



TMPF

Dealing with Vexatious or Persistent Complainants Policy

Policy Ratified: Summer 2023
Date of next review: Summer 2025

*The Moorlands Primary Federation comprises seven schools:
Bishop Rawle C. E. Primary School; Dilhorne Endowed C. E. Primary School;
Great Wood Primary School; Hollinsclough C.E. Academy; Manifold C.E. Academy,
St. Werburgh's C. E. Primary School; and The Valley Primary School.*

Any mention of the Trust, or TMPF refer to The Moorlands Primary Federation. The policy applies to all schools within TMPF unless stated otherwise to reflect local procedures.

School Leaders and staff deal with specific complaints as part of their day-to-day management of the school in accordance with TMPF Complaints Policy.

The majority of complaints are investigated and handled in an informal manner and are resolved quickly, sensitively, in line with school procedures and often to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are such that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may act in accordance with this policy.

1. Aims of policy

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise communication between the Trust/school and persons who wish to express a concern or pursue a complaint;
- support the well-being of children, staff and everyone else who has legitimate interest in the work of the school, including Trustees; parents/ carers; trainee teachers; placement students; volunteers and other stakeholders as appropriate;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in the Trust/ school.

2. Parents and carers expectations of TMPF schools

Parents/carers/members of the public who raise either informal concerns or complaints can expect from each Trust school:

- communication to parents/carers in writing which advises of:
 - how and when problems can be raised with the school or Trust;
 - the existence of TMPF Complaints Policy;
- a response within a reasonable time which also reflects the school holidays and the importance of staff work/life balance;
- the availability of staff for consultation within reasonable time limits bearing in mind the needs of the pupils within schools and the nature of the complaint;
- a response with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the Trust's Complaints Policy and advice from the Department for Education. The aim is to keep complainants informed of progress towards a resolution of the issues raised.

3. TMPF's expectations of parents/carers

TMPF expect parents/carers/members of the public who wish to raise a concern or issue with our schools to:

- treat all school and Trust staff with courtesy and respect;
- respect the needs and well-being of pupils, staff, trainees, volunteers and Trustees in our family of schools;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression, intimidation or verbal abuse (including the use of inappropriate language whether or not directed at a member of staff);
- recognise the time constraints under which members of staff work and respect that each school requires a reasonable time to respond and that staff have the right to a work/life balance;
- recognise and appreciate that staff have a number of roles across school and the Trust which need to be completed and are ongoing;
- recognise and respect that resolving a specific problem can sometimes take some time being mindful that daily (or several times per week) updates are unlikely;
- (in the case of a formal complaint) follow TMPF Complaints Policy.

4. Who is a persistent complainant?

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:

- actions which are obsessive, persistent, harassing, prolific, repetitive;
- prolific correspondence or excessive e-mail, letters (or notes), face-to-face visits, or telephone contact about a concern or complaint;
- uses Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on only dealing with the School Leader/Executive Principal or CEO on all occasions, irrespective of the issue and the level of delegation in each school to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of each school or the Trust.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in the bullet points above in such a way that they:

- appear to be targeted over a significant period on one or more members of school/ Trust staff and Trustees; and/or
- cause ongoing distress to individual member(s) of school/ Trust staff/ Trustees; and/or
- have a significant adverse effect on the whole/parts of each school's community or daily operations; and/or

- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of adding substantially to staff or Trustee workload; undermining confidence; or impacting upon well-being and/or physical or mental health.

5. The school/ Trust's actions in cases of persistent or vexatious complaints or harassment.

In the first instance, the school/ Trust will verbally inform the complainant that his/ her/ their behaviour is becoming unreasonable/ unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing (via email).

- If the behaviour is not modified, each school/Trust will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on each school's community:
 - inform the complainant in writing that his/her/their behaviour is now considered by school/ Trust to be unreasonable/unacceptable and the matter will be referred to the Executive Principal/Chief Executive Officer (CEO).
 - the Executive Principal/CEO will write to the complainant outlining the behaviour deemed to be unreasonable; and
 - inform 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 2);
 - inform the complainant that, except in emergencies, all routine communication with the complainant to each school should be by letter (see Model Letter 2) and posted or emailed to the relevant school email address:
 - Bishop Rawle C.E. Primary - office@bishoprawle.staffs.sch.uk;
 - Dilhorne Endowed C.E. Primary - office@dilhorne.staffs.sch.uk;
 - Great Wood Primary - office@greatwood.staffs.sch.uk;
 - Hollinsclough C.E. Academy - office@hollinsclough.staffs.sch.uk;
 - Manifold C.E. Academy - office@manifold.staffs.sch.uk;
 - St. Werburgh's C.E. Primary - office@st-werburghs.staffs.sch.uk;
 - The Valley Primary - office@valley.staffs.sch.uk only;
- (in the case of physical, or verbal aggression) take advice from the police, PHRP (TMPF's Human Resources partner), Geldards Solicitors and consider warning the complainant about being banned from the school site or proceed straight to a temporary ban;
- consider taking advice from the Trust's solicitors on pursuing a case under Anti-Harassment legislation;
- consider taking advice from the Trust's solicitors about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the School Leader but only with a third person to be identified by the Trust Board, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the School Leader accordingly.

