



Persistent Complaints/ Harassment and Unacceptable Behaviour Policy

This Policy was updated, to take effect from:	March 2019
It was ratified by the Trust on :	12th December 2023
It will be reviewed on:	December 2024

The Directors of the Berlesduna Academy Trust and Governors of each school actively encourage close links with parents and the community. It believes that students benefit when the relationship between home and school is a positive one.

The vast majority of parents, carers and others visiting the schools are keen to work with us and are supportive of the school. From time to time it is necessary for parents and the school to deal with problems relating to particular pupils. It is important that discussions between parents and staff are conducted in a calm and respectful manner. In the vast majority of such situations this is what happens, but on very rare occasions, aggression and verbal and or physical abuse is directed towards members of school staff or members of the wider school community.

The Governing Body expects and requires members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement of other colleagues when appropriate. However, all members of staff have the right to work without fear of violence and abuse.

Violence, threatening behaviour and abuse against school staff or other members of the school community, including other parents and students, will not be tolerated. All members of the school community have a right to expect that their school is a safe place in which to work and learn. There is no place for any form of abuse, threatening behaviour or violence in our school.

We expect parents and other visitors to behave in a reasonable way towards members of school staff and the wider school community at all times. This policy outlines the steps that will be taken where behaviour is unacceptable.

Types of behaviour that are considered serious and unacceptable and which will not be tolerated in relation to members of staff, and other members of the community are:

- verbal intimidation, for example shouting or swearing, either in person or over the telephone
- constant emails and/or phone calls which amount to harassment and intimidation, despite the school's best efforts to address a situation
- regularly emailing staff and expecting responses at unreasonable times such as late at night or weekends. Emails will be responded to within one working day
- inappropriate electronic activity including publishing abusive or inappropriate content with regards to the school, teachers or students on social networking websites such as Facebook and Twitter or in email communication
- any form of physical contact
- physical intimidation, eg standing unnecessarily close to a member of staff
- the use of rude or aggressive hand gestures, including shaking or holding a fist towards another person
- spitting
- breaching the school's security procedures

This is not an exhaustive list but seeks to provide illustrations of such behaviour. Whilst the use of such behaviour is unacceptable in all circumstances, the school is particularly concerned to protect the pupils from being exposed to such behaviour (whether or not directed at them).

Unacceptable behaviour may result in the police being called or informed of the incident.

What do we mean by a 'persistent complaint'?

A persistent complaint/complainant may be anyone who engages in unreasonable behaviour when making a complaint, including parents and carers, who pursue complaints in an unreasonable manner

Unreasonable behaviour may include:

- refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refusing to co-operate with the complaints investigation process
- refusing to accept that certain issues are not within the scope of the complaints procedure
- insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introducing trivial or irrelevant information which they expect to be taken into account and commented on
- raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- making unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changing the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refusing to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeking an unrealistic outcome
- making excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- using threats to intimidate
- using abusive, offensive or discriminatory language or violence
- knowingly providing falsified information
- publishing unacceptable information on social media or other public forums.
- actions which are out of proportion to the nature of the complaint
- personal harassment
- refusing to attend appointments to discuss the complaint

Harassment is the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution. Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more members of academy staff/governors, without good cause
- the way in which a complaint or other issues is pursued causes ongoing distress to academy staff and governors
- it has a significant and disproportionate adverse effect on the academy community

What can you expect of the academy?

Anyone who raises informal or formal issues and complaints with an academy can expect the academy to:

- keep in touch regularly in writing
- respond within a reasonable time
- be available for consultation within a reasonable time limit, bearing in mind the need of all the pupils at the academy

- respond with courtesy and respect
- attempt to resolve problems using reasonable means in line with the academy's complaints procedure and advice from Berlesduna Trust

Full details relating to how academies will respond to complaints are set out in each academy's complaints procedure.

Academy's response to persistent complaints or harassment

This policy is intended to be used in conjunction with the academy's complaints procedure. Taken together, these documents set out how each school will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in case of persistent complaints or harassment, the academy may take the following steps:

- inform the complainant informally that her/his behaviour is now considered by the academy to be unreasonable or unacceptable, and request a changed approach
- inform the complainant in writing that the academy considers her/his behaviour to fall under the terms of the academy's complaints procedure
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- inform the complainant that, except in emergencies, the academy will respond only to written communication

Access to the school premises and the barring process

Normally parents/carers (and those with parental responsibility), plus visitors, are granted what is known as 'limited licence' to visit the grounds and buildings of a school. Where there are serious concerns regarding the conduct of a parent/visitor, and possible staff/student safety, the Headteacher can:

- initiate a meeting/dialogue with the individual
- write to the visitor, describing their misconduct, explaining the impact on the school and stating unacceptability
- vary the person's 'licence/access to the school', for example, through the addition of conditions
- warn of the possibility of a 'bar' (i.e. the withdrawal of their licence) and invite them to present their side by a set deadline
- impose a temporary bar until the individual has had the opportunity to formally present their side

After the individual's side has been heard, the school can decide whether to continue with barring them. The decision will be reviewed within a reasonable time, decided by the school.

In imposing a bar, the following steps will be taken:

- the context of the potential ban will be discussed with the Chair of Governors
- the parent/carer will be informed, in writing, that she/he is barred from the premises, subject to review, and what will happen if the ban is breached, eg that police involvement or an injunction application may follow
- where an assault has led to a bar, a statement indicating that the matter has been reported to the local police
- the CEO will be informed of the bar
- as appropriate, arrangements for meetings at school regarding students, and arrangements for students being delivered to and collected from the school will be clarified

Conclusion

In implementing this Policy, the school will, as appropriate, seek advice from the school's solicitors, and/or the Trust if necessary, to ensure fairness and consistency.

This policy is intended to be used in conjunction with the academy's complaints procedure. Taken together, these documents set out how each school will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

Appendix 1 – Incident Report Form

Relevant incidents include trespass, nuisance or disturbance on school premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to property.

Where possible, the form should be completed before any discussion between witnesses is possible, as this might lead to allegations of collusion.

This form should be completed as fully as possible, using a continuation sheet, if necessary. For any incident involving or witnessed by a pupil or parent/carer/visitor, a member of staff should complete the form on their behalf.

The completed form should be passed to the Headteacher, for appropriate action and recording.

Date of incident: **Time of incident:**

Name of person reporting incident:

Date incident reported:

Member of staff recording incident:

Date incident recorded:

Name(s) of person(s) causing incident (where name(s) is/are unknown, provide other details which may allow their identification):

Status(s) (parents/carers/visitors/trespassers):

Full description of incident (eg name of person(s) involved; location; nature of any injuries; attendance of emergency services):

Name(s) of any witnesses Statuses:

Initial action/outcome (eg informal conciliation; police intervention; warning or banning letter issued):

Summary of subsequent action taken by the school, including risk assessments:

Linked incidents (if any):

Appendix 2 – Example of Warning Letter from Headteacher

Dear

I have received a report about your conduct at the school on **(enter date and time)**.

(Add factual summary of the incident and the effect on staff, pupils, other parents.)

I must inform you that the Trust/governing body ***(delete as appropriate)*** will not tolerate conduct of this nature on the school premises and will act to protect the staff and pupils.

Therefore if, in the future, I receive any reports of conduct of this nature I will be forced to consider removing your licence to enter the school grounds and buildings. If you do not comply with that instruction I will be able to arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

Nevertheless, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received about 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. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by ***(state date ten working days from the date of letter)***.

Yours sincerely,

Headteacher

Appendix 3 – Example of Barring Letter from CEO or Chair of Governors

Dear

I have received a report from the Headteacher at *(insert name)* School about your conduct on *(enter date and time)*.

(Add factual summary of the incident and of the effect on staff, pupils, other parents.)

I must inform you that the Trust/governing body *(delete as appropriate)* will not tolerate conduct of this nature on the premises and will act to protect the staff and pupils. On the advice of the Headteacher/Head of School I am therefore instructing that until *(add date)* you are not to reappear on the premises of the school. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted under this section, you are liable to a fine of up to £500.

For the duration of this decision you may bring your son(s)/daughter(s) *(complete as appropriate)* to school and collect them/him/her *(delete as appropriate)* at the end of the school day, but you must not go beyond the school gate.

(In the case of very young children also include)

Arrangements have been made for your *(delete as appropriate)* son(s)/daughter(s) *(insert child/rens names)* to be collected, and returned to you, at the school gate by a member of the school staff.

The withdrawal of permission for you to enter the school premises takes effect straightaway. However, I still need to decide whether it is appropriate to confirm this decision. Before I do so, I wish to give you an opportunity to give me in writing any comments or observations of your own in relation to the report which I have received from the Headteacher/Head of School. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make by *(state date ten working days from the date of letter)*.

If on receipt of your comments I consider that my decision should be confirmed, or extended, you will be supplied with details of how to pursue a review of the circumstances of your case.

In any event, the decision to withdraw your licence to enter the school premises will be reviewed by *(complete as appropriate)*. That review will take account of any representations that you may have made and of your subsequent conduct.

Yours sincerely,

CEO / Chair

Appendix 3 - Barring Letter, from the Trust or governing body to member of the public

Dear

I have received a report from the Headteacher at *(insert name)* school about your conduct on *(enter date and time)*.

