



Woodfield Primary School

Vexatious Complaints and Harassment Policy

Document Approval

This document was reviewed and approved by the Governing Body as appropriate and effective.

| | | |
|-----------|-------------------------|------------------|
| Signed: | | |
| Date: | | |
| Name: | Mrs C Brockbank | Mrs J A Charnley |
| Position: | Chair of Governing Body | Headteacher |

Document Review

The Governing Body will review this policy to ensure that it is appropriate and effective whenever necessary, and not less than once every three years.

Document Control

There is one controlled paper copy of this document located in the Business Manager's Office.

The master electronic copy is held within a designated folder. The latest issue will be marked with the highest number, ie Issue 2 is later than Issue 1. Files in the process of being edited have the words 'In Progress' in the file name.

All other copies (electronic and paper) are uncontrolled.

Document History

| Filename: Vexatious Complaints and Harassment Policy | | | | |
|---|--|--------|---------|----------|
| Issue | Description of Change | Author | Checked | Date |
| 1.0 | Reviewed and agreed by staff/ approved by governors. | SB | JC | 16/07/18 |
| 2.0 | Review date: July 2021 | | | |

Woodfield Primary School

Wigan Lane
Wigan
WN1 2NT

Telephone: 01942 243675

E-mail: enquiries@admin.woodfield.wigan.sch.uk

Web: www.woodfield.wigan.sch.uk



Woodfield Primary School

Vexatious Complaints and Harassment Policy

RATIONALE

Woodfield Primary School aims to provide a safe and positive environment in which children can be helped to fulfill their potential. Parents, guardians and others may, however, need to make a complaint or raise a concern, and the School Complaints Policy explains what to do if this occurs. The school is committed to dealing with such concerns and complaints fairly and impartially, and to reaching a satisfactory resolution.

In very rare circumstances, a parent or guardian may make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the school rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again. The frequency of contact with the school can hinder the consideration of their complaints and the ability of staff to provide a quality service as a whole.

The school recognises that it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are simply being difficult. The school acknowledges that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.

Similarly, even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered separately and on its merits, and a decision made as to whether it is vexatious or genuine.

This policy aims to clarify the process for dealing with vexatious complaints.

WHAT IS MEANT BY A 'VEXATIOUS COMPLAINT'?

The following list, which is not exhaustive, identifies examples of vexatious complaints:

- Actions which are - out of proportion to the nature of the complaint, or - persistent – even when the School Complaints Procedure has been exhausted, or - personally harassing, or - unjustifiably repetitious or - obsessive, harassing, or prolific.
- Prolific correspondence or excessive email or telephone contact 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.
- Using Freedom of Information requests excessively and unreasonably.
- Acting in a way not in line with the school aim of reaching a resolution and working with the school.
- Refusal to specify the grounds of a complaint, despite offers of assistance with this from school staff and / or governors.
- Refusing to attend appointments to discuss the complaint.
- Refusal to co-operate with the complaints investigation process or insistence on the complaint being dealt with in ways which are incompatible with the School Complaints Procedure or with good practice.
- Making what appear to be groundless complaints about the employees and / or governors dealing with the complaints or attempting to use the School Complaints Procedure to pursue a personal vendetta against one or more staff and/or governors.
- Making unnecessarily excessive demands on the time and resources of school staff and/ or governors whilst a complaint is being looked into.
- Refusal to accept information provided, for no apparent good reason.



- Changing the basis of the complaint as the investigation process goes on and/or denying statements he/she made at an earlier stage.
- Making statements or providing manufactured 'evidence' the complainant knows are incorrect or persuading others to do so.
- Raising at a late stage in the process, significant new information which was in the complainant's possession when he or she first submitted a complaint.
- Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure.
- Refusal to accept that issues are not within the remit of the School Complaints Procedure or demanding outcomes which the School Complaints Procedure cannot in itself provide such as the overturning of court decisions, dismissal or criminal prosecution of staff.
- Electronically/digitally recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved.
- Pursuing a complaint or complaints with the school and at the same time with the Local Authority, a Member of Parliament, the Secretary of State for Education, the Education Funding Agency, the police, solicitors and/or the Ombudsman.
- Seeking to coerce, intimidate or threaten staff, governors or other people involved, whether by use of language, tone of voice or behavior, including body language
- Submitting repeat complaints essentially about the same issues, after the complaints process has been completed, but with additions/variations which the complainant insists constitute 'new' complaints which should be put through the full complaints procedure.
- Using valid new complaints to resurrect issues which were included in previous complaints.
- Persistence in contacting the school and demanding responses or action long after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

WHAT IS 'HARASSMENT'?