Trust Mindful Peace Friendship

Legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. However, each school/ the Trust will be advised by HR /Legal Services.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, TMPF may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the Trust's Human Resources advisor.

Appendix 1

Notice to be displayed in all TMPF school entrance foyers

We warmly welcome visitors to our school premises.

We will act to ensure it remains a safe place for pupils, staff, and all other members of our community. If you have concerns, we will always listen to them and seek to address them.

Please be aware, however, that abusive, threatening, or violent behaviour will not be tolerated on our school premises.

Visitors behaving in this way will be asked to leave and where appropriate, be prosecuted.

(name)
School Leader
The Moorlands Primary Federation

Model Letter 1 (ML1)
Initial letter concerning unreasonable/unacceptable behaviour

[Date]

Dear [insert name of complainant],

This letter is to inform you that the school/ Trust considers your actions [describe actions, dates & behaviour] on _____ when you _____, to be unreasonable/unacceptable [delete as appropriate]. We would ask you to bear in mind the fact that such behaviour on the school site can be disruptive and distressing to pupils, staff, Trustees and parents/ carers. [Delete the relevant parts of this paragraph if the behaviour in question did not physically occur on the School site]

We are aware that you have raised concerns/ complaints, and would advise you that these are being dealt with through the Complaints Policy. At the moment, we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that the Trust's policy for dealing with Persistent or Vexatious Complaints/ Harassment sets out the standards of behaviour expected of all people in their dealings with the schools/ Trust. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the Schools' Complaints Procedure Policy;
- being mindful of staff/ Trustee work/life balance and other responsibilities (including but not limited to classes, extra-curricular clubs and groups; and
- avoiding physical and verbal aggression and intimidation at all times.

The Policy also details the steps that we may take if these standards are breached.

These steps include:

- making special arrangements for meetings and communication between you and the school/Trust; and/or
- considering banning you from the school/ Trust premises; and/or
- considering Legal action.

I ask you to allow the school/Trust time to investigate and resolve your complaint in accordance with the Complaints Policy or other procedure as appropriate. I assure you that we shall take every step to move this investigation and resolution forward as quickly as possible.

Yours sincerely

School Leader

Model Letter 2 (ML2)

Secondary letter concerning unreasonable/unacceptable behaviour now falling under the terms of this policy.

[Date]

Dear [insert name of complainant],

You will recall that we wrote to you on [insert date] informing you that it was felt that your behaviour was unreasonable/ unacceptable [delete as applicable].

I am now writing to inform you that in view of the behaviour on [Date], when you [describe actions / behaviour] it has been decided that the school's/ Trust's policy for dealing with Persistent or Vexatious Complaints/Harassment will apply from the date of this letter.

With consideration for the circumstances, I have made the following arrangements for your future contact with the school. [*Delete A or B as applicable]

***A:** For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note that:

- All routine communication, including any requests for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to [insert as applicable] at the school address; please note that email correspondence will not be responded to.
- An appointment will be arranged and confirmed in writing as soon as possible.
- A third party from the school will be present throughout the meeting.
- In the interest of all parties, formal notes of the meeting may be made.

***B:** For the foreseeable future, all meetings arising from any written communication with the school/ Trust will not be conducted by a member of staff, but will be conducted by [insert name] who will represent the school. I would ask you to note that:

- All routine communication, including any request for a meeting between you and the school/ Trust, will be by letter only. Letters from you need to be addressed to [insert as applicable] at the school address; please note that email correspondence will not be responded to.
- An appointment will be arranged and confirmed in writing as soon as possible. A third party from the school/ Trust will be present throughout the meeting.
- In the interest of all parties, formal notes of the meeting may be made. Exceptionally, these arrangements do not apply to any emergency involving [insert name of pupil] – in which case you should contact the school in the usual way. Please note that information normally provided on parents' consultation evening(s) will be delivered in a summary written report whilst these arrangements are in place.

The arrangements described above take effect immediately.

If you wish to make a representation about the content of this letter, you can do so by writing to me at the school within ten school days of the date of this letter. I hope that the difficulties that we are currently experiencing can soon be resolved.

Yours sincerely

School Leader