



# UNREASONABLE BEHAVIOUR & PERSISTENT/VEXATIOUS COMPLAINTS POLICY

**Adopted: January 2024**

**Reviewed: January 2024**

**Reviewed: Every two years**

## Policy Revision History

This document is a Non-Statutory Official School Policy of Caerleon Comprehensive School. This Policy was formally adopted by Caerleon Comprehensive School January 2024.

Signatories: \_\_\_\_\_ (Headteacher) \_\_\_\_\_ (Chair of Governors)

PRINT: \_\_\_\_\_

Date	Revision	Type	Author	Approved by
Jan 2024	A	Adopted	LEP	Full Govs 18 January 2024

### Annotation Key for this Document

LEP Lucy Purcell, Headteacher

## Caerleon Comprehensive School: Parent/Carer Code of Conduct

### Dealing with Unreasonable Behaviour and Persistent and/or Vexatious Complaints Policy

NB: This policy relates to the behaviour of **parents/carers/family members/visitors** to the school. Please read this policy in conjunction with our Communication Code.

#### Policy Introduction

We believe staff, parents/carers, other adults and children are entitled to a safe and protective environment in which to work. Behaviour that will cause harassment, alarm or distress to users of the premises is contrary to the aims of the school. We ask that all stakeholders (pupils, parents, staff, Governors, visitors) respect the professional judgments made by the Headteacher and teaching staff. Those who disapprove of professional decisions and policies have the choice of either discussing and understanding issues raised or making a complaint following the Complaints Policy.

The first half of this policy refers to unreasonable behaviour from parents/carers/visitors and how the school proposes this will be dealt with.

The second half of this policy refers to persistent and/or vexatious complaints and how the school proposes these will be dealt with.

#### Respect and Concern for Others and Their Rights

Whilst disrespectful behaviour from stakeholders is very rare, we need to have this policy in place to safeguard the children and staff. We ask that stakeholders give all members of staff the same level of respect as staff afford to them.

#### Aims

The aim of this policy is to ensure that all stakeholders who interact with the school behave in a manner conducive to building positive relationships between students, staff, parents and carers, governors and visitors.

#### Expectations

The following are the expected outcomes of this policy:

- That adults always set a good example to children, showing them how to get along with all members of the school and the wider community.
- That no members of staff, parents/carers, other adults, or children are the victims of abusive behaviour or open to threats from other adults on the school premises or via email/telephone.
- Physical attacks and threatening behaviour, abusive or insulting language whether verbal or written to staff, governors, parents/carers, children, and other users of the school premises will not be tolerated and will result in withdrawal of permission to be on school premises/communicate in writing with school. Any parent who is asked to leave the school premises will have the right to appeal the decision by writing to the Chair of Governors.
- That there is a clear procedure in place for dealing with persistent and/or vexatious complaints to enable school staff to focus on educating our students effectively.

#### Roles and Responsibilities

It is the responsibility of the Headteacher and Governors to monitor and review this policy.

## Guidelines

Types of behaviour that are considered serious and unacceptable and will not be tolerated towards any member of the school's community may include:

- Shouting, either in person or over the telephone
- Inappropriate posting on social networking sites that is deemed as bullying or derogatory
- Speaking in an aggressive/threatening tone
- Physically intimidating e.g., standing very close or invading another's personal space
- The use of aggressive hand gestures or sudden and or exaggerated movements
- Physical threats, in person or by any other means
- Shaking or holding a fist towards another person
- Swearing
- Pushing
- Hitting, e.g., slapping, punching or kicking
- Any other unwanted physical contact
- Spitting
- Racist, sexist, homophobic or any other comments deemed offensive to an individual or group
- Making persistent and/or vexatious complaints.

This is not an exhaustive list but seeks to provide illustrations of such behaviour.

### Inappropriate use of social media

Social media websites are being used increasingly to fuel campaigns and complaints against schools, Headteachers, school staff and, in some cases, other parents/pupils. The Governors of Caerleon Comprehensive School consider the use of social media websites being used in this way as unacceptable and not in the best interests of the children or the whole school community.

