TAME RIVER EDUCATIONAL TRUST

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 policy. 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 2028
Person Responsible: Chief Executive Officer
Approving Body: Trust Board

Introduction

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the Trust's Handling Complaints policy.

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 school / Trust 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 school, 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 the school while ensuring that other stakeholders suffer no detriment.

2. Parents Expectations of the School:

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

- Communicate via the school website:
    - How and when problems can be raised with the school.
    - The existence of the Complaints Policy.
    - The existence of the procedures for Dealing with Persistent and Unreasonable Complaints and/or Harassment.
- Respond with 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 school's Complaints 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 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 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.

- recognise the time constraints under which members of staff work and allow the 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 school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, aggressive, prolific, repetitious.
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- uses Freedom of Information / Subject Access requests excessively and unreasonably.
- use of AI repeatedly that distorts or obscures the nature of complaints and produces inaccurate information, including erroneous references to applicable law and regulatory guidance.
- 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 the Headteacher (or other senior leaders) on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters.
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

For the purpose of this procedure, harassment and aggression 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 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 cumulative effect over time of undermining confidence, well-being and health.

5. The School:

In the first instance 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.

If the behaviour is not modified 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 on the school community:

- inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this procedure.
- inform 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.
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only.
- In the case of physical, or verbal aggression, take advice from HR / Police / Legal Services and consider

warning or banning the complainant from the school site.

- Take legal advice on pursuing a case under anti-harassment legislation;
- Take advice from the HR / Legal Services / 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 directly with the Headteacher but only with a third person to be identified by the Governing Body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or unreasonable and then advise the Headteacher accordingly.

Based on the above, legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Unreasonable Complaints and/or Harassment. However, the school will be advised by HR/Legal Services.

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 school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/Legal Services.

Review:

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