



**MANLEY PARK**  
PRIMARY SCHOOL  
G R O W I N G T O G E T H E R

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## Unreasonable/unreasonably persistent, abusive, harassing or vexatious complaints policy

### INTRODUCTION

Our school values (Respectful, Responsible, Positive, Understanding, Compassionate, Patient) drive our school ethos and behaviour. We want to see these values in the way that we communicate with each other and we expect everyone in our school community to do the same.

This policy will help us to build a community that values care, humour, respect and empathy for others. We want to improve relationships and for our community to expect excellent behaviour from everybody that has contact with our school. This means that when we are communicating with each other, whether we are face-to-face, on social media, on the telephone or emailing/writing we should; treat each other fairly, show respect, take responsibility for our behaviour and how we communicate and for the consequences for how we behave and be positive role models for our children.

We want every interaction to fit with our values but we do understand that sometimes we won't be able to help in the ways families would like us to. We think that feedback is really helpful and we take it seriously because it helps us to learn and improve what we do.

We have a separate complaints policy and procedure which you can see here:

<https://static1.squarespace.com/static/5d891cb03db677155def7b86/t/5f8013005d73348407351f2/1602228996034/Complaints+Policy+-+June+2020.pdf>

Our Headteacher and senior leadership team deal with specific complaints as part of their day-to-day management of the school in line with the complaints policy. The majority of complaints are dealt with quickly and the person who complains is happy with the resolution.

Sometimes we receive a complaint that is unreasonable, harassing or vexatious. When this happens the actions of the person complaining have a negative impact on the day-to-day running of the school and can also impact on the wellbeing of our children and school staff. If this happens, the school may take action which is outlined in this policy.

This policy explains our approach to identifying unreasonably persistent, abusive, harassing or vexatious complaints.

When using this policy we will make sure that we meet our statutory duties under the Equality Act 2010 and we will make reasonable adjustments to disabled families. In some circumstances some people may have a disability that makes it difficult for them to express themselves clearly or communicate clearly and/or appropriately. When we identify that this may be the case, we will consider the needs and circumstances of the person complaining and use this information to inform decisions that we make.

### AIMS OF THIS POLICY

- To keep the standards of courtesy and reasonableness in all communication between the school and people who want to give feedback or make a complaint
- To support the wellbeing of children, staff and everyone who works with the school, including governors and parents
- To deal fairly, honestly, openly and clearly with people who make persistent (repeated) or vexatious (unreasonably persistent) complaints as well as people who harass members of staff in school to make sure that nobody involved is harmed

### WHAT IS UNREASONABLE OR UNREASONABLY PERSISTENT?

Unreasonable and unreasonably persistent complaints are complaints that are frequent and repeated and mean that the school cannot operate well because it is spending time resolving the complaint of one person.

Repeated complaints from the same person will be dealt with under Section 6 of our Complaints Policy [INSERT LINK](#)

Behaviours that often come with repeated complaints are:

- Refusing to be clear about what the complaint is about, even though help has been offered
- Refusing to take part in the complaints investigation process
- Insisting that the complaint being dealt with in a way that is outside of the complaints policy or is not good practice
- Introducing new information that is not connected to the complaint
- Raising detailed questions that are not related to the complaint and insisting that they should be answered
- Making excessive demands on the time and resources of staff with long phone calls, emails to lots of members of staff at the same time, or frequent detailed correspondence and expecting an immediate response
- Sending obsessive, persistent and frequent messages and repeating information that has already been sent, r
- Requesting an unreasonable amount of requests under the Freedom of Information Act
- Insisting on only dealing with the Headteacher all the time even if they are not the most appropriate person to deal with the complaint

### WHAT IS ABUSIVE BEHAVIOUR?

Abusive behaviour includes physical or verbal violence including the following (this list is not and exhaustive list):

- Speaking to a member of staff in a rude or offensive manner
- Swearing despite being asked to refrain from using such language
- Using threatening language towards staff which provokes fear
- Physical threats
- Damage to property
- Repeatedly contacting a member of staff about a problem that has already been dealt with

### WHAT IS HARASSING BEHAVIOUR?

Harassing (nuisance) behaviour is aggravating someone in a way that:

- Appears to target one or more members of school staff over a long period of time and/or;
- Causes on-going distress to member(s) of school staff and/or;
- Has a harmful effect on part or all of the school community and/or;
- Intimidates a person. This could include situations where persistent demands and criticisms, whilst not particularly difficult or serious in isolation, have a cumulative effect over time and undermine confidence, wellbeing and health

#### **WHAT IS VEXATIOUS BEHAVIOUR?**

The term vexatious is recognised in law and means persistent, aggravating behaviour that is designed to cause annoyance. When people make vexatious complaints they are disrupting school business in a way that takes a disproportionate amount of time from school staff and governors by making repeated complaints about the same subject.