Any concerns you may have must be made through the appropriate channels by speaking to the relevant member of staff as detailed in the Communication Code, so that they can be dealt with fairly, appropriately, and effectively for all concerned.

If any pupil or parent/carer of any child being educated in Caerleon Comprehensive School is found to be posting libelous or defamatory comments on Facebook or other social media websites, they will be reported to the appropriate 'report abuse' section of the network site and to the Police.

All social network sites have clear rules about the content which can be posted on the site, and they provide robust mechanisms to report contact or activity which breaches this. The school will also expect that any parent/carer or pupil removes such comments immediately.

In serious cases, the school will also consider its legal options to deal with any such misuse of social networking and other sites.

## Consequences

The above behaviours on school premises will be reported to the appropriate authorities and Governors may prohibit an offending adult from entering the school grounds to safeguard our school community. The school reserves the right to take any necessary actions to ensure that members of the school's community are not subjected to abuse. Therefore:

1. Incidents of rudeness will be logged with the Headteacher and Chair of Governors.
2. Abusive adults will have one written warning from the Headteacher.
3. In the event of unreasonably persistent communications, restrictions on the communication received and response times might be imposed.
4. School premises are private property and parents/carers have been granted permission from the school to be on school premises. However, in case of abuse or threats to staff, pupils or other parents, School may ban parents/carers from entering the school.
5. Unacceptable behaviour may result in the Police and the Anti-Social Behaviour Team being informed.
6. It is also an offence under section 547 of the Education Act 1997 for any person (including a parent) to cause a nuisance or disturbance on school premises. The police may be called to assist in removing the person concerned and it is possible a fixed penalty notice and/or an anti-social behaviour order may be issued.
7. When complaints become persistent and/or vexatious, the school will adhere to the guidance included in this policy.

Disrespectful and unacceptable behaviour will not be tolerated, and the necessary actions will be enforced:

- The parent will be given the opportunity to discuss matters with a senior member of staff to discuss and resolve the issue
- If the matter cannot be resolved immediately, the parent will be asked to leave the school premises until a meeting is held to discuss and resolve the issue
- In the event of severe or continual abuse, the Local Authority and police will be informed, and the parent/carer may be banned from the premises and other possible sanctions imposed.

School is not responsible for organising arrangements for children in the above circumstances. Parents/carers will need to provide alternative arrangements for bringing children into school.

## Appeal

Parents/carers have the right of appeal by writing to the Chair of Governors within ten days of permission to enter the school premises being withdrawn.

## Persistent and/or Vexatious Complaints

The Headteacher and staff deal with complaints as part of their day-to-day management of the school, in accordance with the School's Complaints' policy.

The majority of complaints are handled in an informal manner, and are resolved quickly, sensitively, and to the satisfaction of the complainant. The three-stage complaint process allows for informal discussion at stage A leading to formal engagement with the Headteacher or delegated senior member of staff at stage B and governors at stage C. Please refer to the School's Complaints Policy for further detail.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing complaints. The consequences are that the actions of the complainant begin to impact negatively on the day-to-day running of the school and directly or indirectly on the wellbeing of the children and/or staff in the school. This is irrespective of whether the Complaints' Policy is being followed. In these exceptional circumstances, the school may take action in accordance with this policy.

### **Aims**

The aims of this section of the policy in relation to Vexatious Complaints are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communication between the school and any interested party or complainant.
- Support the wellbeing of the students, staff and Head Teacher, and any other interested party, including governors and parents.
- Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints, and those who harass members of staff in school whilst ensuring that no other stakeholders suffer any detriment.
- Neither this policy nor the corresponding Complaints Policy will address complaints relating to Child Protection or staff discipline for which specific procedures are in place.
- This policy should be cross referenced with the 'Complaints policy' and the 'Communication Code'.

### **Parents' Expectations of the School**

Parent/Carers or other interested parties who raise an informal or formal complaint with the school can expect the school to:

- Publicise how and when complaints can be raised with the school.
- Publicise the school's Complaints Policy on the school website.
- Publicise the school's policy for dealing with persistent and/or vexatious complaints.
- Respond within a reasonable time.
- Be available for consultation within reasonable time limits, bearing in mind the needs of the students and staff within the school, and the nature of the complaint.
- Respond with courtesy and respect.
- Attempt to resolve problems using reasonable means in line with the school's Complaints Policy, and in consultation with the Local Authority.
- Keep complainants informed of progress towards a resolution of the complaints raised.

