St. Mary's Church of England Primary School Fownhope

Policy for managing Unreasonable behaviour towards staff in school

Walking together in the fruit of the Spirit

A rich education is more than simply learning reading, writing and maths. It is about helping a child grow into their full potential as inquisitive, well balanced and cheerful adults. As a Church school we nurture children to display the 'fruit of the Spirit', which is "love, joy, peace, patience, kindness, goodness, faithfulness, gentleness and self-control" (Galatians 5:22-23). At St Mary's you will find children growing in mind, body and spirit as they form good relationships with each other, the staff and discover a faith which will sustain them in a rapidly changing world.

Introduction

This policy has been produced to create a joint understanding of what is considered acceptable and unacceptable behaviour when working with school based staff (throughout this policy, 'staff' refers to any person, including volunteers and contractors from other organisations, authorised to be working on school premises) and school governors, including dealing with abusive, persistent or vexatious complaints and complainants.

Employers have a duty to provide a safe and healthy working environment to all employees. This includes protection from bullying, harassment and unreasonable behaviour of any kind. Internal staff conflict is dealt with by the use of the grievance and disciplinary policies.

Section 547 of the Education Act 1996 makes it a criminal offence for a person who is on school premises without lawful authority to cause or permit a nuisance or disturbance and individuals may be dealt with under this legislation and by way of a barring order should this be deemed necessary.

At St Mary's CE Primary School, Fownhope we are keen to positively and proactively work with parents, visitors and residents to resolve issues, using our resources to achieve the best outcomes for our school and, specifically, our pupils.

1. The purpose of this policy

- To define the behaviours that are not acceptable and deemed as unreasonable to the school, governing body and the local authority, including behaviour of pupils and by people making formal complaints.
- To ensure that the ability of staff to conduct business is not adversely affected by those few individuals who behave in an unreasonable manner.
- To ensure our staff have a safe working environment and are not exposed to unnecessary stress due to the unacceptable behaviour of others.
- To empower school based staff and school governing bodies to deal confidently and effectively with unreasonable behaviour.
- To ensure a level of consistency and spare effective practice between schools.

2. Who does this policy apply to?

This policy applies to all members of the public, including pupils, parents, carers, contractors, and all those who deal with school based staff.

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Those with parental or caring responsibility of enrolled pupils have an 'implied licence' to come onto the school premises at certain stated times. It is for schools to define and set out the extent of such access. Parents exceeding this would be trespassing.

3. Unreasonable behaviour when dealing with Schools

3.1 What behaviour is unreasonable?

We recognise that there may be times when you contact our school where you may have reason to feel aggrieved, upset or distressed.

We do not view assertive behaviour (for example, putting forward your case in a persuasive manner) as unreasonable.

However, we will manage behaviour that is aggressive, rude or abusive, or which places unreasonable demands on our staff under this policy.

Unreasonable behaviour is behaviour or language, whether face to face, by telephone, social media or written that may cause staff to feel intimidated, threatened or abused. The list below is not exhaustive, however some examples may include:

- threats
- aggressive and/or intimidating behaviours, including hand gestures or standing very close to him/her
- verbal abuse, including shouting and raised voices
- written abuse
- physical abuse, such as pushing, holding, kicking, biting, striking, slapping, punching
- cyber-bullying through social media, texts messages or similar
- publishing any abusive or negative comments about the school or staff or other parents or pupils on social media/websites or in public places or spaces
- racist or sexist language/comments and offensive remarks about disability, personal appearance or private life
- any form of harassment whether related to race, sex, disability or any other personal characteristic
- derogatory remarks
- offensive language
- rudeness
- spitting
- making inflammatory statements
- breaking the school's security procedures (e.g. by entering the school without invitation or without checking first at the Reception office)
- raising unsubstantiated allegations

Whilst we accept that those in contact with us may feel angry, it is not considered acceptable when that anger becomes aggression directed towards staff either by pupils, parents or carers.

