Townley School and Pre-School

Persistent Complaints and Harassment Policy

1. Aims of the policy

- To uphold the standards of courtesy and reasonableness that should characterise all communication between School and persons who wish to express a concern or pursue a complaint.

- To support the well-being of pupils/students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents.

- To deal fairly, honestly and properly with persistent complainants and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

2. Human Rights

2.1 In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. Who is a persistent complainant?

3.1 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 School and whose behaviour is unreasonable. Such behaviour may be characterised by:

a) actions which are obsessive, persistent, harassing, prolific, repetitious and/or

b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint

c) an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes

d) an insistence upon pursuing meritorious complaints in an unreasonable manner

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

a) appear to be targeted over a significant period of time on one or more members of school staff and/or

b) cause ongoing distress to individual member(s) of school staff and/or

c) have a significant adverse effect on the whole/parts of the school community and/or

d) are pursued aggressively

3.3 Actions or behaviour that fall into any of the categories described in 3.1 and 3.2 above, or any other harassing or persistently unreasonable behaviour, may render an individual liable to become subject to this Policy.

4. Parents' expectations of the School

4.1 Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to:

a) regularly communicate to parents/carers in writing (i) how and when problems can be raised with the School, (ii) the existence of the School's complaints procedure and (iii) the existence of the Persistent Complaints/Harassment Policy

b) respond within a reasonable time

c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint

d) respond with courtesy and respect

e) attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from Cambridgeshire County Council

f) keep complainants informed of progress towards a resolution of the issues raised

5. The School's expectations of parents/ carers/members of the public

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

a) treat all school staff with courtesy and respect

b) respect the needs and well-being of pupils/students and staff within the School

c) avoid any use, or threatened use, of violence to people or property

d) avoid any aggression or verbal abuse

e) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond

f) recognise that resolving a specific problem can sometimes take some time

g) (in the case of a complaint) follow the School's complaints procedure

6. The School's actions in cases of persistent complaint or harassment

6.1 The School will take the following consecutive steps as necessary if the complainant's behaviour is not modified:

a) inform the complainant orally or in writing that his/her behaviour is considered to have become unreasonable/unacceptable and may be considered to fall under the terms of this policy [While I understand the stepped nature of the suggested procedure, a persistent complainant is unlikely to take any notice of spoken communication. Also, we ought to leave open the option of writing rather than speaking when the level of aggression is such as to warrant distancing.

b) inform the complainant in writing that his/her behaviour is now considered by the School to have become unreasonable/unacceptable and warn of further sanctions under the Policy (Model Letter 1)

c) inform the complainant in writing that his/her behaviour is now considered by the School to fall under the terms of this policy (see Model Letter 2) and that the complaint will not be investigated further until it is pursued in a manner the school considers to be reasonable.

As appropriate this may additionally result in the school:

a) informing 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 (see Model Letter 3)

b) informing the complainant that, except in emergencies, all communication from the complainant to the school should be carried out in writing (see Model Letter 4)

c) (in the case of physical or verbal aggression) referring to Schools Briefing Paper 15 and considering warning the complainant about being banned from the School site; or proceeding straight to a temporary ban. (Advice is available from the Schools Helpline,

01223 706399) [see banning letters 1-4 below]

d) consider taking advice from Cambridgeshire County Council on pursuing a case under Anti-Harassment legislation (01223 706399)

6.2 Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered even if the person making them is, or has been, subject to the Harassment/Persistent Complaints Policy. In these circumstances advice may be sought from the LA (01223 706399).

6.3 If a complainant may normally have recourse to the Local Government Ombudsman after the School's Complaints Procedure has been exhausted, in the event that the school considers that there are exceptional circumstances it may recommend that the complainant refer the matter to the Ombudsman at an earlier time (Local Government Ombudsman Advice Team contact number: 0300 0610 614).

6.4 If a complainant's harassing/persistent complaining 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 as appropriate. In these circumstances advice may be sought from the LA (01223 706399).

6.5 If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified in the School's Complaints Procedure, the School will use its discretion and may resume investigation of the complaint.

7. Review

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

We welcome visitors to our school.

We will act to ensure it remains a safe place for pupils, staff and other members of our community.

If you threaten or assault anyone in the school, or persist in abusive behaviour, you will be removed from the premises and may be prosecuted.

