



## Appendix to: **BCF Dignity At Work Policy**

### **The School's expectations of parents/carers and members of the public**

The School can expect parents/carers and members of the public who wish to voice a concern or to complain either informally or formally, about an issue or someone within the school community to:

- Treat all school staff with courtesy and respect
- Behave reasonably at all times
- Respect the needs and well-being of pupils/students and staff within the School
- Respect the professional status of staff in school
- Avoid any use, or threatened use, of violence to people or property
- Avoid using intimidation, aggression or verbal abuse
- Recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- Recognise that resolving a specific problem can sometimes take some time
- Avoid excessive correspondence, email or telephone contact
- Avoid pursuing unmeritorious complaints
- In the case of a complaint follow the School's complaints procedure

### **Alleged harassment, bullying or victimisation by stakeholders**

If the frequency of a stakeholders contact hinders the work of the school, the consideration of their or other people's complaints / matters raised or have a detrimental effect on school staff and members of the school community may be considered under this process.

In seeking to distinguish between a person who has a number of complaints (or raises a number of 'issues' without complaint) and a person who makes unreasonably persistent complaints regard should be had as to whether:

- the same complaint is being made repeatedly (or with minor changes) and the complainant never accepts the outcomes
- the complaint arises from a historic and irreversible decision or incident
- the complainant is persistently seeking an unrealistic outcome
- the complainant has a history of making other unreasonably persistent complaints
- contact with staff is frequent, lengthy, complicated and stressful
- the complainant behaves in an aggressive or intimidating manner to staff when presenting their complaint or is verbally abusive or threatening
- the complainant changes aspects of the complaint partway through the investigation or consideration of the complaint
- the complainant makes and breaks contact on an ongoing basis
- the complainant persistently approaches the school through different routes in the hope of getting different responses
- the complainant engages in prolific or lengthy correspondence, e-mail or telephone contact about a single or multiple concerns or complaints, including those raised about more than one child
- the complainant pursues unmeritorious complaints or pursues in an unreasonable manner
- the complainant pursues multiple complaints involving a particular member of staff or a number of staff members
- the complainant attempts to micromanage the staff's relationship with a pupil
- the complainant makes apparently groundless complaints against staff dealing with the complaint
- the complainant introduces irrelevant or trivial issues into their complaint, or raises a large number of detailed but unimportant questions and insists these are dealt with in detail.
- the complainant makes unnecessarily excessive or immediate demands on the time and resources of staff thereby interfering with the member of staff's ability to fulfil their role.

For the purpose of this policy, harassment is the unreasonable pursuit of any such actions as stated in the above list in such a way that they:



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- appear to be targeted over a significant period of time on one or more members of school staff
- cause ongoing distress to an individual member or members of school staff
- have a significant adverse effect on the whole or parts of the school community
- are pursued aggressively

Actions or behaviour that fall into any of the categories described in the bullet points above, or any other harassing or persistently unreasonable behaviour, will result in an individual becoming subject to this Appendix to our Dignity at Work Policy.

**The school will use this process if the complaint relates to someone not employed directly by the school, or when the school doesn't have the power to take any professional or disciplinary action against the person in question.**

Where the decision has been reached for the complaint to be dealt with under this Dignity at Work policy, the matter will be handled with the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the stakeholder to be accompanied as part of any investigation interview.

### **Resolving Unreasonable Behaviour**

- Put up signs setting out acceptable and unacceptable behaviour
- The Headteacher will ensure each complaint is assessed to ensure no items are overlooked and all issues raised have been previously addressed, where necessary in consultation with the Chair of the Governing Body.
- The Headteacher and the Chair of Governors will liaise with all staff and Governors involved to ensure all contact and correspondence is considered and this is particularly important where there is overlapping correspondence.
- Mediation
- A review by the Headteacher and Chair of Governors to determine the point at which matters are becoming prolific and/or persistent following the above criteria and determine if the complainant's behaviour can be considered as bullying as outlined in this document.

If the allegation is found to be justified, the response from the school will depend on the relationship of the perpetrator to the school and the nature and severity of the incident.

The school will take proportionate action in consultation with the individual who made the complaint.

