

## Policy for dealing with Unreasonably Persistent Complaints, Harassment or Aggression

Our Complaints Policy & Procedures are very much a reflection of our school Vision Statement and Mission Statement. At St Scholastica's Primary School our Vision Statement says:

*As our Vision statement says;*

*"Our school is a Catholic community. Through the love of Jesus Christ, we inspire our children to learn, grow, enjoy and be happy so that they are readily equipped for the next stage of their development."*

*As our Mission Statement says: Living, Loving and Learning through Christ'*

**Living** – *We provide a safe environment where children are inspired to achieve their true potential.*

**Loving** – *We learn how to love Jesus and each other. We follow His example by showing kindness and respect to everyone. We see potential in all.*

**Learning** - *We educate and nurture all to meet the demands of the changing world with Love, Peace and Respect.*

*"Our school is a Catholic community, committed to providing a safe environment where everyone is significant and respected for their differences and achievements.*

*We inspire each other to learn, grow, enjoy and be happy. Nurturing everyone through the love of Jesus Christ, we create a strong self-belief, so that all are prepared to meet the demands of a changing world and make positive contributions."*

This policy has been written in light of new DfE guidelines published in January 2016; Best Practice Advice for School Complaints Procedures 2019.

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 Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

We are 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 the school. However, 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.

St Scholastica's Catholic Primary School defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

What do we mean by 'unreasonably persistent complainants'?

For the purpose of this policy, an unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include the following (not an exhaustive list):

- actions which are obsessive, persistent, harassing, prolific, repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- uses Freedom of Information 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 the Headteacher 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.
- making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- abusive or threatening behaviour or language towards school staff.
- failing to specify grounds of the complaint, despite offers of assistance from the school.

What is harassment?

We regard harassment as including the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress, rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has an unjustifiably significant and disproportionate adverse effect on the school community.

School's responses to unreasonably persistent complaints or harassment

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy;
- require any future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a third party chosen by the school, for example a Local Authority officer or lawyer;
- inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only;
- inform the complainant that the school will only respond to them in cases of urgent or safeguarding communication regarding their child in school;
- take legal advice and seek guidance from the Safer Schools Police Officer on pursuing a case under Anti-Harassment legislation.
- set up a communication plan with the complainant;

*For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This plan will usually be reviewed after 6 months.*

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public including parents/cares of pupils at the school have no automatic right of entry. The school will therefore act to ensure that St Scholastica's Catholic Primary School remains a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school should always give the parent the opportunity to formally express their views on the decision to bar them from the school premises in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. In certain circumstances and before the expiry period of the bar, it may be necessary for the headteacher to invite the parent to the school to set out a clear dialogue about what behaviour is expected going forward and that the parent will agree to the expected behaviour. If the parent refuses, it may be necessary for the school to consider keeping the bar in place for a longer period however this will be subject to regular reviews. The safer school police officer may be invited to attend such a meeting.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal by the parent is through the Courts; independent legal advice must therefore be sought.

This policy will be reviewed every two years from the date when it is first published.

Agreed By Governors: 9<sup>th</sup> March 2022

Presented to staff: March 2022

Signed by Headteacher \_\_\_\_\_ Date \_\_\_\_\_

Signed by Chair of Governors \_\_\_\_\_ Date \_\_\_\_\_

Review date: Spring Term 2024