Ysgol Bryn Deva

Vexatious Policy 2023

Audience

The intended audience for this policy is any 'interested party' of the school that may be, or has become, involved in the School Complaints process.

The School wants to do its best by every child, family and member of staff. It values feedback including suggestions, concerns, complaints and compliments. Such feedback helps us to know what the school does well and where it can improve.

Purpose

The Head Teacher and Staff deal with any complaint they receive as part of their day-to-day management of the school, in accordance with the School's Complaints Policy and Complaints Procedure. The majority of complaints are handled in an informal manner, and are resolved quickly, sensitively, and to the satisfaction of the person bringing the complaint, the complainant.

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. In these exceptional circumstances, the school may take action in accordance with this policy. The *school therefore maintains this policy in respect of vexatious and/or persistent complaints, and may choose to exercise it if appropriate.*

The Aims of this policy are:

- To uphold the standards of courtesy and reasonableness that is expected in all communication between the school and any interested party or complainant.
- To support the wellbeing of the children, staff and Head Teacher, and any other interested party, including governors and parents.
- To 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 one else suffers any detriment.

It is important to note that neither this policy nor the corresponding Complaints Procedure Policy will address complaints relating to Child Protection or staff discipline, for which specific procedures are in place.

What Parents and Carers can expect 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 Procedure Policy on the school website.
- Publicise the school's policy for dealing with persistent and / or vexatious complaints.
- Respond within a reasonable time and be available for consultation within reasonable time limits, bearing in mind the needs of the pupils 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 schools' Complaints Procedure Policy, and in consultation with the Local Authority and Welsh Government.
- Keep complainants informed of progress towards a resolution of the complaints raised.

What the school expects from Complainants

We understand that raising a complaint can be a stressful time, 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 rights.

Therefore, we expect a complainant to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. The school will not accept unreasonable demands on the school or unreasonable, persistence or vexatious complaining, particularly with regard to matters that the school considers have been fully and fairly addressed.

Persistent or Vexatious Complaints and Harassment - Definitions

For the purposes of this Policy, a Vexatious or Persistent complainant is someone 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:

a) actions that are obsessive, persistent, harassing, prolific or repetitious;
b) prolific correspondence or excessive email or telephone contact about a complaint;
c) use of Freedom of Information requests excessively and unreasonably;

d) actions that are aggressive or insulting of the head or staff and are undermining of them;
e) an insistence upon pursuing unsubstantial complaints, and/or unrealistic or unreasonable outcomes;
f) an insistence upon pursuing complaints in an unreasonable manner;
g) an insistence upon only dealing with the Head Teacher on all occasions, irrespective of the issue and/or the level of delegation in the School to deal with such matters; and
h) 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 with 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.

<u>The school's actions</u>
In the first instance, the School will verbally inform the complainant that his/her 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 Head Teacher or their delegated member of Staff. [Model Letter 1].

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 [Model Letter 2] that his/her behaviour is now considered by the school to have be unreasonable/unacceptable and, therefore to fall within the terms of this policy.
- Inform the complainant in writing [Model Letter 2] 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.
- Inform the complainant in writing [Model Letter 2] 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) Take advice from the Local Authority Human Resources + 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 the LA on pursuing a case under Anti-Harassment legislation.
- Consider taking advice from Local Authority 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 Head Teacher. 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 Head Teacher accordingly.
- Thus, based upon the last bullet 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 the Local Authority 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 the Local Authority Human Resources and or Legal Services.

[Date]

RECORDED DELIVERY

Dear

This letter is to inform you that the school considers your actions [describe actions, dates & behaviour] on _____when you _____, to be unreasonable/unacceptable [delete as appropriate].

We draw to your attention that such behaviour on the school site can be disruptive and distressing to pupils, staff and parents / carers. [Delete 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 school's Complaints Procedure Policy.
At the moment, we are dealing with these issues by [describe actions being taken to resolve concern].
Please note that the school'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 school. These include:

- behaving reasonably and treating others with courtesy and respect;
- resolving complaints using the Schools' Complaints Procedure Policy;
- avoiding physical and verbal aggression 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; and/or
- considering banning you from the School premises;
- and/or considering Legal action.

I ask you to allow the school time to investigate and resolve your complaint in accordance with the Complaints Procedure 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

Mrs K Burrows
Headteacher

[Date]

RECORDED DELIVERY

Dear [insert name of complainant]

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

I am now writing to inform you that in view of your behaviour on [Date], when you [describe actions / behaviour] it has been decided that the schools' 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 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, 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.

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' 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

Mrs K Burrows
Headteacher