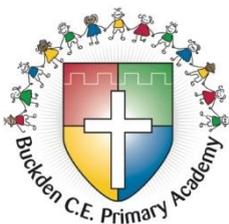


BUCKDEN CE PRIMARY ACADEMY

PERSISTENT COMPLAINTS AND HARASSMENT POLICY



Persistent Complaints and Harassment policy

**Committee responsible:
HR&PR**

Final version

October 2016

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1. Introduction

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.

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.

It is important to remember that unacceptable behaviour can take place not just in person, but also by post or electronically (telephone or email) and through the use of social media sites such as Facebook and Twitter, and rumour and gossip. Likewise 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.

2. Aim

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

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

For the purpose of this policy an unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint.

This will include pupils, parents, staff and 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.

Unreasonable behaviour may include, but is not limited to:

- 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 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 Who is a persistent complainant?

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

Persistent behaviour may include but is not limited to:

- 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 unjustified 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.

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

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.

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 school staff or others.
- 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

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

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

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.

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 libelous. Legal advice may be sought where the School considers an incident falls into this area.

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

The Academy 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

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 to resolve a difficulty. However, in cases of unreasonably persistent complaints or harassment, the School may take action to address the behaviour.

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, a school may move straight to Stage 2 where they deem necessary. In most cases of unreasonably persistent complaints or harassment, the School may take the following steps as appropriate:

8.1 Stage 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.

8.2 Stage 2

The School will take the following consecutive steps as necessary (if the complainant's behaviour is not modified after Stage 1 has been followed or where it is considered necessary) having regard to the nature of the complainant's behaviour and the effect on the School Community.

- Inform the complainant in writing that his/her behaviour is now considered by the School to be becoming unreasonable/unacceptable (Model Letter 1)
- 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)

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). For example 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. The School will respond only to written communication from the individual.
- Specifying whom the complainant is to communicate with.
- 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. In the case of physical or verbal aggression, consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban (Advice is available from the Schools Helpline 01223 717970).
- Advise the complainant that the police may be informed. Consider taking advice from Cambridgeshire County Council on requesting an Anti-Social Behaviour Order (01223 717970).
- That legal advice may be sought. Consider taking advice from Cambridgeshire County Council on pursuing a case under Anti-Harassment legislation (01223 717970).

8.3 Banning an Individual from School Premises (Banning Letters 1-4)

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.

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

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).

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

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

The Full Governing Body will receive a report of the number of times this Policy is invoked and the stage reached on a termly basis.

11. Protection

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 have 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.

