

ST BARTHOLOMEW'S SCHOOL
UNREASONABLE, PERSISTENT AND/OR HARASSING COMPLAINANTS POLICY

Reviewed by the Finance & Risk Committee Spring 2022

Approved by the Full Governing Body Spring 2022

To be reviewed by the Finance & Risk Committee Autumn 2023

1. INTRODUCTION

The school will always seek to work with stakeholders, i.e., students, parents/carers, staff and the local community with a legitimate complaint in an attempt to resolve the issue.

Sometimes, however, stakeholders pursuing complaints or other issues treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

2. PURPOSE

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterize 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/carers;
- deal fairly, honestly and properly with unreasonable or persistent complainants and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

3. DEFINITIONS

3.1 Unreasonable Complainant

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include students, parents/carers, staff and the local community who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

Unreasonable behaviour may include but is not limited to:

- Actions which are:
 - Out of proportion to the nature of the complaint, or
 - Persistent – even when the complaints procedure has been exhausted, or
 - Personally harassing, or
 - Unjustifiably repetitious or
 - Obsessive, harassing, or prolific.
- Acting in a way not in line with the school aim of reaching a resolution and working with the School.
- An insistence on:

- Pursuing justifiable complaints in an unreasonable manner e.g., being aggressive, using abusive or threatening language;
 - Making complaints in public; or
 - Refusing to attend appointments to discuss the complaint.
- Refusing to specify the grounds of a complaint, despite offers of assistance from School staff.
 - Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - Insisting on complaints being dealt with in ways which are incompatible with the School's Concerns & Complaints Policy & Procedure.
 - Changing the basis of the complaint as the investigation proceeds, and/ or denying statements he or she made at an earlier stage.
 - Electronically recording meetings and conversations without the prior knowledge and consent of the other participants.

3.2 Persistent Complainant

A persistent complainant may be someone who demonstrates a combination of some, or all of the actions or behaviours listed below, which may lead to the school invoking the procedure.

Persistent behaviour may include but is not limited to:

- Prolific correspondence or excessive email or telephone contact or social media messaging about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Refusing to accept that issues are not within the remit of the School's Complaints Procedure despite having been provided with information about the Procedure's scope.
- Making unsubstantiated and/or groundless complaints about the staff dealing with their complaint.
- An insistence on:
 - Pursuing a series of unjustified or unmeritorious complaints and/or
 - Unrealistic outcomes to unjustified complaints.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered.

- Making unnecessarily excessive demands on the time and resources of School staff and/or Governors whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous people, writing frequent lengthy and/or complex letters and expecting immediate responses.
- Submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions / variations which the complainant insists make these 'new' complaints which should be put through the full Complaints Procedure again.

The above behaviours may be displayed in a variety of ways including in person, in writing delivered either by hand, post or email, by means of social networking websites and other e-based communications and all other media.

3.3 Harassment

St Bartholomew's School regards harassment as the unreasonable and/or persistent pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of school staff or others.
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others;
- It has a significant and disproportionate adverse effect on the School Community.
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution.

4. EXPECTATIONS

4.1 Expectations of the School

Anyone who raises informal or formal issues and complaints with the School can expect the School to:

- Follow the School's Concerns & Complaints Policy & Procedure;
- Respond within the timeframes outlined within the Concerns & Complaints Policy & Procedure;
- Be available for consultation within a reasonable time limit, bearing in mind the needs of students at 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 Concerns & Complaints Policy & Procedure and other policies;
- Keep those involved informed of progress towards a resolution.

4.2 Expectations of Complainants

The School expects anyone who wishes to raise concerns with the School to:

- Treat all staff with courtesy and respect;
- Respect the needs of students and staff within the School;
- Never use violence (including threats of violence) towards people or property;

- Recognise the time constraints under which members of staff and Governors in schools work and allow the School a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the School's Concerns & Complaints Policy & Procedure;
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or students and not in an open public space and not on social media platforms);
- Be prepared to work towards a resolution and in partnership with the School.

Negative statements or comments about members of the School Community (including but not limited to staff and governors) should not be made on social networking websites. Such statements can be offensive and distressing for those concerned and are also potentially libellous. Legal advice may be sought where the School considers an incident falls into this area and acted upon.

Stakeholders are reminded that should they have any issue, the School's Concerns & Complaints Policy & Procedure should be used.

5. PROCEDURE FOR ADDRESSING UNREASONABLE, PERSISTENT OR HARASSING COMPLAINANTS

Stage 1

If it is considered that any actions of an individual constitute unreasonable, persistent or harassing behaviour, the Headteacher, in consultation with the Chair of Governors, will inform the individual informally that the School considers that his/her/their behaviour is to be unreasonable or unacceptable, and request a changed approach.

Stage 2

If the unacceptable behaviour is not modified after Stage 1 has been followed, then the School may take some or all of the actions listed below as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the School Community.

A copy of this Policy must be sent to the individual with a letter from the Chair of Governors giving details of any restrictions which will apply, which may include some or all of the following:

- All future meetings will be conducted with a third person present;
- Notes of meetings will be taken;
- Restrictions on the number and specified times for telephone calls (except in cases of emergency);
- Specifying who the complainant is to communicate with;
- The School will respond only to written communication from the individual;
- Restrictions on school email addresses that the individual may send correspondence to;
- Informing the complainant that future correspondence will be read by the Headteacher or his/her designated representative and placed on file but not acknowledged unless it contains any relevant new information or information which in the School's opinion requires a response;

- The individual may be banned from entering the school site;
- That the police may be informed;
- That legal advice may be sought and acted upon;
- The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint will always be considered.

Decision to stop responding

The school may stop responding to a complainant if one or more of the following apply:

- Every reasonable step has been taken to address the complainant's concerns;
- The complainant has been given a clear statement of the school's position and the options available to the complainant;
- The complainant contacts the school repeatedly, making substantially the same points each time;
- In the circumstances outlined below.

The decision to stop responding will be informed by the following:

- The contacts are often or always abusive or aggressive;
- Insulting personal comments or threats are made towards staff;
- There is reason to believe that the complainant is making contact with the intention of causing disruption or inconvenience.

If the complainant is unhappy with the decision of the Chair of Governors, the concerns may be raised with the Education & Skills Funding Agency, through their online complaints form or by post to: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD.

6. REVIEW

If a complainant's unreasonable, persistent and/or harassing behaviour is modified but is then resumed at a later date within a reasonable period of time, the School may resume the process identified above.

If a complainant's unreasonable, persistent and/or harassing behaviour is modified and the complaint still lies within the time limit specified within the School's Concerns & Complaints Policy & Procedure, the School will use its discretion and may resume the investigation of the complaint. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy

Legitimate new complaints, if not pursued in an unreasonable, persistent and/or harassing manner, will still be considered, even if the person making them is (or has been) subject to the Procedure under this Policy. The School nevertheless reserves the right not to respond to communications from individuals subject to the Policy.

7. MONITORING

The Finance & Risk Committee will receive a report of the number of times this Policy is invoked and the stage reached on a termly basis.

This policy was approved by the Full Governing Body at their meeting on 30th March, 2022.