

Vexatious Complaints and Harassment Policy

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Introduction

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the School in accordance with the School's Complaints Policy.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. 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 School and directly or indirectly the overall well-being of the students or staff in the School.

In these exceptional circumstances the School may take action in accordance with this policy.

Aims of this policy

The aims of this policy are 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 students, staff and everyone else who has legitimate interest in the work of the School, including Governors and parents;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in School while ensuring that other stakeholders suffer no detriment.

What people can expect of the School

Students / parents / staff / members of the public who raise either informal concerns or formal complaints with the School can expect the School to

- regularly communicate in writing;
- explain how and when problems can be raised with the School;
- explain the existence of the School's complaints procedure, and
- explain the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment;
- respond within a reasonable time;

- be available for consultation within reasonable time limits bearing in mind the needs of the students within 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 complaints procedure, other policies and practice and, keep complainants informed of progress towards a resolution of the issues raised.

The School's expectations of those making a complaint

The School can expect pupils/parents/staff/members of the public 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.

Who is a persistent or vexatious complainant?

For the purpose of this policy, a persistent or vexatious complainant is a student / parent / carer / member of staff 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 School, and whose behaviour is unreasonable. Such behaviour may be characterised by

- actions which are obsessive, persistent, harassing, prolific, or repetitious;
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- using Freedom of Information requests excessively
- an insistence upon pursuing insubstantial complaints and/or unrealistic outcomes;
- an insistence upon pursuing complaints in an obsessive manner;
- an insistence on dealing only with the Headteacher irrespective of the issue and the level of delegation in the School 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 School because it is unlawful;
- taking a "scattergun" approach to a complaint
- repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

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

- appear to be targeted over a significant period of time on one or more members of School staff and / or student(s) and/or
- cause ongoing distress to individual member(s) of School staff/pupils and/or

- have a significant adverse effect on the whole/parts of the School 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/or health.

The School's actions in cases of persistent or vexatious complaints or harassment

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 in accordance with this policy.

This will be confirmed in writing.

If the behaviour is not modified the School 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 School 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 School should be by letter only;
- In the case of email correspondence automatically forward emails received from the complainant to another member of staff
- In the case of telephone communications block calls from the complainant
- in the case of physical, or verbal aggression take advice from HR or Legal Services; consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban;
- consider taking advice from the HR/Legal Services on pursuing a case under Anti-Harassment legislation;
- review the 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 Governing Body, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Headteacher accordingly.

Thus, 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 the School. However, the School will be advised by the HR/Legal Services.

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 HR/Legal Services.

Review

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