

STAFF-15-UNREASONABLE COMPLAINANTS - 00

1 INTRODUCTION

The Principal and Trust Board are committed to the improvement of our Trust. We welcome feedback from parents/carers and members of the community and will always try to resolve any concerns as quickly as possible. The policy and procedure for parents/carers and the community to use if they wish to make a formal complaint can be found on the Trust's website.

Sometimes, however, individuals pursuing complaints or other issues treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

The aim of this policy is to clarify the process for dealing with unreasonable complainants or parents/carers who do not act appropriately. This policy is intended to be used in conjunction with the Trust's complaints policy and procedure (STAFF-09-Complaints). Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution.

2 ROLE OF TRUST BOARD AND COMMITTEES

The Full Trust Board is responsible for approving and implementing this policy.

3 ROLE OF PRINCIPAL AND SENIOR LEADERSHIP TEAM

The Principal and the Senior Leadership Team are responsible for ensuring that all complaints are investigated according to the STAFF-09-Complaints Policy until they can be deemed to be unreasonable, at which point this policy is to be applied.

4 DEFINING WHAT IS AN UNREASONABLE COMPLAINANT.

4.1 An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This can include parents/carers and community members who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the Trust.

4.2 Unreasonable behaviour may include:

- Actions which are:
 - Out of proportion to the nature of the complaint, or
 - Persistent – even when the complaints procedure has been exhausted, or
 - Personally harassing, or
 - Unjustifiably repetitious or
 - Obsessive, harassing, or prolific;
 - Unsubstantiated.
- Prolific correspondence or excessive email or telephone contact about a concern or complaint;
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint;
- Acting in a way not in line with the Trust's aim of reaching a resolution and working with the Trust;
- An insistence on:

STAFF-15-Unreasonable Complainants

Version Number: 00

Date of Approval: May 2022



- Pursuing unjustified or unmeritorious complaints and/or
- Unrealistic outcomes to unjustified complaints.
- An insistence on:
 - Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;
 - Making complaints in public either directly or via social media; or
 - Refusing to attend appointments to discuss the complaint.

5 DEFINING WHAT IS HARASSMENT.

5.1 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.

5.2 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 Trust staff or others;
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to Trust staff or others;
- It has a significant and disproportionate adverse effect on the Trust community;
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution.

6 WHAT YOU CAN EXPECT FROM THE TRUST

Anyone who raises informal or formal issues and complaints with the Trust can expect it to:

- Follow the Trust's complaints policy and procedure (see STAFF-09-Complaints for details);
- Respond within a reasonable time;
- Be available for consultation within a reasonable time limit, bearing in mind the needs of students at the Trust and the nature of the complaint;
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance from the Department for Education;
- Keep those involved informed of progress towards a resolution within reasonable time frames.

7 WHAT THE TRUST EXPECTS OF YOU

The Trust expects anyone who wishes to raise concerns with it to:

- Treat all staff with courtesy and respect;
- Respect the needs of students and staff within the Trust;
- Never to use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff in the Trust work and allow the Trust a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the Trust's complaints procedure;
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or students and not in an open public space);

STAFF-15-Unreasonable Complainants

Version Number: 00

Date of Approval: May 2022

- To be prepared to work towards a resolution and in partnership with the Trust.

8 RANGE OF ACTIONS IN RESPONSE TO UNREASONABLY PERSISTENT COMPLAINTS, PERSISTENT COMPLAINANTS, UNREASONABLE COMPLAINTS OR HARASSMENT

8.1 The Trust may take any or all of the following actions, as deemed appropriate:

- Inform the complainant informally that their behaviour is now considered by the Trust to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the Trust considers their behaviour to fall under the terms of the Unreasonable Complainants Policy;
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the Trust will respond only to written communication;
- Place restrictions on the individual's access to Trust and/or Trust staff;
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult within the Trust;
- Involve the police;
- Involve officers of the local authority.

8.2 The Trust has a duty of care to staff and students and will take emergency measures should these become necessary in extreme cases.

8.3 Physical and Verbal Aggression

The Trust and Trust Board will not tolerate **any** form of physical or verbal aggression or personal harassment against its staff. If staff are subject to this type of aggression the Trust may:

- Prohibit the individual from entering the Trust site, with immediate effect;
- Inform the individual that communication with them will cease other than in an emergency;
- Request an Anti-Social Behaviour Order (ASBO);
- Prosecute under Anti-Harassment legislation.

9 TIME FRAME AND REVIEW

9.1 If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, the Trust, may resume the process identified above.

9.2 If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Trust's complaints policy, the Trust will use its discretion and may resume the investigation of the complaint.

9.3 The Trust will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.

9.4 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 Unreasonable Complainants Policy.

9.5 The Trust reserves the right not to respond to communications from individuals subject to the policy.

10 AUTHOR

10.1 The author of this policy is the Principal They should be contacted for any points of clarification or suggested future amendments.

11 VERSION CONTROL

Policy Number	STAFF-15
Policy Name	Unreasonable Complainants
Version Number	00
Publication Method	External A copy must be made available in U:\Staff Information\Policies\STAFF Policies
Approved by	Full Trust Board
Date of Approval	May 2022
Key changes since previous version	1. Reformatting to current standards
Next Review Date	May 2023