This may involve the following:

1. A verbal warning
2. A written warning
3. Take action to limit the persistent complainants contact with the school
4. Hold a meeting to discuss a ban from the school's site, in liaison with Legal Services. If the perpetrator is a contractor, this may involve a meeting to discuss the termination of the contract between them and the school.

This list is not exhaustive.

Once the Headteacher and the Chair of Governors have jointly agreed that the complainant's correspondence fulfils the profile for persistent/prolific complaints or harassment, the Headteacher will inform the complainant either orally or in writing that his/her behaviour is considered to have become unreasonable, unacceptable, persistent or harassing and as such will fall under the terms of this policy. It will make clear to a complainant the ways in which his/her behaviour is unreasonable. The complainant will be required to improve the quality or frequency of their contact with staff or members of the school community and will be warned of the likely consequences of refusing to amend their behaviour within the subsequent two weeks. The Headteacher can request that the Chair of Governors actions this if appropriate.



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Should there be no discernible improvement in the complainant's behaviour, the Chair of Governors and the Headteacher can proceed to draw up an action plan for the future management of the complainant's contact with the school, and a review date will be set. This Headteacher will consult with all relevant staff. The draft action plan will be considered by a Panel of at least three members of the Governing Body convened for this purpose. A letter will be drafted to the complainant setting out the key elements of the proposed management of future contact between them and the school outlining the behaviour expected of the complainant. This will be signed and sent by the Chair of the Governing Body.

A copy of this letter and the action plan will be retained on file, and all relevant staff and governors likely to receive contacts from the complainant will be notified of any actions they will be required to take in the future. The action plan will be reviewed within the determined time scale or at least at six monthly intervals.

In the case of a ban, the individual will be informed in writing that they are banned from the premises, subject to review. At this stage, other agencies such as the local authority may be involved. Where appropriate, the school will have regard to the Department for Education's guidance on controlling access to school premises.

If the individual is a parent of a pupil at the school, where appropriate, the arrangements for pupils being delivered to and collected from the school will be clarified.

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered even if the person making them is, or has been, subject to the Complaints Policy.

In the event that the school considers that there are exceptional circumstances it may recommend that the complainant, where they may normally have recourse to the Local Authority after the School's Complaints Procedure has been exhausted, refer the matter to the Local Authority at an earlier time.

If a complainant's harassing/persistent complaining behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified from the appropriate point.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified in the School's Complaints Procedure, the School will use its discretion and may resume investigation of the complaint.

### **ACTION PLANNING**

The options the school may consider to include in an action plan are:

#### **Co-ordination**

A named individual will be designated as the single point of contact for the complainant to raise concerns or discuss all issues around a particular complaint.

#### **Record keeping**

- All contact from the complainant will be logged to monitor frequency and nature of the complaints or concerns.
- Where complainants are provocative, derogatory, abusive or threatening, a formal written record shall be kept by all staff of all contacts made by the complainant, making careful record of any derogatory remarks, abusive behaviour or threats, recording actual words used where possible. The Headteacher will keep a file of all these record sheets as evidence of the complainant's behaviour as this may be required for legal purposes at a later date.

#### **Correspondence**

- Ensure that issues raised are quickly passed on to the appropriate staff member to ensure speedy resolution and a quick and firm response.



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- If the amount of correspondence is particularly large, all contact from the complainant will be collated together. They will be acknowledged and responded to on a regular basis, perhaps weekly or fortnightly. The time-scale in each case will be determined, recorded in the action plan, and adhered to. No response will be given outside of those outlined in the action plan.
- Any abusive or unreasonable contacts will not be responded to. These contacts will be recorded and/or kept as they may be required for legal purposes at a later date.
- The school will omit from any correspondence with the complainant a note of other staff or Governors that a letter is copied to in order to reduce the risk of escalation of the circle of contact used by the complainant.

### **Staff**

- The school will require all meetings with a member of staff, including parent interviews, to be conducted with another person present. Notes will be taken in the interests of all parties.
- The school will restrict telephone calls to specified days and/or times so that staff are able to continue to do their job.
- Contact will be limited to a single form only, except in an emergency. Options for single form contact include letters, e-mails to a specified account, and telephone calls to an answering machine or specified mobile phone.