Model letter 1:

Warning a complainant that his/her behaviour is considered to be in breach of the policy and of the consequences of remaining in breach of policy.

Dear …….

This letter is to inform you that the School considers your actions in …….

on……. when you ……. to be in breach of the School's Harassment/Persistent Complaints Policy in relation to Section(s) 3.1 a, b, c d and 3.2 a, b c, d. [delete as appropriate]

Exact details of allegation/behaviour;

We are aware that you have raised some concerns, and would advise you that these can be addressed by/the School is addressing these by *…….

At the moment we are dealing with these issues at stage * of the School's Complaints Procedure.

Please note that the School's Harassment/Persistent Complaints Policy sets out standards of behaviour expected of all people towards the School. . These include:

 behaving reasonably

 treating others with courtesy and respect

 avoiding harassing behaviour

 reasonably resolving complaints using the School's Complaints Procedure

 avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we can take if these standards are breached.

Steps that we will take:

 not investigating your complaint further unless it is pursued in a manner considered by the School to be reasonable

 [insert additional steps as appropriate]

Additional steps that we may take if necessary:

 make special arrangements for your meetings and communication with the School

 ban you from the School premises

 take legal action against you

[delete as appropriate]

I would ask that you allow the School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

I am confident that you will respect our need to maintain a calm and welcoming environment at all times.

Yours sincerely

Headteacher

* Fill in as appropriate

Model letter 2: Informing a complainant that his/her further behaviour means that the sanctions referred to in Letter 1 will now be invoked.

Dear ……

You will recall that I wrote to you on ……..* telling you that we felt your behaviour in……on……when you (summary) * was below the standard we expect of all people toward the School and was in breach of the Harassment and Persistent Complaints Policy.

I am now writing to inform you that your behaviour in……. on……..when you (Summary) * has now led us to apply, for the foreseeable future the School's Harassment/Persistent Complaints Policy because it again breached that policy.

Exact details of new allegation/behaviour;

As a result, of the following actions in relation to Section(s) 3.1 3.1 a, b, c d and 3.2 a, b c, d [delete as appropriate] of the Policy have been taken: *

 The school will not investigate your complaint further unless it is pursued in a manner considered by the School to be reasonable

 The School will make special arrangements for meetings and/ or communication with the School.[delete as appropriate]

These arrangements do not, apply, of course, to any emergencies concerning #, which should be reported to the School in the usual way. I will write to you separately with details of this [send modal letter 3 and/or 4 as appropriate

 banning you from the School premises . I will write to you separately with details of this [see banning letters 1 - 4 below.

 considering legal action against you

[delete as appropriate]

These measures will be reviewed by the School on #.

If you wish to make a representation about the contents of this letter, please do so in writing to me at the School by ……..*

I do hope that the difficulties can now be quickly resolved.

Yours sincerely

Headteacher

Fill in as appropriate * Delete as appropriate

Model letter 3: Informing a complainant that special arrangements will be made for him/her to meet members of staff

Dear ……..

Following my letter to you of …….* informing you that we felt your recent behaviour in connection with the School to be unacceptable/ unreasonable * , and that we now considered you to be subject to the School's Persistent Complaints/Harassment Policy, I am now writing to outline for you the arrangements we have made regarding meetings at the School.

For the foreseeable future, should you wish to meet with a member of staff, we would ask you to note:

a) this meeting will be arranged with a written appointment within 5 working days of the request, and with a third party present

b) in the interests of all parties, formal notes of this meeting may be made

These arrangements do not, apply, of course, to any emergencies concerning * , which should be reported to the School in the usual way.

I thank you for your forbearance in this matter, and do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Headteacher

* Fill in as appropriate

Model letter 4: Requesting that future communication should be by letter only

Dear ……..*

You will recall that I wrote to you on …….* informing you that we felt your recent behaviour in connection with the School to be unacceptable/unreasonable * , and that we now considered you to be subject to the School's Persistent Complaints/Harassment Policy.

I am now requesting that, for the foreseeable future, all routine communication with the School should be by letter only. Please address all letters to……* at the School. We shall respond as quickly as possible.

This request does not apply, of course, to any emergency involving *--in which case you should contact the School in the usual way--or to parents' evenings, which will continue as in the past, but with a third party present.

I do hope that we can resolve the ongoing difficulties as soon as possible.

Yours sincerely

Headteacher

* Fill in as appropriate

Banning letter 1: Initial letter to parent with children at the School

RECORDED DELIVERY

Dear Sir/Madam,

I have received a report from the Head teacher about your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, pupils, other parents.]

I must inform you that the Local Authority will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils. I am therefore instructing that (for a temporary period) you are not to reappear on the premises of the School. If you do not comply with this instruction I shall arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

[In the case of a primary school include:] For the duration of this decision you may bring your son(s)/daughter(s) (complete as appropriate) to school and collect them/him/her (delete as appropriate) at the end of the school day, but you must not go beyond the school gate.

[In the case of infant children, also insert:] Arrangements have been made for your [delete as appropriate] son(s)/daughter(s) (insert child/rens names) to be collected, and returned to you, at the school gate by a member of the School's staff.

The withdrawal of permission for you to enter the school premises takes effect straightaway. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the incident described above. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by [state date ten working days from the date of letter].

If on receipt of your comments I consider that my decision should be confirmed, you will be supplied with details of how to pursue a review of the circumstances of your case.

Yours faithfully,

Chair of Governors

Banning letter 2: Confirmation of ban, letter to parent with child/ren at the School

RECORDED DELIVERY

Dear Sir/Madam,

On (give date) I wrote to you informing you that on the advice of the headteacher, I had withdrawn permission for you to come onto the premises of the School. To enable the Governors to determine whether to confirm this decision for a longer period, I gave you the opportunity to give your written comments on the incident concerned by (give date).

I have not received a written response from you / I have now received a letter from you dated insert date, the contents of which I have noted. (delete either sentence as appropriate).

In the circumstances, and after further consideration of the Headteacher's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed. I am therefore instructing that until further notice you are not to come onto the premises of the School without the prior knowledge and written approval of the headteacher.

If you do not comply with this instruction I shall arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Regardless of this decision, the headteacher and staff at the School remain committed to the education of your child/children (delete as appropriate), who must continue to attend school as normal insert in the case of a primary school: under the arrangements set out in my previous letter.

The Governors will take steps to review the continuance of this decision on (give date). When deciding whether it is necessary to extend the withdrawal of permission to come onto the School's premises, the Authority will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from yourself and any evidence of your co-operation with the School in other respects.

I understand that you may be disappointed with this decision. You do however, have the right to a further review by the Local Government Ombudsman.

[ONLY include where the incident has arisen within the context of a parental complaint against the School if the school will still be considering the complaint:]

Finally I would advise you that I have asked the headteacher to ensure that your complaint that (give brief details) is considered under the appropriate stage of the School's parental complaints procedure. You will be contacted about this by the School in due course.

Yours faithfully,

Chair of Governors

Banning letter 3: Continuation of ban, letter to parent with child/ren at the School

RECORDED DELIVERY

Dear Sir/Madam,

I wrote to you on (give date) withdrawing permission for you to come onto the premises of (insert name) School until further notice. In that letter I also advised you that I would take steps to review this decision on (give date).

I have now completed the review. However, after consultation with the headteacher, I have determined that it is not yet appropriate for me to withdraw my decision. (Give a brief summary of reasons.)

I therefore advise that the instruction that you are not to come onto the premises of (insert name) School without the prior knowledge and approval of the headteacher remains in place until further notice.

I shall undertake a further review of this decision on (give date).

I understand that you may be disappointed with this decision. You do however, have the right to a further review by the Local Government Ombudsman.

Yours faithfully,

Chair of Governors

Banning letter 4: Removal of ban, letter to parent with child/ren at the School

RECORDED DELIVERY

Dear Sir/Madam,

On (insert date) I wrote to you informing you that, on the advice of the headteacher, I had temporarily withdrawn permission for you to come onto the premises of (insert name) School. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to let me have your written comments on this incident by (insert date).

I have not received a written response from you / I have now received a letter from you dated (insert date), the contents of which I have noted. (delete either sentence as appropriate).

[However] In the circumstances, and after consulting with the headteacher, I have decided that it is not necessary to confirm the decision, and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

Nevertheless I remain very concerned at the incident which occurred on (insert date), and I must warn you that if there is any repetition of your behaviour on that occasion, I shall not hesitate to withdraw permission for you to come onto the premises again.

Yours faithfully

Chair of Governors