

**Weston Primary School**

**Vexatious, Malicious Harassment Policy**



2021

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| Approved by Governing Body: | 3rd November 2021 |
| Next review due: | November 2022 |

# **Introduction**

At Weston Primary, we deal with specific complaints as part of the day to day to running of the school in accordance with the school’s Complaints Policy

The majority of complaints are handled informally and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when the complainant behaves in an unreasonable manner when raising or pursuing concerns. Consequently, the complainant’s actions begin to impact negatively on the day to day running of the school and, directly or indirectly, the overall wellbeing of the children or staff in the school. In these exceptional circumstances, the school may act in accordance with this policy.

By the time this policy is felt to be an appropriate course of action the complainant will possibly have been through the stages of the school’s Complaints Policy and may potentially have exhausted every stage, continuing to complain or raise concerns; or the complaints behaviour will become unreasonable/unacceptable as detailed below. At this point, a decision may be taken to deal with a complaint in accordance with this policy. At this stage, the three stages of the complaints process will be redundant, and this policy will be utilised by the Headteacher or Chair of Governors as appropriate. The decision to move away from the school’s Complaints Policy and use this policy will be with agreement from the Governing Body.

# **Aims of the Policy**

The aims of the policy are to :

* Uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons wishing to express a concern or make a complaint;
* Support the wellbeing of staff, children and everyone else who has legitimate interest in the work of the school, 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 the school while ensuring that other stakeholders suffer no detriment

# **What can you expect from the School**

Parents/Carers and members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

1. Regularly communicate to the complainant in writing
   1. How and when problems can be raised with the school
   2. The existence of the school’s Complaints Policy and,
   3. The existence of the school’s Vexatious, Malicious Harassment Policy
2. Respond in a reasonable time;
3. Be available for consultation within a reasonable time limit bearing in mind the needs of the children in the school and the nature of the complaint;
4. Respond with courtesy and respect;
5. Attempt to resolve issues using reasonable means in line with the school’s Complaints Policy, other policies and practices and any advice from LA or other bodies, and to keep complainants informed of progress towards resolution of the issue raised.

# **The School’s expectation of you**

Weston Primary School can expect parents/carers/members of the public who wish to raise an issue with the school to:

* Treat all staff with courtesy and respect
* Respect the needs and wellbeing of children and staff in the school;
* Avoid any use, or threatened use, of violence to people or property;
* Avoid any aggression or verbal abuse;
* Recognise the time constraints under which members of staff within the school work and allow the school a reasonable time to respond
* Recognise that resolving a specific problem can sometimes take time

# **Who is a Persistent/Serial Complainant – What is Harassment?**

For the purposes of this policy, a **persistent/serial complainant** is someone who complains regularly 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, repetitious;
* Prolific correspondence or excessive email or telephone contact about a concern or complaint;
* Insistence to pursue unsubstantial complaints and/or unrealistic or unreasonable outcomes;
* An insistence upon pursuing complaints in an unreasonable manner;
* An insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the 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 the school because it is unlawful

For the purpose 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
* Causing ongoing distress to individual member(s) of staff; and/or
* Have a significant adverse effect on the whole or parts of the school community; 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 cumulative effect over time of undermining confidence, wellbeing and health.

# **Actions in cases of Persistent or Vexatious Complaints or Harassment**

Initially, staff will verbally inform the complainant that his/her behaviour is considered to be unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified, the school 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 the school community:

1. Inform the complainant in writing that their behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, falls under the terms of this policy;
2. Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of all meetings will be taken in the interests of all parties;
3. Inform the complainant that, except in emergencies, all routine communication from the complainant to the school should be in writing only;
4. In the case of physical or verbal aggression, advice will be sought from LA/HR or the Hill Dickinson the school’s legal advisers. Consideration will be given to banning complainants from the school site - initially in all cases a temporary ban could be issued;
5. Consideration will be given to taking legal action to pursue a case under Harassment Discrimination Legislation;
6. Consideration will be given to imposing procedures for dealing with complaints from the complainant as appropriate to each case and may involve taking advice from HR/LA or our Legal Advisers. Such procedures may be that complaints or concerns from a complainant can only be made directly to the Chair of Governors to protect members of staff within the school from distress or damage to their wellbeing. The Chair of Governors will then decide if the complaint is reasonable or vexatious and advise the Headteacher accordingly. This means that legitimate ‘new’ complaints may then be considered even if the person making them has been, or currently is, subject to this procedure. In this instance, a decision will be made regarding who the appropriate person to handle the ‘new’ complaint will be.
7. If a complainant’s persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process above at the appropriate level. At this time legal advice may be sought.