What the school expect from complainants

- We understand that raising a complaint can be stressful, and we are sympathetic to that. However, whilst we believe that all complainants have a right to be heard, understood and respected, we also believe that school Staff and Governors have the same right.
- We expect a complainant to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining.

## Persistent or Vexatious Complaints and Harassment - Definitions

The school maintains this policy in respect of vexatious and/or persistent complaints and may choose to exercise it if appropriate.

For the purposes of this Policy, a Persistent or Vexatious complainant is any interested party who raises complaints (either informally or formally) or who frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is considered to be unreasonable. Such behaviour may be characterised by:

- actions that are obsessive, persistent, harassing, prolific or repetitious;
- prolific correspondence or excessive email or telephone contact about a complaint;
- use of 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 upon only dealing with the Headteacher on all occasions, irrespective of the issue and/or the level of delegation in the school to deal with such matters; and 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 the school because it is unlawful.
- For the purposes of this policy, harassment is the unreasonable pursuit of such actions as above in such a way that they: appear to be targeted over a significant period of time, at one or more members of staff; and/or cause ongoing stress to individual member(s) of staff; and/or have a significantly adverse effect on the whole/parts of the school; and/or are pursued in a manner which could be perceived as intimidating and/or oppressive by the recipient(s). This could include situations where persistent demands or criticism, whilst not especially taxing or serious when viewed in isolation, have the cumulative effect over time of undermining confidence, well-being and health.

### The school's actions

In the first instance, the school will inform the complainant in writing/verbally that their behaviour is considered to be approaching unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing by the Headteacher or their delegated member of staff.

If the complainant's behaviour is not modified, the school will take some or all of the following actions as necessary, having regard for the complainant's behaviour, and the effect of this behaviour on the school:

Inform the complainant in writing that their behaviour is now considered by the school to have be unreasonable/unacceptable and, therefore to fall Inform the complainant, in writing, that all meetings with any member(s) of staff will be conducted with a third person present, and that notes of meetings may be taken in the interests of all parties, within the terms of this policy.

Inform the complainant in writing that, except in emergencies, all routine communication between the complainant and the school should be by letter only.

In the case of physical or verbal aggression, advice should be taken from Human Resources and/or Legal Services and consider warning the complainant about being banned from the school site; or proceed immediately to a temporary ban.

Consider taking advice from Human Resources/Legal Services about implementing specific procedures for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher. Instead, they communicate with a third party to be identified by the Governing Body of the School who will investigate to determine whether or not the complaint is reasonable or vexatious, and then advise the Headteacher accordingly.

Thus, based upon the point above, legitimate new complaints may still be considered, even if the person making them is, or has been, subject to the terms of this policy. In such matters, the school may be additionally advised by Human Resources and/or 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, then the school may resume the process identified above, at an appropriate level. In these circumstances, the school may be advised by Human Resources and/or Legal Services.

### **Conclusion**

We trust that parents and carers will assist our school with the implementation of this policy and thank you for your continuing support. Please read this Parent/Carer Code of Conduct: Dealing with Unreasonable Behaviour and Persistent and/or Vexatious Complaints in conjunction with our Communication Code.

### **Policies Equality Statement**

At Caerleon Comprehensive School, we serve a diverse community and take account of a wide range of needs. In accordance with the Equality Act (2010), our policies and learning and teaching strategies fulfill our duty to serve people according to their needs and promote equality. In order to embed fairness in all aspects of school life, we take account of equality as we formulate, develop and update school policies and plans.

Our vision and values promote inclusivity and equality and tackle discrimination. We have high expectations for all our pupils and staff. Our equality statement is guided by core principles:

- All learners are of equal value;
- We recognise and respect difference;
- We foster positive attitudes and relationships and a shared sense of community and belonging;
- We observe good practice in recruitment, retention and staff development;
- We aim to reduce and challenge barriers to equality at every opportunity.