



Great schools in which to learn, teach and belong.

Procedure for Dealing with Persistent and Unreasonable Complaints or Harassment

This is a Tame River Educational Trust. As an employer the Trust will ensure that at every level, in all our work and throughout all aspects of the Trust communities, all will be treated equally, with respect and dignity, free from discrimination and harassment. Each person will be given fair and equal opportunities to develop their full potential regardless of their age, disability, gender, gender-identity, race, religion or belief, sexual orientation, socio-economic background and special educational needs. Our Trust will tackle the barriers which could lead to unequal outcomes for these protected groups, ensuring there is equality of access and that we celebrate and value the diversity within our Trust communities. The Trust will work actively to promote equality and foster positive attitudes and commitment to an education for equality.

Review Cycle: Two Years
Next Review Date: September 2025
Person Responsible: Chief Executive Officer
Approving Body: Trust Board

Introduction

The Trust's Headteachers and staff deal with specific complaints as part of their day-to-day management if the school in accordance with the Trust's Complaints Policy and Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, 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 students or staff in the school. In these exceptional circumstances the Trust and/or the school may take action in accordance with this policy.

1. Aims

The aims of this procedure 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 students, staff and everyone else who has legitimate interest in the work of the Trust and its schools, including Governors and parents.
- Deal fairly, honestly, openly and transparently with those who make persistent, unreasonable or vexatious complaints and those who harass members of staff in Trust schools while ensuring that other stakeholders suffer no detriment.

2. Parents Expectations of the Trust and its Schools

Parents/carers/members of the public who raise either informal concerns or formal complaints with the Trust and/or any of its schools can expect the Trust/the school to:

- Communicate via the Trust/school website:
 - How and when problems can be raised
 - The existence of the Trust's Complaints Policy and Procedure
 - The existence of this procedure (Dealing with Persistent and Unreasonable Complaints and/or Harassment)
- Respond within a reasonable time.
- Be available for consultation within reasonable time limits, bearing in mind the needs of the student 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 Trust's Complaints Policy and Procedure, other policies and practice and in line with advice from the Department for Education (DfE) keep complainants informed of progress towards a resolution of the issues raised.

3. The Trust's and/or its Schools Expectations of Parents/Carers/Members of the Public

The Trust and its schools can expect parents/carers/members of the public who wish to raise their problems with the Trust and/or one of its schools to:

- Treat all staff with courtesy and respect;
- Respect the needs and well-being of students and staff;
- Avoid any use, or threatened use, of violence to people or property;
- Avoid any aggression or verbal abuse;

Review Cycle: Two Years

Next Review Date: September 2025

Person Responsible: Chief Executive Officer

Approving Body: Trust Board

- Recognise the time constraints under which members of staff work and allow the Trust and/or its school a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take some time.

4. Who is a Persistent/Unreasonable Complainant?

For the purpose of this procedure, 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 Trust and/or its schools, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive email or telephone contact about a concern or complaint;
- Uses Freedom of Information or Subject Access requests excessively and unreasonably;
- 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 Headteachers on all occasions irrespective of the issue and the level of delegation in the Trust and its schools to deal with such matters;
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changes, for example, if the desired outcome is beyond the remit of the Trust and its schools because it is unlawful.

For the purposes of this procedure, harassment is the unreasonable pursuit of such actions as shown above in such a way that they:

- Appear to be targeted over a significant period of time to one or more members of staff;
- Cause ongoing distress to individual member(s) of staff;
- Have a significant adverse effect on the whole/parts of the Trust and/or school community;
- 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 accumulative effect over time of undermining confidence, well-being and health.

5. The Trust/The School

In the first instance the Trust/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 in accordance with this procedure.

This will be confirmed in writing (Letter 1).

If the behaviour is not modified, the Trust and/or the school will 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:

- Inform the complainant in writing that his/her behaviour is now considered by the Trust and/or the school to be unreasonable/inacceptable and, therefore, to fall under the terms of this procedure (see Letter 2);
- Inform the complainant that all meetings with any 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 (see Letter 2);
- Inform the complainant that, except in emergencies, all routine communication with the complainant should be by letter only (see Letter 2); (in the case of physical, or verbal aggression) take advice and consider warning the complainant about being banned from the school site; or proceed to a temporary ban;
- Consider taking legal advice on pursuing a case under anti-harassment legislation;
- Consider taking advice from relevant authorities, including the police, about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal

Review Cycle: Two Years

Next Review Date: September 2025

Person Responsible: Chief Executive Officer

Approving Body: Trust Board

directly with the Headteachers but only with a third person to be identified by the Trust or the Governing body of the school, who will investigate, determine whether or not the concern or complaint is reasonable or unreasonable and then advise accordingly.

Thus, based on the above information, legitimate new complaints may still be considered even if the person making them is, or has been, subject to this procedure. However, the Trust and/or the school will take advice from relevant authorities.

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 Trust and/or the school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from relevant authorities.

6. Review

The Trust and/or its schools will review as appropriate, and at a minimum once in a school year, any sanctions applied within the context of this procedure.

Letter 1:

Initial letter informing a complainant that his/her behaviour is considered to fall below a reasonable/acceptable standard – Sent via Signed for Delivery:

Dear

This letter is to inform you that the school considers your actions in [describe actions, dates, behaviour] on.....when you... .. to be unreasonable/unacceptable [delete as appropriate].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to students, staff and parents/carers [delete if behaviour complained of did not occur on the school site e.g. persistent use of email, verbally abusive telephone calls].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the Trust's Complaints Policy and Procedure. At the moment we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that the Trust's Procedure for Dealing with Persistent or Unreasonable Complaints or Harassment sets out standards of behaviour expected of all people in their dealings with the Trust and its schools. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the Complaints Procedure;
- avoiding physical and verbal aggression at all times.

The procedure 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 Trust schools' premises;
- 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 step to move this process forward as quickly as possible.

Yours sincerely

Letter 2:

Informing a complainant that his/her behaviour is now considered to fall under the terms of the Procedure for Dealing with Persistent or Unreasonable Complaints/Harassment – sent via Signed for Delivery

Dear

You will recall that I wrote to you on insert date telling you that I felt your behaviour was unreasonable. I am now writing to inform you that in view of your behaviour on insert date, when you describe actions/behaviour, it has been decided that the Trust's Procedure for Dealing with Persistent or Unreasonable Complaints/Harassment will apply from the date of this letter.

Under these 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; **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 Trust and/or one of its schools will be present;
- in the interests of all parties, formal notes of this meeting may be used.

*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; **email correspondence will not be responded to;**
- an appointment will be arranged and confirmed in writing as soon as possible
- a third party will be present;
- in the interests of all parties, formal notes of this meeting may be used.

Exceptionally, these arrangements do not apply to any emergency involving insert the name of the student – in which case you should contact the school in the usual way. These arrangements take effect straightaway. 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 within 10 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. 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. I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely