

# West Lancashire Schools' Co-operative Parental Interaction Policy

<b>Policy created:</b>	29/10/2021	
<b>First Presented to Governors for approval:</b>	30.3.22	
<b>Proposed Review Cycle/Date:</b>	2 years	
<b>Review History</b>		
<b>Date:</b>	<b>Date:</b>	<b>Date:</b>
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## 1. INTRODUCTION

- 1.1 Dealing with a concern or a complaint is a straightforward process, but in a minority of cases, people pursue their complaints or concerns in ways that can either impede the investigation of their complaint or concern or can present significant resource implications for the school. This can happen either while their complaint or concern is being investigated, or once the school has finished dealing with it.
- 1.2 We are committed to dealing with all complaints or concerns equitably, comprehensively, and in a timely manner. (In accordance with the school's complaint procedure).
- 1.3 We will not normally limit the contact which complainants have with school staff.
- 1.4 We do not expect staff to tolerate unacceptable behaviour by complainants or by members of both the school and wider community. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:
- Using abusive or foul language on the telephone
  - Using abusive or foul language face to face
  - Sending multiple emails
  - Leaving multiple voicemails
- 1.5 We will take action to protect staff from such behaviour. If a complainant behaves in a way that is abusive, unreasonably persistent or vexatious, we will follow this policy.
- 1.6 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.
- If, after following the school's complaints procedure a complainant raises the complaint again without significant new information, this will be deemed a vexatious action.

## 2. AIM OF THIS POLICY

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff as well as other stakeholders, including parents and the Governing Body.

## 3. DEFINITIONS

- 3.1 We have adopted the Local Government Ombudsman's (LGO) definition of "**unreasonable complainant behaviour**" and "**unreasonable persistent complaints**".
- 3.2 We define abusive, 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 terms 'abusive', 'unreasonably persistent' and 'vexatious' may be applied separately or jointly to describe a particular complainant.
- 3.3 Examples include the way or frequency that complainants raise their complaint or concern with staff, or how complainants respond when informed of our decision about the complaint or concern.
- 3.4 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:**

- 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;
- Insist on the concern or complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the concern or complaint);
- Make what appear to be groundless complaints about the staff dealing with the complaints or concern, and seek to have them dismissed or replaced;
- Make an unreasonable number of contacts with us, by any means in relation to a specific concern or complaint;
- 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);
- Introduce trivial or irrelevant new information whilst the concern or complaint is being investigated and expect this to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Change the substance or basis of the concern or complaint without reasonable justification whilst the concern or complaint is being addressed;
- 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 concern or complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' concerns or 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, policy (or other valid) reasons;
- Refuse to accept documented evidence as factual.

A complaint may also be considered abusive or unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously;
- Aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- whilst also publishing unacceptable information in a variety of media including social media websites and newspapers.

#### **4. IMPOSING RESTRICTIONS**

- 4.1** We will ensure that the concern or complaint is being, or has been, investigated properly according to the LCC complaints procedure.
- 4.2** In the first instance the headteacher will issue a warning to the complainant. They will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. The headteacher will explain the actions that the school may take if the behaviour does not change.
- 4.3** If the disruptive behaviour continues, the headteacher will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact us in the future will be restricted. The headteacher will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.
- 4.4** Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a ~~quarterly~~ termly basis.
- 4.5** Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/Councillor/friend acting on their behalf
  - Banning the complainant from sending emails to individual and/or all school employees or Governors and insisting they only correspond by letter
  - Banning the complainant from using the school premises
  - Banning the complainant from accessing any School building except by appointment
  - Requiring contact to take place with one named member of staff only
  - Restricting telephone calls to specified days / times / duration
  - Requiring any personal contact to take place in the presence of an appropriate witness
  - Letting the complainant know that we will not reply or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)
- 4.6** When the decision has been taken to apply this policy to a complainant, the headteacher will contact the complainant in writing to explain:
- Why the decision has been taken
  - What action is being taken
  - The duration of that action
  - The review process of this policy
- 4.7** The headteacher will enclose a copy of this policy in the letter to the complainant.
- 4.8** Where a complainant continues to behave in a way that is unacceptable, the headteacher, in consultation with the Chair of Governors, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 4.9** 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.

## **5. NEW COMPLAINTS FROM COMPLAINANTS WHO ARE TREATED AS ABUSIVE, VEXATIOUS OR PERSISTENT**

- 5.1** New concerns or complaints from people who have come under this policy will be treated on their merits. The headteacher will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new concern or complaint. We do not support a “blanket policy” of ignoring genuine requests or complaints or concerns where they are founded.
- 5.2** The fact that a complainant is judged to be abusive, 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.

## **6. Review**

- 6.1** The status of a complainant judged to be abusive, unreasonably persistent or vexatious will be reviewed by the headteacher after three months and at the end of every subsequent three months within the period during which the policy is to apply.
- 6.2** The complainant will be informed of the result of this review if the decision to apply this policy them has been changed or extended.

## **7. REFERRING ABUSIVE, UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINANTS TO THE DEPARTMENT FOR EDUCATION**

- 7.1** In some cases, relations between organisations and abusive, 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 Department for Education may be prepared to consider a complaint before the procedure has run its course.

## **8. RECORD KEEPING**

- 8.1** Adequate records will be retained by the School Business Manager of the details of the case and the action that has been taken. The Headteacher will retain a record of:
- The name and address of each complainant who is treated as abusive, vexatious or persistent
  - When the restriction came into force and ends
  - What the restrictions are
  - When the complainant and departments were advised
- 8.2** The Governing Body will be provided with an annual report giving information about complainants who have been treated as abusive, persistent or vexatious as defined by this policy.

## **Barring from the school premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. We will therefore act to ensure our school remains a safe place for pupils, staff and other members of the community.

To maintain a peaceful and safe school environment the school cannot tolerate parents, carers and visitors who:

- Behave in a disruptive manner which interferes or threatens to interfere with the operation of a classroom, an employer’s office, office area or any other area of the school grounds including team matches at home or away
- Use loud / or offensive language, swearing, cursing, using profane language or displaying temper

*This policy has been written in accordance with the DFE Best Practice Advice for School Complaints Procedures (2016)*

- Threaten to do actual bodily harm to a members of school staff, Governor, visitor, fellow parent / guardian or student regardless of whether or not the behaviour constitutes a criminal offence.
- Damage or destroying school property
- Transmit abusive or threatening messages to a members of school staff / Governor / fellow parent / guardian or student via e-mails or text / voicemail / phone messages or any other form of written communication.
- Make defamatory, offensive or derogatory comments regarding the school or any of the students / parents / staff at the school via social media (See **Appendix 1**). Any concerns you may have about the school must be made in accordance with the school's complaints policy, so they can be dealt with fairly, appropriately and effectively for all concerned.
- Smoke on the school premises or consume alcohol, or take drugs whilst on school property.
- Act in a manner, which is deemed inappropriate, as a result of inebriation or intoxication.

Should any of the above behaviour occur on school premises parents, carers or visitors will be asked to leave the premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be then be reviewed, taking into account any representations made by the appellant, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the courts; independent legal advice must therefore be sought.

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## **Appendix 1**

### **Inappropriate use of Social Network Site**

Social media websites are being used increasingly to fuel campaigns and complaints against schools. Headteachers, school staff, and in some cases other parents / students. The Governors consider the use of social media websites in this way as unacceptable and not in the best interests of the children or the whole school community. Any concerns you may have must be made through the appropriate channels by speaking to the class teacher, the headteacher or the Chair of Governors, so they can be dealt with fairly, appropriately and effectively for all concerned.

In the event that any student or parent / carer of a child being educated in the school is found to be posting libellous or defamatory comments on Facebook or other social network sites, they will be reported to the appropriate 'report 'abuse' section of the website. All social network sites have clear rules about the content, which can be posted, on

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the site and they provide robust mechanisms to report contact or activity, which breaches this. The school will also expect that any parent / carer or student removes such comments immediately

In serious cases the school will also consider its legal options with any such misuse of social networking and other sites. Additionally, and perhaps importantly, is the issue of cyberbullying and its use by one child or a parent to publicly humiliate another by inappropriate social network entry. We will take and deal with this as a serious incident of school bullying. Thankfully, such incidents are extremely rare.