3.2 Unreasonable requests and communication

Requests may be unreasonable by the nature and scale of service expected. Examples may include:

- requesting responses within unreasonable timescales
- insisting on speaking with certain members of staff
- adopting a "capture-all" approach by contacting many staff members and third parties

Communication may be considered unreasonable if, for example, individuals:

- continually contact us while we are in the process of looking at a matter
- make a number of approaches about the same matter without raising new issues
- refuse to accept a decision made where explanations for the decision have been given
- continue to pursue complaints/issues which have no substance
- continue to pursue complaints/issues which have already been investigated and determined
- continue to raise unfounded or new complaints arising from the same set of facts

We recognise that our resources, including staff time, have to be used where they can be most effective. This might mean that we cannot respond to every issue in the way a person would like, if in doing so it would take up what the school regards as being a disproportionate amount of time and resources that could be used elsewhere to support the most vulnerable in our community.

We ask you to recognise that, due to the volume of work with which we deal, we may not be able to respond immediately to your requests. This does not mean that your concerns are any less important to us. If we have asked for your patience but you continue to pursue your concerns, we may consider such behaviour to be unreasonable.

3.3 How will we manage unreasonable behaviour?

All our staff within school has the authority to manage unreasonable behaviour, including assaults by pupils upon staff. We have a zero-tolerance position on violence and threats against staff and any such behaviour will always be reported to the police.

In all other cases, we will only restrict communication with you if we have informed you that your behaviour is unreasonable and have asked you to modify your behaviour. We will explain what action will be taken if the warning is ignored and, if you do not modify your behaviour, we will take steps to restrict communications with you.

The Headteacher will, in consultation with relevant employees, complete a risk assessment in appropriate circumstances.

If we decide a restriction is appropriate, the school will consider which of the options (see section 5) best fits the circumstances. The level of restriction that is applied will be proportionate, taking into account the nature, extent and impact of your behaviour on our ability to do our work.

We will be transparent and explain to you what restriction we are putting in place, our reasons for doing so, and how long the restriction will apply.

If the school has already made a reasonable adjustment for you, this will be taken into account when deciding upon the appropriate course of action.

Under Section 547 of the Education Act, a school reserves the right to award a barring order to individual(s) should they deem their behaviour to be unreasonable. The Department for Education has produced an advice document which states that -

'A school may consider that aggressive, abusive or insulting behaviour, or language from a parent presents a risk to staff or pupils. It is enough for a member of staff or a pupil to feel threatened. In such a circumstance, schools have a power in common law to bar the parent from the premises.

Schools proposing to implement a bar should do so reasonably, in writing, giving the person concerned a formal opportunity to express their views. Letters relating to barring should usually be signed by the headteacher though in some instances the local authority may wish to write instead.

In practice this means that the bar, if immediate, should be provisional until parents have been given the opportunity to make formal representations. The bar can then be confirmed or removed. Alternatively, the school can serve notice of intent, invite the parent to make representations within a certain deadline and then decide whether or not to bar. Any bar should be subject to review within a reasonable timescale to be stated by the school. Allowing the parent a reasonable opportunity to make representations is an essential part of the process and has been upheld as necessary in Court.'

The Department for Education does not become involved in individual cases since barring is not specifically empowered by the Education Acts and because section 547 of the Education Act 1996 relates to a criminal offence.

4. Unreasonable behaviour by someone making a formal complaint to Schools

Dealing with a complaint is a straightforward process but, in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint, or can have significant resource issues for the school. This can happen either while their complaint is being investigated, or once the school has finished dealing with the complaint.

We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

We will not normally limit the contact which complainants have with school staff or their representatives; however we do not expect staff to tolerate unacceptable behaviour by complainants or any individual. Consideration will be given to designating a point of contact in such circumstances.

Unacceptable behaviour is explained above and can be applied to complainants.

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy, which may include one of the options detailed in section 5.

Raising legitimate queries or criticisms of a complaints procedure as it progresses (for example if agreed timescales are not met) should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

4.1 Definitions

We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints".

We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the school to investigate, change or influence (examples could be something that is the responsibility of another organisation)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced

- make an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of foul inappropriate, offensive or racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively ‘scattergun’ approach, for instance, pursuing a complaint not only with the school, but at the same time with another school, governors of this and other schools, the local council, the police, solicitors, or the Department for Education
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the school through different routes about the same issue
- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on a historic and irreversible decision or incident
- combine some or all of these features
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.

