

Manor Hall Academy Trust



Managing persistent, unreasonable and vexatious complaints policy

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1. Aims

Manor Hall Academy Trust has a complaint handling policy which is adopted by all of our schools and which sets out the procedures for the management of complaints. The majority of the complaint can be resolved quickly, sensitively, while providing a high-quality service to those who complaint so that their complaints can be resolved.

However, there are occasions where persons who raise a complaint act or behave in an unreasonable and/or aggressive manner when raising and/or pursuing complaints. The consequences of this actions are that they impact negatively the day to day running of the school and directly or indirectly the overall wellbeing of staff, children and other parents.

Although we would not usually limit access to the schools, we would 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.

To clarify, the decision concerning whether a complaint is labelled as persistent, unreasonable or vexatious, will be based upon each specific complaint taking into account the contents of the complaint.

Therefore, the aims of this guidance can be summarised 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, staff and everyone else who has legitimate interest in the work of the school, including Local Advisory Board Members and parents/carers;
- deal fairly, consistently and proactively with those who make persistent or vexatious complaints and those who harass members of staff in school.

This policy has been written with reference to the model procedure from the Department of Education and the Local Government and Social Ombudsman.

2. Parents' expectations of the school

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

- Regularly communicate to parents/carers in writing:
 - how and when problems can be raised with the school;
 - the existence of the school's complaints procedure, and
 - the existence of this guidance;
- Respond within a reasonable time;
- Be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
- Respond with courtesy and respect;
- Not be defensive
- Keep to timescales and inform them if they are to be missed.

- Attempt to resolve problems using reasonable means in line with the complaints policy.
- Keep complainants informed of progress towards a resolution of the issues raised

3. The school's expectations of parents/carers/stakeholders

The school can expect parents/carers/stakeholders 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 in the school;
- 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 in schools work and allow the school a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time;
- (in the case of a complaint) follow the School's Complaints Procedure.

4. Definitions

Manor Hall Academy Trust defines who is a "persistent complainant" whose "behaviour is unacceptable" as:

- a parent/carer/stakeholder who raises concerns or complaints about matter, either formally or informally or frequently raises issues that the complaint considers to be within the remit of the school and/or;
- whose behaviour is unreasonable. Unreasonable behaviour can be defined as behaviour which hinders our consideration of complaint(s) and can be characterised as:
 - actions which are obsessive, persistent, harassing, prolific, repetitious;
 - refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
 - an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes or refuses to accept that certain issues are not within the scope of the complaint's procedure
 - an insistence upon pursuing complaints in an unreasonable manner;
 - an insistence on only dealing with a specific member of staff on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
 - refuses to co-operate with the complaint's investigation process
 - introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - raises large numbers of detailed by important questions, and insists that 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

Harassment is behaviour, which happens more than once, and which makes a person feel scared, distressed or frightened. The following actions are examples of harassment and/or the effect of harassment;

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community including individuals.
- 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's actions in cases of persistent or vexatious complaints or harassment

Wherever possible the Headteacher will discuss any concerns with the complainant informally before applying an "unreasonable marking."

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.

This will be confirmed in writing (Model Letter 1).

If the behaviour is not modified the school may 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 guidance (see Model Letter 2);

- Inform the CEO/COO of the Trust
- 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 (see Model Letter 2);
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only (see Model Letter 2);
- (in the case of physical, or verbal aggression) take advice from the Trust) and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- consider taking advice from the Trust on pursuing a case under Anti-Harassment legislation;
- consider taking advice from the Trust 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 Local Advisory Board of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the headteacher accordingly.

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 Trust

6.Serious Incident of Aggression or Violence

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school premise.

7.Review

- The Local Advisory Board ("LAB") will monitor the effectiveness of the school complaints procedure in ensuring that complaints are handled properly.
- The LAB will track the number and nature of complaints, and review underlying issues as stated in the section entitled 'Learning lessons.
- The complaints records are logged and managed by the school's head teacher.
- The CEO and COO will monitor the effectiveness of the complaint's procedure trust-wide.

- This policy will be reviewed by COO and CEO as appropriate, or at least every five years.
- At each review, the policy will be approved by the trust board.

The trust will review this policy as appropriate, and at a minimum once every five years.in the context of this guidance.

8. Links to other policies

Complaints Policy

Appendix 1 - Model Letter 1

Initial letter informing a complainant that his/her behaviour is considered to fall below a reasonable/ acceptable standard

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 pupils, staff and parents/carers *[delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, 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 School's Complaints Procedure.

At the moment we are dealing with these issues by *[describe actions being taken to resolve concern]*.

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. This includes *[select from list below or from within the policy]*:

- treating others with courtesy and respect;
- resolving complaints using the School's Complaints Procedure;
- not pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- not behaving obsessively, persistently, harassing or repetitious
- not behaving in an unreasonable manner
- not insisting in pursuing a complaint when the outcome is not satisfactory to the complainant

The Policy 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 the school premises;
- considering legal action.

I would ask that you allow 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

Headteacher

Appendix 2 - Model letter 2

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 *[date]*, when you *[describe actions/behaviour]* it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply from the date of this letter.

In the 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:

- (a) 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.
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

*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:

- (a) 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.
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of pupil]* – in which case you should contact the school in the usual way.

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.

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 by *[state ten 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.

I hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher