

**St Michael's CE Primary School
Sydenham**



Persistent Complaints and Harassment Policy

Reviewed and agreed by the Governing Body on: 25th November 2019

Signed (Chair): *Beryl Fielder*

Review Date: *Summer 2022*

1. Introduction

In line with St Michael's Complaints Policy, we are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

2. Aims of the policy

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.

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.

3. Human Rights

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.

4. Who is a persistent complainant?

St Michael's defines unreasonable complaints as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

Behaviours can be categorised as persistent or unreasonable or both. A complaint may be regarded as unreasonable or persistent when the person making the complaint:-

- Acts in an obsessive, persistent, harassing, prolific, repetitious way.
- Engages in prolific correspondence or excessive e-mails or telephone contact about a concern or complaint.
- Insists upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes including a refusal to accept the findings of the investigation into that complaint, where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- Insists upon pursuing meritorious complaints in an unreasonable manner for example making excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Repeatedly communicates with the school in a way, which effects the day-to-day running of the school. Thus by placing excessive demands on staff time and school resources.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.

- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions listed above if the person making the complaint does so either face-to-face, by telephone, in writing- including electronically or using social media or networking sites, including but not limited to petitions and all social coms apps, including Whatsapp groups, which:

- Appear to be targeted over a significant period of time on one or more members of school staff;
- Cause on-going distress to individual member(s) of school staff;
- Have a significant adverse effect on the whole/parts of the school community;
- Are pursued maliciously and/or aggressively;
- Use threats, intimidation or violence;
- Use abusive, offensive or discriminatory language or tone;
- Are known to be false;
- Use falsified information;
- Publishing unacceptable information in a variety of media such as the press, including newspapers and social media platforms

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

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

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

- Treat all school staff with courtesy and respect in any form, written or otherwise.
- Respect the needs and well-being of pupils/students and staff within the School.
- Avoid any use, or threatened use, of violence to people or property.
- Avoid any aggression or verbal abuse in any form, written or otherwise.
- Limit the numbers of communications with a school while a complaint is being progressed.
- Recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to investigate and respond.
- Recognise that resolving a specific concern can sometimes take some time.
- Notify the school if they wish to be accompanied to a meeting in advance of the meeting. Any persons accompanying the complainant to a meeting will be required to provide identification documents (ID).
- Obtain prior consent if they or a companion wish to take notes during a meeting.
- Respect that it is the school's policy that parents and carers (or any other person(s) accompanying a parent/carer) are prohibited from recording conversations with members of the staff or members of the Governing Board, unless a complainant's own registered disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in

any minutes taken. This is due to Safeguarding and Data Protection issues that may arise from inappropriate use of the content recorded.

It is important that all members of the St Michael's community understand that the use of technology (including social networking, mobile phones, games consoles and other websites) to deliberately threaten, upset, harass, intimidate or embarrass someone else could be considered to be cyberbullying or harassment.

Cyberbullying is just as harmful as bullying in the real world and is not tolerated at St Michael's. We take all instances of cyberbullying or harassment involving any members of our community very seriously as we want members of the community to feel safe and happy both on and offline. Posting threatening, obscene or offensive comments online can also potentially be considered as a criminal offence and can lead to criminal prosecution under the Communications Act of 2003 and in some cases may be viewed as a hate crime. This can also affect anyone passing on such content, for example retweeting a message or sharing a comment with a wider network.

If parents/carers have any concerns or complaints regarding the school, then we would like to request that they be made using the correct and official channels so we can work together to help resolve any concerns that parents/carers may have.

The complaints procedure and anti-bullying policy and other relevant policies (such as behaviour or child protection policies) are available online via the school website or upon request at the school office.

We will do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider our position, we will need to act appropriately.

There will be occasions when, despite that we feel we have done everything we can in response to a concern or complaint, the complainant remains dissatisfied. It is important for us to recognise when we have arrived at this point. It is a poor use of school time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. Therefore, if the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

6. Parents' expectations of the school

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

- Publish a copy of the school's Complaints Policy and the Persistent Complaints and Harassment Policy on the school's website.
- Respond with courtesy and respect in line with the school's Complaints Policy.
- 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.
- 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 the Lewisham Local Authority.
- Keep complainants informed of progress towards a resolution of the issues raised.

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

The School will take the following consecutive steps as necessary if the complainants behaviour is not modified:

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

Further sanctions under the Policy:

- 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
- b) informing the complainant that, except in emergencies, all communication from the complainant to the school should be carried out in writing
- c) (in the case of physical or verbal aggression) considering warning the complainant about being banned from the School site; or proceeding straight to a temporary ban
- d) inform the complainant that a decision has been made to stop responding to their correspondence
- e) consider taking advice from the Local Authority/Southwark Diocesan Board of Education (SDBE) on pursuing a case under Anti-Harassment legislation

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 Persistent Complaints and Harassment Policy. In these circumstances advice may be sought from the LA/SDBE.

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.

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/SDBE.

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.

8. Review

The School will review at a minimum every three years.