When the decision has been taken to apply this policy to a complainant, Solicitor to the Council Legal Services will contact the complainant in writing (and/or as appropriate) to explain:

- why we have taken the decision
- what action we are taking

- the duration of that action
- the review process of this policy
- the right of the complainant to contact the Director of Children's Wellbeing about the fact that they have been treated as a vexatious/persistent complainant

The Solicitor to the Council Legal Services will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Solicitor to the Council Legal Services in consultation with the Director of Children's Services, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

In incidents which are deemed as being severe, Herefordshire Council will, in conjunction with the police, initiate legal action.

Should an incident of cyber bullying occur, the school will take steps to remove the offending material from view and where appropriate, consult with the legal department regarding what action should be initiated.

4.2 New complaints from complainants who are treated as abusive, vexatious or persistent

New complaints from people who have come under this policy will be treated on their merits. The Solicitor to the Council Legal Services will decide whether any restrictions applied previously are still appropriate and necessary in relation to the new complaint. We do not accept a "blanket approach" of ignoring genuine service request or complaints where they are founded.

The fact that a complainant is judged to be unreasonably persistent or vexatious - and has restrictions imposed on our contact with him or her - will be recorded and notified to those who need to know within the school, and Herefordshire Council as employers, in order to protect staff from such harassment.

4.3 Review

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Solicitor to the Council Legal Services after three months and at the end of every subsequent three months within the period during which the policy is to apply.

The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

In some cases, relations between schools and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of

the complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

4.4 Record keeping

Adequate records will be retained by the school of the details of the case and the action that has been taken. The Solicitor to the Council Legal Services will retain a record of:

- The name and address of each individual who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the individual and departments were advised
- Where this relates to a pupil, parents/guardians/carers will also be advised

The lead executive member for complaints will be provided with an annual report giving information about individuals who have been treated as vexatious/persistent as per this policy.

5. Options to restrict contact

If you continue to behave unreasonably after we have asked you to modify your behaviour, the options we will consider are:

Option 1: Requiring you to contact a named staff member(s) only.

Option 2: Restricting contact (whether via telephone, face to face, or digital) to specified days and times, as agreed with you.

Option 3: Terminating contact if you persistently raise issues which we have already responded to in full. We will politely explain that we are unable to comment further on the matter and will ask if there are any other issues you wish to raise. If no new issues are raised and you persist in raising issues which we have already addressed, we will tell you so before ending contact. Where relevant a written warning will then be sent, with a view to limiting future communication to written communication only. If digital contact is made under a user name, if necessary, we will aim to seek identity.

Option 4: Terminating contact if you are aggressive, rude, abusive or offensive. We will politely ask you to modify your behaviour, but if the behaviour continues we will tell you again that your behaviour is unacceptable and end the conversation. The Headteacher will intervene including, where relevant, issuing a written warning, with a view to limiting future communication to written only. As above, if digital contact is made under a user name, if necessary, we will aim to seek identity.

Option 5: Restricting the issues we will correspond on.

Option 6: If you send us a large volume of irrelevant documentation, we may return these documents to you. In extreme cases we will advise you that further irrelevant documents will be destroyed.

Option 7: If we have already fully explained our reasons for a decision and you have exhausted the procedure to request a review of that decision, we will decline to respond to further correspondence which does not raise new issues. The correspondence will be read and filed but we will not acknowledge your correspondence unless you provide significant new information or evidence relating to the matter.

Option 8: We will block your emails if the number and length of emails sent causes difficulties for us to conduct our business.

Option 9: We will not respond to correspondence which is abusive or offensive and we will block emails that are abusive or offensive.

Option 10: If you make a large number of reports to us which prove to be unfounded, we may ask that in future any further allegations you submit are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate, to ensure that in future our staff resources are spent in a proportionate way.

Physical violence, verbal or written abuse, threats or harassment against our staff will not be tolerated and will be reported to the police, who may decide to prosecute. Any one of the above options (or a combination of these) may be applied to an individual.

6. Health & Safety

All incidents where the member of staff feels aggrieved will be reported by the employee and management, to Herefordshire Council's Health and Safety Officer, who will complete a RIDDOR report for the HSE whenever necessary.

In line with the school's guidelines this policy will be reviewed biennially.

This policy was approved by the Governing Body on:	24th February 2021
Signature of Headteacher:	Tim Milne
Signature of Chair of Governors:	Chris Moore
Review Date:	February 2023