### **Non-compliance with the action plan**

- If the complainant fails to comply with the action plan then the school will cease to investigate the complaint(s).
- In the case of consistent harassment or bullying of staff or other member of the school community, the complainant may be barred from the school site, until the complainant's behaviour improves in line with the school's expectations.
- In exceptional cases the school will take advice from Warwickshire County Council on pursuing a case under Anti-Harassment legislation, including Protection from Harassment Act 1997 and the Equality Act 2010.

These options may be used at the discretion of the Head Teacher and the Chair of Governors to protect staff and other members of the school community.

### **Abusive or Violent Behaviour**

Should a complainant use violence towards a member of staff or another member of the school community, the Headteacher can proceed straight to barring the complainant from the school site. Violence is defined for the purposes of this policy as

- attempting to intimidate by damaging or attacking property,
- using threats towards staff or members of their family
- animal attacks when an animal is used as a threat or in violence
- using verbal aggression when an employee feels an unacceptable threat has been made against his / her person. This will include sexual or racial harassment.
- using physical aggression whether injury occurs or not. This will include a sexual or racial attack.

The school may also consider informing the police.

### **Barring from the school site.**

It is the responsibility of the Governing Body to bar a complainant from the school site. The Governing Body has delegated this responsibility to a committee of at least three Governors which will be convened to consider the barring of a complainant. Where a Headteacher has barred a parent or member of the public the committee will convene to consider the barring within 15 working days of the barring.

The complainant or barred person will be informed of the date and time of the meeting and will be invited to present their case for not being barred. The complainant will be allowed to bring another person for



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support only. The Headteacher will present the case for barring and may bring their union representative. If the Headteacher is the subject of the harassment or violence then another member of staff or the Chair of Governors may present the case. Those involved in presenting the case should not be expected to be in the same room at the same time.

### **Alleged harassment, bullying or victimisation by pupils**

Where the decision has been reached for the complaint to be dealt with under this dignity at work policy, the matter will be handled in line with the above outlined formal procedure – namely the requirement for a formal written complaint to be submitted and a formal investigation to commence. It may be appropriate to allow the pupil to be accompanied by an appropriate adult as part of any investigation interview.

If the allegation is found to be justified, the school will then refer to the behaviour policy, and it may issue a disciplinary sanction against the pupil in accordance with that policy (up to and including permanent exclusion where appropriate), with reference to the safeguarding policy if appropriate to the pupil's circumstances.

Where the pupil remains at the school, the school will also take responsibility for educating the pupil about appropriate behaviour and liaise with the individual who raised the allegation about alternative working arrangements (temporary or permanent) if they teach, or otherwise have regular interaction with, the pupil.

### **Continued working relationships**

If it is decided that there is no case to answer, support will be provided for both parties and consideration given to managing their ongoing working relationship.

We will also consider whether there is evidence that the complaint has been malicious. If there is evidence to suggest that the complaint was malicious, this will be investigated and dealt with under our disciplinary procedures. Where the individual isn't covered by our disciplinary procedures, the school will consider other reasonable action and involve other agencies where appropriate.

Whatever the outcome, we will consider how to support the individuals involved to maintain an ongoing working relationship.

### **Appeals**

If the complainant is not satisfied, they should write to the Chair of Governors within 10 working days of being informed of the outcome of the procedure.

An appeal hearing will then be arranged within a reasonable period and dealt with by an appropriate level of senior management with no prior involvement with the complaint or investigations. A separate appeals panel of governors would hear this review.

The complainant may be accompanied at the hearing by either a colleague, a trade union official, a trade union representative who has been certified by their union as competent to accompany a worker or a friend.

The appeal outcome will be confirmed in writing within five working days of the hearing.

An outcome may dismiss the appeal and confirm the original decision, or uphold the appeal and overturn the original decision.

### **Confidentiality**

The school will respect confidentiality for both the person making the allegation and the subject of it. Details of the investigation and the names of the victim and alleged perpetrator will only be disclosed when necessary (for example, when it is necessary to give details to investigate the matters raised properly).

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and any notes or other documents compiled during the process.



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A complaint about a pupil may be stored on their educational record.

Information will be processed in line with data protection law. It will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.