



The Winterton Federation

Persistent or Vexatious Complaints/Harassment in School Policy



Introduction

The Executive Headteacher and staff deal with specific complaints as part of their day-to-day management of the Federation in accordance with the Federation'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.

Good relationships between schools and families are important in supporting pupils to succeed, in terms of their social and emotional well-being and meeting or exceeding their predicted outcomes in academic achievement.

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 Federation/schools and directly or indirectly the overall well-being of the children or staff in the Federation. In these exceptional circumstances the Federation may take action in accordance with this policy.

What is a complaint?

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'* (DfE definition).

Schools need to be clear about the difference between a concern (managed at the informal stage) and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'* (DfE definition).

Aims of the Policy

The aims of this policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between the Federation 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 Federation, including governors and parents;
- Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of Federation staff while ensuring that other stakeholders suffer no detriment.

Stakeholders' Expectations of The Winterton Federation

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

- Follow the Federation's Complaints procedure;
- Communicate appropriately, which includes within reasonable time limits;
- Treat all stakeholders and respond with courtesy and respect.

The Winterton Federation's Expectations of Parents/Carers/Members of the Public

The Federation can expect parents/carers/members of the public who wish to raise problems with the Federation to:

- Treat all Federation staff with courtesy and respect;
- Respect the needs and well-being of Federation pupils and staff;
- Avoid any use, or threatened use, of violence to people or property;
- Avoid any aggression or verbal abuse;
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The Winterton Federation Persistent or Vexatious Complaints/Harassment in School Policy



- Recognise the time constraints under which Federation members of staff work and allow the Federation a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take some time;
- In the case of a complaint, follow the Federation's Complaints Procedure.

Who is a Persistent Complainant?

For the purpose of this policy, 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 Federation, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- 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;
- Repeatedly mails the same complaint and/or refuses to accept the findings of that investigation where the Federation's complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with the Executive Headteacher on all occasions irrespective of the issue and the level of delegation in the Federation 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 Federation because it is unlawful;
- Changes the substance of the complaint or continually raises new issues.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of Federation staff and/or;
- Cause on-going distress to individual member(s) of Federation staff and/or;
- Have a significant adverse effect on the whole/parts of the Federation community and/or;
- 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.

The Federation's Actions in Cases of Persistent or Vexatious Complaints or Harassment

In the first instance the Federation will write to the complainant informing them that their 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 Federation 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 Federation to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy;
- 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 Federation should be by letter only;



The Winterton Federation Persistent or Vexatious Complaints/Harassment in School Policy



- In the case of physical or verbal aggression) the Federation will take advice from LA HR/Legal Services (services purchased by the Governing Board) and consider warning the complainant about being banned from the Federation campus; or proceed straight to a temporary ban;
- Consider taking advice from the LA on pursuing a case under Anti-Harassment legislation;
- Consider taking advice from the HR/Legal Services of the LA 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 Executive Headteacher but only with a third person to be identified by the governing board of the Federation, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Executive Headteacher accordingly;

Thus, based on the above, if 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 Vexatious Complaints and/or Harassment in Schools. However, the Federation will be advised by the HR/Legal Services of the LA.

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

Review

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

Policy written by Cathy Logan: Spring 2021

Policy agreed by Governors: Spring 2021

Policy agreed by Staff: Spring 2021

To be reviewed Spring 2024