



Believing and Achieving Together

Date adopted:

Review date:

Signature of Chair of Governors:

Persistent Complainants/Harassment Policy Overview

Having a policy on unreasonably persistent complainants and unreasonable complainant behaviour should help schools and their Governing Bodies deal with complainants in ways which are demonstrably consistent and fair. It also helps staff understand clearly what is expected of them, what options for action are available, and who can authorise these actions.

A persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. Harassment is 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 solution.

The persistent complaints policy is intended to be used in conjunction with the school's Complaints Procedure. Taken together, the two documents set out how the school will always seek to work with parents and others with a legitimate complaint in an attempt to resolve the issue.

Detailed records should be kept by the school on the frequency of contact, what action was taken and by whom. Details of the number of persistent complainants should be reported to the Governing Body as part of the headteachers report. Further information and template letters can be found on the teachernet website www.teachernet.gov.uk/_doc/1607/safe_school_leaflet.pdf.

Persistent Complainants/Harassment Policy

For use by staff in school.

This policy is intended to be used in conjunction with the school's Complaints Procedure. Taken together, the two documents set out how the school will always seek to work with parents and others with a legitimate complaint in an attempt to resolve the issue.

A combination of some or all of the following actions or behaviours may lead to the school invoking the procedure.

- Refusing to specify the grounds of a complaint, despite offers of assistance from school staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of the school's complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on complaints being dealt with in ways which are incompatible with the adopted complaints procedure.
- Making what appear to be groundless complaints about the staff dealing with their complaint.
- Changing the basis of the complaint as the investigation proceeds, and or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other person involved.
- Adopting a 'scattergun' approach; pursuing a complaint or complaints with a number of people at the same time e.g the Local authority/ Member of Parliament/ Councillors/ Standards Board/ Police/ the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous people, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions/ variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure again.
- Refusing to accept the decision- repeatedly arguing the point and complaining about the decision.

Stage 1

If it is considered that any actions of an individual constitute unreasonable behaviour, or an individual is deemed to be an unreasonably persistent complainant the headteacher or his/her designated representative, in consultation with the chair of governors, will inform the individual informally that his/her behaviour is considered by the school to be unreasonable or unacceptable, and request a changed approach.

Stage 2

If there is no improvement in behaviour and those involved in taking the decision at stage 1 are satisfied that the complaint is being, or has been investigated properly; that any decision reached was the right one; that communication with the complainant has been adequate, and that the complainant is not now providing any significant new information that might affect the view on the complaint they will, after taking advice from the Director of Schools and Family Support, inform the complainant in writing that his/her behaviour falls under the terms of the persistent complainants/ harassment procedure.

A copy of the persistent complainants/harassment procedure must be sent to the individual with a letter giving details of any restrictions which will apply, which may include some or all of the following:

- All future meetings will be conducted with a third person present;
- Notes of meetings will be taken;
- Restrictions on the number and specified times for telephone calls (except in cases of emergency);
- Specifying who the complainant is to communicate with;
- The school will respond only to written communication from the individual;
- Informing the complainant that future correspondence will be read by the headteacher or his/her designated representative and placed on file but not acknowledged unless it contains any relevant new information" or "information which in the school's opinion requires a response".
- The individual may be banned from entering the school site;
- An Anti-Social behaviour Order(ASBO) is to be requested;
- That the individual will be prosecuted under anti-harassment legislation.

The letter should also state the length of time the restrictions are to apply and that any **legitimate** new complaint will always be considered.

Stage 3

A persistent complainant has the right to appeal to the Governing Body. Any letter of appeal should be addressed to the chair of governors and **MUST** be received within ten school days of receipt of the letter referred to at Stage 2. The chair of governors will convene a committee of the Governing Body to review the case. The persistent complainant will be informed in writing of the outcome of the meeting within five school days of the committee meeting.

The Local Authority has no power to overturn a decision of the Governing Body however they may act as mediator between the school / complainant.

A complainant also has the right to appeal to the Secretary of State, or where there is dispute about action taken or not taken by the Local Authority, to the Local Government Ombudsman.