insert officer name and job title here> in relation to the <insert subject here>.

I have been advised by <insert officer name here> that during the telephone call you were verbally aggressive towards him/her and at times s/he felt that the language you used was offensive, unnecessary and unhelpful.

I would like to take this opportunity to advise you that this behaviour towards staff at the school is unacceptable. I also consider unsubstantiated allegations made against staff to be equally unacceptable.

Staff undertake a difficult and challenging job to work with pupils, parents and members of the public and should be able to do this without fear of such unacceptable behaviour.

If I am notified of this type of incident again, staff will be advised to end the telephone call. If it persists I may consider limiting contact with you.

I look forward to your co-operation in this matter and please contact me if you need to discuss the issues raised.

Yours faithfully

<insert name here>
<insert job title here>

Dear <insert name here>

I am writing to you following your recent posting on social media regarding<insert name of officer here>.

In view of your comments, I would like to invite you to a meeting at the school. The meeting would provide an opportunity to discuss your concerns and look at ways in which we can resolve matters.

I would like to meet on <insert date, time, location here> and would be grateful if you would telephone me on <insert number here>to confirm.

I look forward to hearing from you.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I am writing to you following your recent posting on social media regarding<insert name of officer here>.

I would like to take this opportunity to advise you that this behaviour towards staff at the school is unacceptable. I also consider unsubstantiated allegations made against staff to be equally unacceptable.

Staff undertake a difficult and challenging job to work with pupils, parents and members of the public and should be able to do this without fear of such unacceptable behaviour.

I request that you remove this posting immediately. If I am notified of this type of incident again, I may consider limiting contact with you and reporting the matter to the police.

I look forward to your co-operation in this matter and please contact me if you need to discuss the issues raised.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I write further to my letter dated <insert date here> regarding <insert name of school here>decision to invoke its unreasonable customer behaviour policy.

In accordance with the policy, I have now considered your appeal. By way of background I am aware that <insert summary of events>.

Given your failure to comply with the school's requests, the unreasonable customer behaviour policy was invoked and the following restrictions were placed upon you:

- <insert list of restrictions>

The school advised you that these restrictions would remain in force until <insert date here>.

Your appeal is based on the following grounds:

- <insert list here>

I have concluded that the school has correctly applied its policy and the restrictions placed against you are entirely reasonable, appropriate and proportionate. If you adhere to the restrictions, the use of the policy will be amended on the review date.

I appreciate you may remain aggrieved following receipt of my response. However, I do not intend to comment further and consider this matter closed.

Yours sincerely

<insert name here>
<insert job title here>

Dear <insert name here>

I write further to my letter dated <insert date here> regarding <insert name of school here>decision to invoke its unreasonable customer behaviour policy.

In accordance with the policy, I have now considered your appeal. By way of background I am aware that <insert summary of events>.

Given your failure to comply with the school's requests, the unreasonable customer behaviour policy was invoked and the following restrictions were placed upon you:

- <insert list of restrictions>

The school advised you that these restrictions would remain in force until <insert date here>.

Your appeal is based on the following grounds:

- <insert list here>

I have concluded that the school has incorrectly applied its policy for the following reasons:
<insert list here>

Consequently, I make the following recommendations:

- <insert list here>

I would like to apologise for any distress this situation may have caused and I will now contact the school with my decision.

Yours sincerely

<insert name here>
<insert job title here>

Additional paragraphs:

Should you return to school premises you will be asked to leave, the police may be called and subsequently legal redress may be initiated to prevent further return.

Please note: anyone behaving in an unlawful manner will be reported to the police and the school will seek the application of the maximum penalties available in law. The school will seek to prosecute all perpetrators of crime on or against its staff, property or assets.

Dear <insert name here>

The School has invoked its policy for dealing with unacceptable customer behaviour against you in <insert date here>.

The decision to invoke this policy was taken as a result of the school receiving, what it deemed to be, excessive and inappropriate correspondence from you directed towards numerous members of staff and governors. This was in relation to <insert summary of issues here>.

The policy allowed the school to restrict its dealings with you. I have now reviewed the level and nature of correspondence received from you. Staff have indicated that they have a good working relationship with you and would prefer to continue to liaise with you directly on matters relating to your child/ren [name of child/ren]

Accordingly, the unacceptable behaviour by parents/carers/members of the public this policy shall be revoked with immediate effect.

The school aims to deal fairly and properly with all parents/carers/members of the public, ensuring they, staff, or the school as a whole do not suffer any abuse, detriment or unacceptable and unreasonable behaviour.

I should stress that the school does expect that correspondence be conducted in an appropriate and cordial manner, and as such will be monitoring future communications for a recurrence of any similar issue. We will not tolerate behaviour we consider inappropriate and retain the right to take action accordingly.

Yours sincerely

<insert name here>
<insert job title here>