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Unreasonable Behaviour towards Staff in Schools Policy, including Vexatious and Unreasonably Persistent Complaints.

All references to 'the school' implies Linslade School & Cedars Upper School

Policy Name	Unreasonable Behaviour towards staff Policy, including Vexatious and Unreasonably Persistent Complaints.
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1. Introduction

This policy has been produced to create a joint understanding of what is considered acceptable and unacceptable behaviour when working with Linslade School and Cedars Upper School staff and 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 the 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 Linslade and Cedars, we are keen to positively and proactively work with parents, visitors and local residents to resolve issues, using our resources to achieve the best outcomes for the School and specifically our pupils.

2. The purpose of this policy

- To define the behaviours that are not acceptable and deemed as unreasonable to the School and the governing body, 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.

3. 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 and academies 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 premises at certain stated times. It is for schools to define and set out the extent of such access. Parents exceeding the school boundaries defined by the Headteacher and Head of Schools would be deemed as trespassing.

The Headteacher, Head of School and SLT will keep the Governing body informed at all times with regards to complaints and unreasonable behaviour towards staff and they will be notified before this policy is applied to any individual.

4. Unreasonable behaviour when dealing with Schools and Academies

4.1 What behaviour is unreasonable?

We recognise that there may be times when you contact the 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, emails 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 through Linslade or Cedars 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.

4.2 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 that have already been investigated and the outcome 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. We will aim to respond to parents within 48 hours. 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.

4.3 How will we manage unreasonable behaviour?

All our staff within the School have 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 School's Leadership Team 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 to 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.

5. Unreasonable behaviour by someone making a formal complaint to Schools or Academies

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. Linslade and Cedars staff 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 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.

5.1 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 cooperate 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
- Copout 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, the School will contact the complainant in writing 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 Governing Board about the fact that they have been treated as a vexatious/persistent complainant

The School 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 School in consultation with Chiltern Learning Trust 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, we reserve the right to initiate legal action. Should an incident of cyber bullying occur, the Academy will take steps to remove the offending material from view and where appropriate, consult with the legal department regarding what action should be initiated.

5.2 <u>New complaints from complainants who are treated as abusive, vexatious or persistent</u>

New complaints from people who have come under this policy will be treated on their merits. The School 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 requests or complaints where they are founded. The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within the School, as employers in order to protect staff from such harassment.

5.3 <u>Review</u>

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the School 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/academies 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 complaint's procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

5.4 Record keeping

Adequate records will be retained by the School of the details of the case and the action that has been taken. They will record:

- 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 Governing body will be provided with an annual report giving information about individuals who have been treated as vexatious/persistent as per this policy

6. 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 username, 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 manager of the member of staff involved will intervene including where relevant a written warning, with a view to limiting future communication to written only. As above, if digital contact is made under a username, 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.

7. Health & Safety

All incidents where the member of staff feels aggrieved will be reported by the employee and management, to Central Bedfordshire Council's Health and Safety Officer, who will complete a RIDDOR report for the HSE whenever necessary.
Note that throughout this document, the word 'staff' also applies, where appropriate, to any person, including volunteers and employees of other organisations, authorised by the school to carry out work on its behalf.

Department for Education guidance - Advice on school security: Access to, and barring of individuals from, school premises for local authorities, school leaders and school staff

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

8. Monitoring

The Governing Board will be responsible for monitoring the effectiveness of this policy annually based on data provided by the Headteacher. Any changes will be made in line with legislation.

Appendix 1 : Risk Assessment template

Low Risk ☐

Med Risk ☐

High Risk ☐

Name of Parent/Carer:	
School:	
Name of Head of School:	
Name of DSL:	
Assessment completed by:	

Hazards Identified (Describe foreseeable risk)	• Abusive behaviour by parent/carer towards school staff • verbal threats • physical aggression • harassment • Damage to property
List who/what is affected/harmed Risk to staff Risk to students Risk to others Risk to property	• Potential impact on emotional wellbeing of staff, students and School community • Potential concerns of safety amongst staff, students and school community • Impact upon academic performance of students due to emotional wellbeing • Disruption in the learning environment due to damaged facilities or resources. • Financial costs associated with replacing or repairing damaged items
Strategies to reduce risk	Warning / future contact/ ban Letter Unreasonable behaviour policy Session with staff Arrangements for contact Designate a member of SLT to oversee communication from parent/ carer
Indicate level of risk identified for each of the areas below (i.e. from low to very high): Risk to staff Risk to students Risk to others Risk to property	1. Risk to staff: Low/Med/High 2. Risk to students: Low/Med/High 3. Risk to others: Low/Med/High 4. Risk to property: Low/Med/High
Summarise assessment findings Indicate degree of overall risk	Low/Med/High

Signature: Date: Review Date:

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Cedars Upper School & Linslade Middle School, Bedfordshire, Mentmore Rd, Linslade, Leighton Buzzard

Headteacher, mark Gibbs
Cedars Upper School Head of School, Leah Ferguson-Moore

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Appendix 2: Letter Templates

2.1 Warning Letter

Dear [Recipient's Name],

I hope this letter finds you well. I am writing to address a matter of significant concern regarding your recent interactions with the staff of [School Name]. As you are aware, maintaining a positive and respectful environment is crucial for the well-being of both students and staff members.

