

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



Persistent Complaints and Harassment Policy

Agreed by the Governing Body on: 3rd December 2012

Signed (Chair): *Beryl Fielder*

Review Date: *December 2016*

1. 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.

2. 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.

3. Who is a persistent complainant?

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.

The school will deem the following behaviour as unreasonable:

- 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

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 on-going 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

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

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 the London Borough of Lewisham (the LA)
- 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

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

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 LA/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.

7. 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.