



ELTHAM
CHURCH OF ENGLAND
PRIMARY SCHOOL
SINCE 1814

PERSISTENT COMPLAINTS AND HARASSMENT POLICY

Reviewed by Mr M Wills: September 2022

Next review: September 2024



1. Policy Aims and Expectations

1.1 The aim of this persistent complaints and harassment policy (the Policy) is to:

- (a) ensure consistent communication between the School and a parent, carer or member of the public;
- (b) support the well-being of pupils, staff and those connected with the School, including Governors and parents, where there is a persistent complaint or harassment; and
- (c) deal fairly with persistent complainants and those who harass members of staff or pupils in the School.

1.2 The School expects all parents, carers or members of the public with a complaint to:

- (a) correctly follow the School's Complaints Policy procedures;
- (b) treat school staff and Governors with courtesy and respect;
- (c) behave reasonably;
- (d) respect the needs of pupils and staff within the school;
- (e) never use, or threaten to use, violence;
- (f) never be aggressive or give verbal abuse;
- (g) recognise the time constraints under which staff in the School work.

Where expectations are not met this Policy shall apply and the behaviour will be considered to be either a persistent complaint or harassment.

2. What is a persistent complaint?

A "persistent complaint" is where a parent, carer or member of the public makes regular complaints under the School's Complaints Policy, or frequently raises issues that the complainant perceives to be within the remit of the School, and the volume or content of such complaints is unreasonable. Examples of such behaviour include:

- (a) making substantially the same complaint to the School more than once;
- (b) repetitious raising of historical complaints, for which the School's complaints process has been exhausted and a final response provided; or
- (c) continuous, unnecessary and prolific correspondence, by letter, e-mail or telephone, which causes a high level of disruption;
- (d) raising complaints about matters which do not affect the complainant or which have no merit;
- (e) making repeated complaints with the intention to cause disruption or inconvenience;
- (f) raising complaints for which the continued use of the School's resources to progress through all the stages of the Complaints Policy would be disproportionate.

3. What is harassment?

3.1 The School considers there to be "harassment" where staff are subjected to a pattern of persistent and unreasonable behaviour from a parent, carer or

member of the public. Such behaviour may be face-to-face, by telephone, in writing or electronically (including email, websites or social media).

3.2 Harassment does not have to be abusive or overtly aggressive to fall within this Policy. It can include a member of staff receiving constant demands, criticism or complaints which, whilst not always serious in isolation, can have the cumulative effect over time of undermining their confidence, well-being and health.

3.3 Any form of verbal abuse, threatening behaviour, violence or publishing falsified information will automatically be categorised as harassment by the School.

3.4 Harassment can:

- (a) be targeted over a significant period of time on one or more members of School staff ;
- (b) cause ongoing distress to staff at the School; or
- (c) have a significant adverse effect on any of the School community

3.5 In extreme cases, the behaviour may constitute an offence under the Protection from Harassment Act 1997. If so, the Police have powers to take action against the offender.

3.6 The School shall have absolute discretion to determine whether the behaviour of a parent, carer or member of the public has become "harassment" and falls within this Policy.

4. Sanctions

4.1 Where behaviour expectations are not met by a parent, carer or member of the public, through persistent complaints or harassment, the School can exercise the following sanctions:

- (a) stop investigating an existing complaint until the individual's behaviour is modified in a manner the School considers to be reasonable;
- (b) make special arrangements for future meetings and communication with the School to ensure the safety of staff, Governors and pupils;
- (c) ban an individual from the School premises;
- (d) take legal action.

4.2 The sanction selected shall be at the absolute discretion of the School.

4.3 It is unlikely to be appropriate to ban a member of the public, with no child or children at the School, from the premises as they have no right to be there. If they do continue to access the School premises, legal advice will be sought to have the individual removed and prosecuted under Section 547 of the Education Act 1996. If convicted under this Act, that individual will be liable to a court fine.

4.4 All correspondence sent by the School in respect of the sanctions can be issued either by the Head of School, Executive Head or Chair of Governors.

Copies of any letters must be kept on file. Correspondence can be issued by email to any relevant party if an email address is held on file.