A vexatious complaint is:

- repetitive
- persistent
- expects an unrealistic or unachievable outcome
- doesn't move through the stages of the complaints procedure or expresses criticism about the complaints procedure
- takes more time to resolve than is needed

#### **WHEN WILL WE USE THIS POLICY?**

*Before deciding to use this policy we will decide whether any other action is necessary, such as:*

- Whether it is appropriate to arrange a meeting to talk about the complaint and agree an outcome
- Identifying whether the person making the complaint has any access needs and whether we should offer an independent advocate to help with communication
- Providing a lead contact for a complaint that is complicated or includes more than one member of staff or more than one school department so that the person who is making the complaint knows that they one person at school will coordinate information and help to resolve the problem

We will use this policy if a person making a complaint is using unreasonably persistent, abusive, harassing or vexatious behaviour when communicating with the school.

#### **HOW WE WILL USE THIS POLICY**

If we identify that someone is communicating with the school in an unreasonably persistent, abusive, harassing or vexatious way the Headteacher will speak to the Governing Body. After this the Headteacher will either telephone or write to the complainant (person who is making a complaint) and explain that their behaviour has caused concern at school and they will ask them to change this behaviour. The Headteacher will explain what action the school may take if the behaviour does not change.

If the unreasonable behaviour continues the Headteacher will consult the Chair of Governors about what action is needed and they will write to the complainant to explain:

- Why it has been necessary to use this policy in considering the person's unreasonable behaviour
- What action the school will take
- How long the action will last
- How the action will be reviewed (or what change in behaviour is needed to review the action)
- The right of the complainant to contact the Local Education Authority about the fact that they have been treated as an unreasonably persistent, abusive, harassing or vexatious complainant under this policy

Any restriction that is imposed on the complainant's contact with the school will be appropriate and proportionate. The complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between one and two school terms but in exceptional cases may be extended. In such cases the restrictions would be reviewed annually.

#### **TYPES OF ACTION THE SCHOOL MAY TAKE**

If unreasonably persistent, abusive, harassing or vexatious behaviour is not changed the school will take some or all of the following actions as necessary, considering the nature of the behaviour and the effect it has on the school community:

- When someone tries to reopen a complaint that has already been dealt with through the school's complaints procedure, we will write to them and tell them that the complaints procedure has been exhausted and that the matter is closed. We will explain that future communication will be read and placed on file but we will not acknowledge it unless it contains important new information
- Limit a person to one type of communication (e.g. telephone, letter, email)

- Place limits on the number and length of contact a person can have with staff each week/month
- Limit contact to a named member of staff and if this is ignored any additional communication that does not contain important new information will not be acknowledged but will be kept on file
- Offer restricted time slots for necessary calls on specific dates and times
- Only agree to face to face meetings when they are in the presence of a witness and in an appropriate location with meeting notes to be kept on file
- Limit communication to letter only, except in the case of emergencies
- If behaviour is abusive or harassing, warn that a ban from school will be considered, or proceed straight to a temporary ban
- Take advice on pursuing a case under Anti-Harassment legislation
- Get HR/Legal services advice to put a specific system in place to communicate with a complainant (for example communicating via a third person, who the governing body will identify, who will investigate the situation and decide whether or not the complaint is reasonable or vexatious and then advise the headteacher on what action to take)

#### **EXTREME CASES**

In extreme situations the school may decide to take on the steps outlined above immediately.

If a person continues to be unreasonably persistent, abusive, harassing or vexatious then the headteacher will speak to the Chair of Governors and may decide to refuse all contact and stop any investigation into their complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the school will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give prior warning of that action.

Any new complaints received from people who are being dealt with under this policy will be treated on their facts. The school does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon the person making them.

#### **CEASING CONTACT**

There may be occasions where the relationship between the school and an unreasonably persistent, abusive, harassing or vexatious person breaks down completely. This may even be the case while complaints are under investigation and there is little possibility of getting a satisfactory outcome. If this is the case, there may be no purpose in following all the stages of the complaints procedure. If this happens the school will advise the complainant that they may approach the Local Education Authority who may be prepared to consider a complaint before the school's complaints procedure has run its course.

#### **RECORD KEEPING**

The Complaints Team will keep a record of all complainants who have been treated as being unreasonably persistent, abusive, harassing and/or vexatious in accordance with this policy. This will include details of why this policy was used, what restrictions were put in place and how long those restrictions lasted.

Anonymised information will be reported in the complaints annual report.