

Our Lady and St George's Catholic Primary School

Dealing with Abusive, Persistent or Unreasonable Contact, Correspondence and Complaints Policy

Date of Ratification: Autumn 2022		Signed: Rosie McGlynn (HEAD TEACHER) Rebecca Wright (CHAIR OF GOVERNORS)
Review date: Autumn 2023		Signed: Rosie McGlynn (HEAD TEACHER) Rebecca Wright (CHAIR OF GOVERNORS)

Safeguarding Statement

At OLSG, we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at OLSGI. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

Our Lady and St George's Primary School, hereafter known as 'the school', seeks to respond sensitively and compassionately to people and to act according to the principles of fairness, honesty, integrity and respect. We also expect those who contact us to uphold these principles. We strive to respond to contact, correspondence and concerns or complaints equitably, effectively and in a timely manner.

We do not seek to limit contact that any individuals have with the school. However, there may be occasions when:

- an individual's behaviour is such that it prevents the school from dealing effectively with the matter that has been raised;
- an individual's behaviour causes harassment or distress to staff members and members of the school community and/or
- an individual's contact, correspondence and/or complaints has significant resource implications that are not assessed to be proportionate to the nature of the concern itself.

In these cases, the school may seek to limit, or in more extreme cases stop altogether, contact with the individual concerned.

In applying this policy consideration will be given to whether the application of the policy may have an unfavourable impact on an individual, whether any impact is proportionate to a legitimate aim and whether reasonable adjustments can be made to allow the individual to engage with the school in an appropriate way.

Definition of abusive, persistent or unreasonable behaviour

It is important to distinguish between people who raise a number of concerns or complaints because they really think things have gone wrong, and people who are abusing channels or opportunities for communication.

We understand that people can become angry and upset about the events that have happened to them, or if they feel that matters which they feel strongly about are not being dealt with as they wish. However, if that anger or upset escalates into abusive, persistent or unreasonable contact we consider that unacceptable.

Raising legitimate queries or criticisms of a process e.g. if agreed timescales are not met, should not lead to somebody being regarded as abusive, persistent or unreasonable. Similarly, challenging an outcome of a complaint for example, should not lead to somebody being treated as abusive, persistent or unreasonable.

However, when behaviour in pursuing an issue or a complaint becomes unreasonable, or the communication is abusive or unreasonable, this policy will be applied.

For the purposes of this policy, abusive, persistent or unreasonable behaviour is defined as:

'clearly unjustified, inappropriate or improper use of a formal procedure or clearly unjustified, inappropriate or improper contact'.

Abusive behaviour includes language, verbal or written, that may cause staff to feel afraid, threatened or abused and may include threats, personal verbal abuse, derogatory remarks and rudeness. Swearing, inflammatory statements, remarks of a racial or discriminatory nature and unsubstantiated allegations are also considered to be abusive behaviour.

In practical terms, this means that correspondents may be defined as abusive, persistent or unreasonable in their behaviour if, through the frequency and/or nature of their contact, they impede appropriate responses to their own and others' queries, concerns or complaints.

Types of behaviour covered by this policy

The types of behaviours or complaints covered by this policy are set out below. This is illustrative only and other behaviours or complaints may also be covered by this policy.

- Ongoing persistence with a complaint after being advised that there are insufficient or no grounds for the complaint, or that the school is not the appropriate authority to deal with it;
- Refusing to co-operate with the complaints process or correspondence procedure without good reason whilst still wanting the complaint to be resolved or correspondence to be answered. This may include not specifying the grounds of a complaint despite offers of assistance; changing the basis of the complaint during the process; denying statements made at an earlier stage of the process, and/or introducing irrelevant new information during the process and expecting this to be taken into account and commented on;
- Refusing to accept the outcome of the complaint procedure after its conclusion, repeatedly making the same or similar complaints without following an appeal process;
- Raising large numbers of detailed but unimportant questions and insisting that they are each responded to in full.;
- Refusing to accept that the school cannot provide any further information on a matter because it is outside of its scope, or because to do so is not justifiable;
- Actions that are obsessive, persistent, prolific, repetitious and/or otherwise unreasonable.
- Harassing¹, verbally abusing or otherwise seeking to intimidate staff dealing with their complaint or correspondence, by using foul or inappropriate language, by the use of threatening, offensive or discriminatory language and/or making groundless complaints, inflammatory remarks and/or unsubstantiated allegations about those staff;
- Making an unreasonable number of contacts with the school, by any means, for any purpose, including insistence on immediate responses to numerous and/or frequent correspondence e.g. letters, emails/other electronic means, telephone calls, possibly sent to several people including those outside of the school;
- Contacting different people in or outside of the school, about the same issue to try to secure a different outcome;
- Sending such a high volume of information to staff that it places an unreasonable burden on them and impedes their ability to carry out their duties effectively;
- Ongoing behaviour which suggests a campaign against the school or its staff or an individual member of staff prompted by the individual's personal views on a particular issue and/or prompted by personal animosity;