5. Process

5.1 In the first instance, complaints raised by parents, carers or members of the public will be dealt with under the Complaints Policy, until the School considers it necessary to refer the matter under this Policy.

Stage 1 Letter

5.2 The School shall notify the parent, carer or member of the public (the Referred Party) in writing that their persistent complaint/harassing behaviour is considered to be unreasonable and failure to modify their behaviour will result in sanctions.

5.3 Where Referred Party has been physically violent or threatening, the School does not need to issue a Stage 1 letter and can immediately move to a Stage 2 letter.

Stage 2 Letter

5.4 Where the Referred Party does not comply with the Stage 1 letter issued under paragraph 5.2 or paragraph 5.3 applies, they shall be notified in writing that their persistent complaint/harassing behaviour is unreasonable and sanctions will consequently take place. Sanctions available to the School are listed in paragraph 4 above.

Stop Investigating Underlying Complaint

5.5 The School shall have absolute discretion to determine whether a Referred Party has satisfactorily modified their behaviour in order that the underlying complaint continues to be investigated. The Referred Party may not appeal this sanction.

Special Arrangements for Meetings and Communications

5.6 Where the Referred Party has been informed in a Stage 2 letter that special arrangements for future meetings or communication are to be put in place, the School shall issue either:

- (a) A letter confirming that (i) all meetings with member of staff will be conducted with a third party present; and (ii) contemporaneous notes will be taken. The recommended form of letter is contained in Schedule 3 (Special Meeting Arrangements Letter).
- (b) A letter confirming that all communications from the Referred Party will be in writing. The recommended form of letter is contained in Schedule 4 (Communications Arrangements Letter).

The Referred Party may not appeal the special arrangements.

Banning From Premises

5.7 Where the Referred Party has been informed in a Stage 2 letter that they are to be banned from the School premises, the School shall issue a letter concerning the arrangements for such ban. There are four stages of a banning sanction. All letters must be sent by recorded delivery and email (if an email address is available).

5.8 In the first instance, a letter will be sent to the Referred Party confirming that they are not permitted on the School premises, the duration of the ban, the appeals process and limited exceptions. The banning may be appealed by the Referred Party back to the person who issued the letter within ten school days of that letter.

5.9 Once the time period to appeal the banning has expired, the School will consider whether the ban is to continue or be lifted based upon the representations made by the Referred Party (if any). A letter will be sent to the Referred Party confirming the decision made. The banning may be further appealed by the Referred Party to the Executive Headteacher or Chair of Governors (as the School shall decide appropriate). The recommended form of letter is contained in Schedule 6.

5.10 Where the Referred Party has sent an appeal request to the Executive Headteacher or Chair of Governors in accordance with paragraph 5.8 above, they shall consider whether the ban is to continue or be lifted based upon:

- (a) the representations made by the Referred Party; and
- (b) discussion with the original decision maker.

The decision of the Executive Headteacher or Chair of Governors shall be final and communicated to the Referred Party in writing.

5.11 At the review date of any banning decision, as set out in the relevant letter, the School may continue or lift the ban placed upon the Referred Party. The decision maker will consider:

- (a) the Referred Party's compliance with the ban; (b) any expressions of regret; and (c) any assurance of future good conduct.

Where the ban is lifted, a letter shall be issued by the last decision maker to the Referred Party confirming the lifting.

Where the ban is to continue, a letter shall be issued by the last decision maker to the Referred Party confirming the continuation.

Legal Action

5.12 If the School wishes to take legal action against a Referred Party it shall consult with the Local Authority before commencing any action.

Legitimate New Complaints

5.13 Where a Referred Party wishes to raise a new complaint, it shall be managed in accordance with the School's Complaints Policy provided that their behaviour does not fall within this Policy.

Relapse in Behaviour

5.14 If a Referred Party relapses into unreasonable persistent complaint behaviour or harassment, following a period modified behaviour, the School shall activate this Policy again at the last level of sanction.

6. Review

The School shall review any sanctions applied against a Referred Party at least once a term, in accordance with this Policy.