(Add factual summary of the incident and of the effect on staff, pupils, other parents)

I must inform you that the authority/governing body ***(delete as appropriate)*** will not tolerate conduct of this nature on the premises and will act to protect the staff and pupils. On the advice of the Headteacher I am therefore instructing that you are not to reappear on the premises of the school. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Yours sincerely,

CEO/Chair of Governing Body

Appendix 4 - Letter updating a barring letter, from the Trust or governing body, confirming bar to parent/carer with child/ren at the school

Dear

On **(give date)** I wrote to you informing you that on the advice of the Headteacher/Head of School, I had withdrawn permission for you to come onto the premises of **(insert name)** School until **(insert date)**. To enable the local authority/governing body **(delete as appropriate)**, to determine whether to confirm this decision, or to impose it for a longer period, I gave you the opportunity to give your written comments on the incident concerned by **(give date)**.

I have not received a written response from you/I have now received a letter from you **(delete either sentence as appropriate)** dated **(insert the date)**, the contents of which I have noted.

In the circumstances, and after further consideration of the Headteacher/Head of School's report, I have determined that the decision to withdraw permission for you to come onto school premises should be confirmed/extended **(delete as appropriate)**. I am therefore instructing that until **(insert date)** you are not to come onto the premises of the school without the prior knowledge and approval of the head teacher. If you do not comply with this instruction I may arrange for you to be removed from the premises and prosecuted under Section 547 of the Education Act 1996. If convicted, you are liable to a fine of up to £500.

Notwithstanding this decision the Headteacher and staff at **(insert name)** School remain committed to the education of your child/children **(delete as appropriate)**, who must continue to attend school as normal **(insert in the case of a primary school: under the arrangements set out in my previous letter)**.

The Trust/governing body **(delete as appropriate)** will take steps to review the continuance of this decision by **(give date)**. When deciding whether it is necessary to extend the withdrawal of permission to come onto the school premises, the authority/governing body **(delete as appropriate)** will take into account the extent of your compliance with the decision, any appropriate expressions of regret and assurances of future good conduct received from yourself and any evidence of your co-operation with the school in other respects.

(Include where the incident has arisen within the context of a parental complaint against the school:)

Finally I would advise you that I have asked the Headteacher/Head of School to ensure that your complaint **(give brief details)** is considered under the appropriate school procedure. You will be contacted about this by the school in due course.

If you wish to pursue the matter further, you have a right to a review of the circumstances of this case by the school's governing body.

Yours sincerely,

CEO/Chair of Governing Body

Appendix 5 - Letter updating a barring letter, from the Trust or governing body, withdrawing bar to parent/carers with child/ren at the school

Dear

On **(insert date)** I wrote to you informing you that, on the advice of the Headteacher, I had temporarily withdrawn permission for you to come onto the premises of **(insert name)** School. To enable me to determine whether to confirm this decision for a longer period, I gave you the opportunity to let me have your written comments on this incident by **(insert date)**

I have not received a written response from you/I have now received a letter from you **(delete sentence as appropriate)** dated **(insert date)**, the contents of which I have noted.

In the circumstances, and after consulting with the Headteacher/Head of School, I have decided that it is not necessary to confirm the decision, and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

Nevertheless I remain very concerned at the incident which occurred on **(insert date)**, and I must warn you that if there is any repetition of your behaviour on that occasion, I shall not hesitate to withdraw permission for you to come onto the school premises.

Yours sincerely,

CEO/Chair of Governing Body

Appendix 6 - Letter, from the Trust or governing body, following formal review of a barring letter, extending ban to parent/carers with child/ren at the school)

Dear

I wrote to you on **(insert date)** withdrawing permission for you to come onto the premises of **(insert name)** School until **(insert date)**. In that letter I also advised you that I would take steps to review this decision by **(insert date)**.

I have now completed the review. However, after consultation with the Headteacher, I have determined that it is not yet appropriate for me to withdraw my decision. **(Give a brief summary of reasons)**

I therefore advise that the instruction that you are not to come onto the premises of **(insert name)** School without the prior knowledge and approval of the Headteacher/Head of School remains in place until **(insert date)**.

I shall undertake a further review of this decision on **(insert date)**.

(Insert if the letter is from the governing body) If you are dissatisfied with this decision, you have a right to request a review of the decision by the governing body.

Yours sincerely,

CEO/Chair of Governing Body

Appendix 7 - Letter, from the Trust or governing body, following formal review of a barring letter, ending ban to parent/carers with child/ren at the school)

Dear

I wrote to you on **(insert date)** informing you that I had withdrawn permission for you to come onto the premises of **(insert name)** School until **(insert date)**. In that letter I also advised you that I would take steps to review this decision by **(insert date)**.

I have now completed the review. After consultation with the Headteacher, I have decided that it is now appropriate to change that decision and I am therefore restoring to you the permission to come onto the school premises, with immediate effect.

I trust that you can now be relied upon to act in full co-operation with the school and that there will be no further difficulties of the kind which made it necessary for me to prevent you entering the premises.

I should point out that if there is any repetition of your behaviour, I shall not hesitate to withdraw permission for you to come onto the premises once more.

Yours sincerely,

CEO/Chair of Governing Body