Harassment is defined as the unreasonable 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, governors 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, governors 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.

HOW WILL THE SCHOOL RESPOND TO A CONCERN OR A COMPLAINT?

The School Complaints Procedure contains a clear commitment to taking concerns seriously and dealing with complaints in a sensitive, impartial and confidential manner.

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

- follow the school's complaints procedure;
- respond within a reasonable time;
- 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 complaints procedure, other policies and practice and in line with guidance from the department for education;
- keep those involved informed of progress towards a resolution.

WHAT THE SCHOOL EXPECTS OF THOSE WHO HAVE A CONCERN OR COMPLAINT TO RAISE

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

- treat all staff with courtesy and respect
- respect the needs of children, staff and governors within the school;
- never to use violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff and/or 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 complaints 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 (eg not in front of other parents or students and not in an open/public space).
- to be prepared to work towards a resolution and in partnership with the school.

THE SCHOOL'S RESPONSES TO VEXATIOUS COMPLAINTS OR HARASSMENT

This policy is intended to be used in conjunction with the School Complaints Procedure. Taken together, these documents set out how the school will always seek to work with parents, guardians and others with a legitimate complaint to resolve a difficulty and reach a resolution.

However, in cases of vexatious complaints or harassment, the school may take any or all of the following steps, as appropriate:

Inform the complainant informally that his/her behaviour is now considered by the school to be vexatious or harassing, and request a changed approach;

- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Vexatious Complaints and Harassment Policy;
- Require all future meetings with a member of staff and / or governor to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication.
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the school considers to be reasonable.
- Place restrictions on the individual's access to school and/or school staff.
- Place time limits on telephone conversations and personal contacts.
- Restrict the number of telephone calls that will be taken, eg one call on specified morning/afternoon of any week.
- Limit the complainant to one medium of contact, eg telephone, letter, email, etc).
- Require the complainant to communicate only with a named member of staff and/or governor.
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.
- Require the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed.
- Involve the police where it is believed the complainant has committed a criminal offence (eg harassment, assault or criminal damage), or where assault or damage is threatened or where the complainant refuses repeated requests to leave the school premises.



- The school has a duty of care to staff and students and will take emergency measures should these become necessary in extreme cases.

Where this policy is applied, the complainant will be told in writing, why a decision has been made to restrict future contact, the details of the restricted contact arrangements, the length of time that these restrictions will be in place and what he/she can do to have the decision reviewed.

Wherever possible the school will apply restrictions in a way that allows the complaint to continue to progress through the various stages of the Complaints Procedure.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual complainant with the need to ensure that other students, parents and staff do not suffer any disadvantage and the resources of the school are used as effectively as possible.

Restricting contact does not mean that the complainant's correspondence will not be read at all. Any further communications will need to be read to determine if they contain any significant new information.

Physical or verbal aggression

The school will not tolerate any form of physical or verbal aggression or personal harassment against school staff and/or governors. If staff and/or governors are subject to this type of aggression the school may:

- prohibit the individual from entering the school site, with immediate effect;
- inform the individual that communication with them will cease other than in an emergency
- request an anti-social behaviour order (ASBO);
- prosecute under Anti-Harassment legislation.

Arrangements for review

If a complainant ceases to be vexatious and/or harassing and then resumes this approach at a later date within a reasonable period of time, the school may resume the process identified above.

If a complainant ceases to be vexatious and/or harassing and the complaint still lies within the time limit specified within the School Complaints Policy, 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 a vexatious and/or harassing way, will still be considered, even if the person making them is (or has been) subject to the Vexatious Complaints and Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.



MODEL LETTER 1:

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

RECORDED DELIVERY

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 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 Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the School's Complaints Procedure;
- avoiding physical and verbal aggression at all times.

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



MODEL LETTER 2:

Informing a complainant that his/her behaviour is now considered to fall under the terms of the policy for dealing with vexatious complaints/ harassment

RECORDED DELIVERY

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; email correspondence will not be responded to;
- (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; email correspondence will not be responded to;
- (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 do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher