



**Steiner Academy Hereford.**

**Unacceptable Behaviour Policy (Parents)**

**Unacceptable, Persistent Harassing or Abusive Behaviour or Complaints**



**1. Introduction**

- 1.1 The School Principal, Academy Leadership Team and Governing Body are fully committed to the continuing improvement of the Steiner Academy Hereford (SAH). We recognise that parents and carers are the single biggest influence on their children and their achievements. We are committed to building positive and responsive relationships with parents and carers so that together we can ensure our young people get the most out of their time with us.
- 1.2 We encourage partnerships with our parents and carers, and work hard to maintain mutual respect and recognition of shared responsibility for the children. However, in a very small minority of cases, the behaviour of a few parents or carers can cause disruption, resulting in abusive or aggressive behaviour towards staff and this will not be tolerated. All members of the school community have a right to expect that their school is a safe place.
- 1.3 We will always try to resolve any concerns as quickly as possible. A procedure is already in place for parents or carers to use if they wish to make a formal complaint. Whilst we recognise that some complaints may relate to serious and distressing incidents, and that emotions may be elevated, we will not tolerate abusive, threatening or harassing behaviour towards any members of the school community.
- 1.4 This policy has been produced to create a joint understanding of what is considered acceptable and unacceptable behaviour when working with staff and governors of SAH. It includes dealing with abusive, persistent or vexatious complaints. SAH is keen to positively and proactively work to resolve issues.
- 1.5 Schools are not public places. Although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 (Section 547) states that it is an offence for a trespasser on school premises to cause a nuisance or disturbance. SAH is entitled to withdraw the implied right a parent or carer has to enter the school, if SAH believes that parent or carer is violent or aggressive. If the parent or carer then enters the premises, he/she is in breach of the law, and can be prosecuted in the criminal courts.
- 1.6 This policy is intended to be used in conjunction with the school's complaints procedure.

**2. Purpose of this Policy**

- 2.1 To define the behaviours that are not acceptable and deemed as unacceptable to the SAH, including behaviour by people making formal complaints.
- 2.2 To ensure that the ability of staff to conduct business is not adversely affected by those few individuals who behave in an unacceptable manner.
- 2.3 To ensure our staff have a safe working environment and are not exposed to unnecessary stress due to the unacceptable behaviour of others, and that they are supported as appropriate.
- 2.4 To empower staff and governors to deal confidently and effectively with unacceptable behaviour.

3. **Scope of this Policy**

3.1 This policy applies to all members of the public and all those who engage with the school.

4. **Unacceptable behaviour when contacting the school**

4.1 What do we mean by an “unacceptable persistent complainant” ?

4.1.1 An unacceptable persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. 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;
- an insistence on:
  - pursuing unjustified complaints; and/or
  - unrealistic outcomes to justified complaints;
  - pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language); or
  - making complaints in public; or
  - refusing to attend appointments to discuss the complaint.

4.1.2 We recognise that, when you contact the school you may have reason to feel aggrieved, upset or distressed.

4.1.3 We do not view assertive behaviour (for example, putting forward your case in a persuasive manner) as unreasonable.

4.1.4 However, we will manage behaviour that is aggressive, rude or abusive, or which places unreasonable demands on our staff under this policy.

4.1.5 Unreasonable behaviour can also be identified as behaviour or language, whether face to face, by telephone, social media, SMS (text message) written or any form of communication (either direct or indirect) that may cause staff to feel intimidated, threatened or abused. Examples may include:

- threats,
- verbal abuse,
- racist and sexist language,
- derogatory remarks,
- offensive language,
- rudeness,
- making inflammatory statements,
- raising unsubstantiated allegations,
- any form of physical abuse.

4.1.6 Whilst we accept that those in contact with us may feel angry, it is not considered acceptable when that anger becomes aggression directed towards staff.

We will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

4.1.7 When social media is used (cyber bullying) we will try to identify the perpetrator, take steps to remove the offending material from view and, where appropriate, initiate action against the offender.

#### 4.2 What is 'harassment' ?

We regard harassment as 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 to seek a resolution. Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others without good cause,
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others,
- it has a significant and disproportionate adverse effect on the school community.

### 5. **Unacceptable requests and communication**

5.1 Requests may be considered unreasonable by the nature and scale of service expected. Examples may include:

- requesting a response within unreasonable timescales,
- insisting on speaking with certain members of staff,
- adopting a "capture-all" approach by contacting many staff members and third parties about the same issue.

5.2 Communication may be considered unreasonable if, for example, individuals:

- continually contact us while we are in the process of looking at a matter,
- make a number of approaches about the same matter without raising new issues,
- refuse to accept a decision made where explanations for the decision have been given,
- continue to pursue complaints/issues which have no substance,
- continue to pursue complaints/issues which have already been investigated and determined,
- continue to raise unfounded or new complaints arising from the same set of facts.

5.3 We recognise that our resources, including staff time, have to be used where they can be most effective. This might mean that we cannot respond to every issue in the way a person would like if, in doing so, it would take up what SAH regards as being a disproportionate amount of time and resources that could be used elsewhere to support our core purpose of our school.

5.4 Sometimes, due to the volume of work with which we deal, we may not be able to respond immediately to requests. This does not mean that those concerns are any less important to us.

If we have asked for a complainant's patience but that person continues to pursue their concerns, we may consider such behaviour to be unreasonable.

## 6. **What we expect of any person wishing to raise a concern**

6.1 We expect anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect,
- respect the needs of pupils and staff within the school,
- avoid the use of violence, or threats of violence, towards people or property,
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint,
- follow the school's complaints procedure.

## 7. **How we will manage unacceptable behaviour**

7.1 All staff and governors have authority to manage unreasonable behaviour. SAH has a zero-tolerance position on violence and threats against its staff and this behaviour will always be reported to the police.

7.2 In all other cases, the school will only restrict communication with you if we have informed you that your behaviour is unreasonable and have asked you to modify. We will explain what action will be taken if the warning is ignored and, if you do not modify your behaviour, we will take steps to restrict communications with you.

7.3 If we decide a restriction is appropriate, we will consider which of the options (see section 12) best fit the circumstances. The level of restriction that we apply will be proportionate, taking into account the nature, extent and impact of your behaviour on our ability to do our work.

7.4 We will be transparent and explain to you what restriction we are putting in place, our reasons for doing so, and how long the restriction will apply.

7.5 If SAH has already made a reasonable adjustment for you, this will be taken into account when deciding upon the appropriate course of action.

7.6 We may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Behaviour Policy;
- 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 school will respond only to written communication and that these may be required to be restricted to a single point of contact or channelled through an external professional or legal adviser.

7.7 Further options which are available to the school are listed in detail in section 12.

## 8. **Unacceptable behaviour when raising a complaint to SAH**

- 8.1 Dealing with a complaint is a straightforward process but, in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint, or can have significant resource issues for SAH. This can happen either while their complaint is being investigated or once the school has finished dealing with the complaint.
- 8.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.
- 8.3 We will not normally limit the contact which complainants have with the school. However we do not expect staff to tolerate unacceptable behaviour by complainants.
- 8.4 Unacceptable behaviour is explained above (section 4.1.5 and 4.1.6) and can be applied to complainants.
- 8.5 We will take action to protect staff and governors from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy, which may include one of the options detailed in section 12.
- 8.6 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.
- 8.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

## 9. **Definitions**

- 9.1 We have adopted the Local Government Ombudsman's (LGO) definition of "**unreasonable complainant behaviour**" and "**unreasonable persistent complaints**".
- 9.2 We define 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 description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complainant.
- 9.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
- 9.4 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):
- 9.5 An unreasonably persistent and/or vexatious complainant may:
- a. have insufficient or no grounds for their complaint and making the complaint only to annoy (or for reasons that he or she does not admit or make obvious),
  - b. refuse to specify the grounds of a complaint despite offers of assistance,
  - c. refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved,

- d. 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,
- e. refuse to accept that issues are not within the power of the school to investigate, change or influence,
- f. make what appear to be groundless complaints about the staff or governors dealing with the complaints, and seek to have them dismissed or replaced,
- g. make an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints,
- h. make persistent and unreasonable demands or expectations of staff and governors 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, telephone calls or emails),
- i. harass or verbally abuse or otherwise seek to intimidate staff or governors dealing with their complaint, by use of foul, inappropriate, offensive or racist language,
- j. raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process,
- k. introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on,
- l. change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed,
- m. deny statements he or she made at an earlier stage in the complaint process,
- n. electronically record meetings and conversations without the prior knowledge and consent of the other person involved,
- o. adopt an excessively “scattergun” approach, for instance, pursuing a complaint not only with the school, but at the same time with for example OFSTED, the LA, or solicitors,
- p. 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,
- q. make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure,
- r. persistently approach the school through different routes about the same issue persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons,
- s. refuse to accept documented evidence as factual,
- t. complain about or challenge an issue based on a historic and irreversible decision or incident,
- u. combine some or all of these features insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.

9.6 When the decision has been taken to apply this policy to a complainant, the School Business Manager will contact the complainant in writing (and/or as appropriate) to explain:

- why we have taken the decision,
- what action we are taking,
- the duration of that action,
- the review process of this policy the right of the complainant to challenge the fact that they have been treated as a vexatious/persistent complainant.

9.7 The School Business Manager will enclose a copy of this policy in the letter to the complainant.

9.8 Where a complainant continues to behave in a way which is unacceptable, the School Business Manager may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

9.9 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.

10. **Review**

10.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the School Business Manager after three months and at the end of every subsequent three months within the period during which the policy is to apply.

10.2 The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

11. **Record keeping**

11.1 Adequate records will be retained by the appropriate member of staff of the details of the case and the action that has been taken, who will retain a record of:

- the name and address of each person who is treated as abusive, vexatious or persistent,
- when the restriction came into force and ends,
- what the restrictions are,
- when the person who is treated as abusive, vexatious or persistent and the school were advised.

11.2 The Board of Governors will be provided with an annual report giving information about a person who have been treated as vexatious/persistent under this policy.

12. **Options to restrict contact**

12.1 SAH will consider the following options where a complainant (you) continues to behave unreasonably despite being asked to modify your behaviour:

12.2 Option 1:

Requiring you to contact a named staff member(s) only. Single point of Contact (SPOC)

12.3 Option 2:

Restricting contact (whether via telephone, face to face, or digital) to specified days and times, as agreed with you.

12.4 Option 3:

Terminating contact if you persistently raise issues which we have already responded to in full. We will politely explain that we are unable to comment further on the matter and will ask if there are any other issues you wish to raise. If no new issues are raised and you persist in raising issues which we have already addressed, we will tell you so before ending contact. Where relevant, a written warning will then be sent, with a view to limiting future

communication to written communication only. If digital contact is made under a user name, if necessary, we will aim to seek identity.

12.5 Option 4:

Terminating contact if you are aggressive, rude, abusive or offensive. We will politely ask you to modify your behaviour, but if the behaviour continues we will tell you again that your behaviour is unacceptable and end the call. The manager of the member of staff involved will intervene including, where relevant, a written warning, with a view to limiting future communication to written only. As in Option 3, if digital contact is made under a user name, if necessary, we will aim to seek identity.

12.6 Option 5:

Restricting the issues we will correspond on.

12.7 Option 6:

If you send us a large volume of irrelevant documentation, we may return these documents to you. In extreme cases we will advise you that further irrelevant documents will be destroyed.

12.8 Option 7:

If we have already fully explained our reasons for a decision and you have exhausted the procedure to request a review of that decision, we will decline to respond to further correspondence which does not raise new issues. The correspondence will be read and filed but we will not acknowledge your correspondence unless you provide significant new information or evidence relating to the matter.

12.9 Option 8:

We may block or re-direct your emails to a single point of contact (SPOC) if the number and length of emails sent causes difficulties for us to conduct our business.

12.10 Option 9:

We will not respond to correspondence which is abusive or offensive and we will block emails that are abusive or offensive.

12.11 Option 10:

If you make a large number of reports to us which prove to be unfounded, we may ask that in future any further allegations you submit are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate, to ensure that in future our staff resources are spent in a proportionate way.

12.12 Physical violence, verbal abuse, threats or harassment against our staff will not be tolerated and will be reported to the police, who may decide to prosecute. Any one of the above options (or a combination of these) may be applied to an individual.

13. **Legitimate new complaints**

13.1 New complaints from people who have come under this policy will be treated on their merits. The School Business Manager will decide whether any restrictions applied previously are still

appropriate and necessary in relation to the new complaint. We do not accept a “blanket approach” of ignoring genuine service request or complaints where they are founded.

- 13.2 The fact that a complainant is judged to be 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 or governing body.
- 13.3 The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.
- 14. **Education Act 1996**
- 14.1 Causing Nuisance/ a disturbance on Educational premises.

**Legislation relevant to Educational establishments**

**Causing Nuisance/ a disturbance on Educational premises**

**Section 547 of the Education Act 1996 creates the specific offence of causing a nuisance or disturbance on school or Academy premises.**

- 547(1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) is guilty of an offence.
- 547(2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation, of –
  - (a) any school maintained by a local education authority,
  - (aa) any special school not so maintained,
  - (ab) any independent school and
  - (ac) any alternative provision Academy that is not an independent school;

**Notes :** (aa),(ab),(ac) apply only to England. The Education Act of 1996 (Section 547)