

*'...those who hope in the LORD will renew their strength.  
They will soar on wings like eagles; they will run and not grow weary,  
they will walk and not be faint.'* Isaiah 40:31

connect | nurture | aspire | learn | excel | hope



# Reculver Church of England Primary School



## Dealing with Persistent or Vexatious Complaints and Harassment Policy

Date adopted by Local Governing Body: April 2016

Date of next Review: September 2018

## **POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS AND HARASSMENT**

### **INTRODUCTION**

The Head Teacher 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 developing positive working partnerships with all members of the school community and welcomes the opportunity to address and resolve issues that we have not got right. However, there are rare 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 take action 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, all 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 or vexatious or persistent complaints while ensuring that other stakeholders suffer no detriment.

### **SCOPE OF THE POLICY**

This document can be used as a stand-alone policy in school (for any complaints from the public) but should also be included within all staff and parents complaints procedures.

### **THE SCHOOL'S EXPECTATIONS OF ALL MEMBERS OF THE SCHOOL COMMUNITY**

The school can expect members of the school community who wish to raise problems with the school to:

- a) Treat all school staff with courtesy and respect.
- b) Respect the needs and well-being of pupils and staff in the school;
- c) Avoid any use, or threatened use, of violence to people or property;
- d) Avoid any aggression or verbal abuse;
- e) Recognise the time constraints under which members of staff and governors in schools work and allow the school a reasonable time to respond;
- f) Recognise that resolving a specific problem can sometimes take some time;
- g) (In the case of a complaint) Follow the School's Complaints Procedure or (if a member of staff) the appropriate internal staff procedure.

#### **4. WHAT CONSTITUTES A PERSISTENT COMPLAINT?**

For the purpose of this policy, a persistent complainant is someone who habitually 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.

#### **5. WHAT IS A VEXATIOUS COMPLAINT?**

The term vexatious is recognised in law and means '*denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant*'. The term is used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive, or whose requests cause disproportionate difficulties to the resolution efforts of the school staff and governors, by pursuing an unreasonable course of conduct.

#### **6. WHAT IS HARASSMENT?**

Under the Protection from Harassment Act 1997:

*"A person must not pursue a course of conduct*

*(a) Which amounts to harassment of another, and*

*(b) Which he knows or ought to know amounts to harassment of the other.*

For the purpose of this policy, harassment is categorised as behaviour that is unwelcome, unwarranted and causes a detrimental effect.

#### **7. EXAMPLES**

Persistent and/or vexatious behaviour may be characterised by the following (not an exhaustive list):

- 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 unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- e) An insistence upon pursuing complaints in an unreasonable manner.
- f) An insistence on only dealing with the Head Teacher 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 but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.
- h) Making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- i) Abusive or threatening behaviour or language towards school staff.
- j) Failing to specify grounds of the complaint, despite offers of assistance from the school.

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

## **8. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS**

In the first instance the school will inform the complainant (in writing) 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 policy. 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.

- a) 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 policy.
- b) 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.
- c) Inform the complainant that except in emergencies, all routine communication with the complainant to the school should be in writing only.
- d) (In the case of physical or verbal aggression), take advice from HR / Legal Services (services purchased by the Governing Body) and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban.
- e) Consider taking advice from the Legal Services on pursuing a case under Anti-Harassment legislation.
- f) Consider taking advice from the HR / Legal Services 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 Head Teacher 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 vexatious and then advise the Head Teacher/Governing Body accordingly. However, legitimate new complaints may still be considered under the usual policy even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in School.

8.3 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 HR/Legal Services.

## **9. REVIEW**

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

**10. RIGHT OF APPEAL**

All persons who are notified by the school that they are being dealt with under this procedure have the right of appeal. Appeals must be addressed to the Chair of Governors under confidential cover, care of the school. The Chair of Governors will consider each appeal on its merits, consulting with the Head Teacher as appropriate. The outcome of the appeal should be notified to the appellant and copied to the Head Teacher within 10 working days of receipt.

Signed by .....Chair of the Governing Body

Date.....

Signed by.....Head Teacher

Date.....