It has come to our attention that there have been instances of unreasonable behaviour displayed towards our school staff.

The specific incidents that have been reported include [provide a brief description of the incidents], which are unacceptable and contrary to the standards of behaviour we expect from all members of our school community.

As outlined in our school's 'Unreasonable behaviour towards staff' policy, we wish to draw your attention to the steps that may be taken if these standards are breached:

- **Making Special Arrangements for Meetings and Communication**
- **Considering a Ban from the School Premises**
- **Considering Legal Action**

It is essential for parents and guardians to model appropriate behaviour and communication skills for our students. We understand that situations may arise where concerns need to be addressed, but it is imperative that these concerns are conveyed in a respectful and constructive manner.

As a result of these incidents, we are issuing this warning in accordance with our school's policy. We kindly request that you refrain from any further unreasonable behaviour towards our staff members. Failure to adhere to this warning may result in more severe consequences, as outlined in our school's policy.

We value the partnership between the school and parents in fostering a positive learning environment. Your cooperation in this matter is crucial for the well-being of our entire school community.

Thank you for your attention to this matter.

Yours sincerely,

[Staff Members Name]

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2.2 Letter of future contact

Dear [Recipient's Name],

I hope this letter finds you well. As you will recall, I previously communicated my concerns regarding unreasonable behaviour on your part in my letter dated [insert date]. Regrettably, it appears that subsequent events on [date], specifically when you [describe actions/behaviour], have necessitated the application of the School's Policy for dealing with 'Unreasonable Behaviour towards Staff' (Vexatious Policy).

In light of these circumstances, I have made the following arrangements for your future contact with the school. [Please delete either option A or B, depending on the applicable scenario:]

A. For the foreseeable future:

(a) All routine communication, including any request for a meeting between you and the school, must be in writing and addressed to [Name] at the school address. Email correspondence will not be responded to.

(b) An appointment will be arranged and confirmed in writing as soon as possible.

(c) A third party from the school will be present during the meeting.

(d) In the interests of all parties, formal notes of this meeting may be made.

B. For the foreseeable future:

(a) All routine communication, including any request for a meeting between you and the school, must be in writing and addressed to [Name] at the school address. Email correspondence will not be responded to.

(b) An appointment will be arranged and confirmed in writing as soon as possible.

(c) Meetings arising from any written communication with the school will not be conducted by a member of staff but will be conducted by [Representative's Name] representing the school.

(d) A third party will be present during the meeting.

(e) In the interests of all parties, formal notes of this meeting may be made.

Please note that these arrangements do not apply to any emergency involving [insert name of pupil]. In such cases, you should contact the school in the usual way.

During the period of these arrangements, normal access to information available on parents' evenings will be provided in a summary written report. These arrangements take effect immediately.

If you wish to make a representation about the contents of this letter, including any expressions of regret on your part and assurances of future good conduct, please do so in writing to me at the school by [state ten working days from the date of this letter]. Upon receipt of your comments, I will assess whether the outlined arrangements should continue. If necessary, you will be supplied with details of how to review the circumstances of your case

I sincerely hope that the current difficulties can be resolved amicably.

Yours sincerely,

[Staff Members name]
Head of School

2.3 Letter to Ban from premises

Dear [Recipient's Name],

This letter is to inform you that following on from your unacceptable conduct towards members of staff on [date] when you [describe actions, behaviour] to be unreasonable/unacceptable [delete as appropriate].
This behaviour was witnessed and overheard by[describe who else was witness]
Therefore action is being taken to bar you from school premises.

Such behaviour on a school site is disruptive and distressing to pupils, staff and parents/carers and we continue to have a duty to safeguard staff and pupils.
[delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls].

I must inform you that [School name] will not tolerate conduct of this nature on its premises and will act to defend its teachers, members of staff, students and their parents, and other members of the school community. I am therefore informing you that, until further notice, you are not to enter or be on the school's premises.

If you do not comply with this instruction, I shall arrange for a police officer to remove you from the premises and you may be prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.00 and a criminal conviction will be recorded against you.

The withdrawal of permission for you to enter or be on the school premises takes effect immediately. However, the Chair of Governors will need to decide whether my decision should be confirmed. Before the review of my decision takes place, you have the opportunity to provide in writing any comments or observations of your own in relation to the report of your conduct. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct.

We would also like to offer you the opportunity to have your concerns investigated further by staff at [Name alternative school]. They would be happy to meet with you and look further into the incident that your complaint was originally based upon.

A copy of the school's Unreasonable Behaviour Towards Staff Policy has been included for your consideration.

Regards,