The safety and wellbeing of staff will always be protected and if at the point of managing a contact, correspondence or complaint, the staff member considers that it is abusive, persistent or unreasonable then the following processes will apply:

¹Harassment of staff is viewed as behaviour which occurs on more than one occasion and it need not be the same behaviour on each occasion.

Verbal contact e.g. Meetings and Telephone calls

Members of staff will always do their best to assist visitors and callers, but if a caller behaves in a rude, offensive, abusive or intimidating manner, they have the right to terminate the visit or the call.

If an individual is abusive during a meeting or makes repeated visits to the office, demanding to be seen by staff after having been told that this is not acceptable then the meeting will be terminated and the individual asked to leave. Any physical violence towards any staff will be reported to the Police.

If an individual is abusive on the telephone or persistently makes calls without a valid reason for doing so, the caller will be advised that their behaviour or language is unacceptable in the hope that it will allow any caller to moderate their behaviour or agree to be called back at a time when they may be calmer. However, if the caller continues to be abusive, the call will be terminated. The individual member of staff, with brief details of the reason the call was terminated, will log such calls and they will report the call to their Line Manager. Where it is the case that there is a series or pattern of calls where there has been similar abuse, the Line Manager will discuss a course of action with the member of staff.

Written Correspondence

Staff are not expected to tolerate abusive and/or excessively lengthy or frequent written correspondence when processing enquiries, or in general. Such contact can be resource intensive and at times can give cause for distress.

Where written correspondence is excessive, offensive or abusive the author of the correspondence will be advised of this and they will be asked to cease corresponding in that manner. If the behaviour persists, consideration will be given as to whether steps need to be taken to address the matter.

Threats, Intimidation and Harassment

We take any threat, intimidation or harassment of our staff very seriously. If it is deemed necessary in order to protect the safety of our staff, we will report any behaviour of this type to the appropriate authority, which may include the Police. Where anyone has been threatened, intimidated or harassed, their Line Manager will support them and incidents will be logged. This will ensure that they are properly protected and supported, and all necessary steps are taken in relation to the threat, intimidation or harassment they have experienced.

Publication of Offensive, Defamatory or Abusive Materials or Remarks

We respect the rights of freedom of speech and rights of opinion. Where it is the case that publication is unacceptable because, for example, it is personally offensive, abusive, threatening or untrue, we will in the first instance advise anyone who publishes any material that we consider falls into this category with the aim of preventing any further such incidents. If the behaviour persists then we will consider the action that can be taken in law to prevent further occurrences. We will not comment where published remarks, opinions or materials concern the confidentiality of others, unless there is an overriding obligation in law to do so.

Applying the policy

Where there is a concern about unacceptable behaviour, we will always consider individual needs and circumstances before deciding on how we should respond and the action we take will be dependent on the behaviour and particularly on the type of communication.

Before deciding whether the policy should be applied and what action to take, we will satisfy ourselves that:

- The original complaint or correspondence is being, or has been, properly investigated and responded to;
- Any decision reached in this regard is/was an appropriate one;
- Communications with the individual have thus far been adequate and appropriate;
- The complainant or correspondent is not raising a substantially new matter, or providing additional information in relation to an ongoing matter, and
- The complainant continues to have a way to exercise their right to complain about issues where the school is the appropriate authority.

If it is agreed that the behaviour does fit within this policy, the person will be contacted, in writing wherever possible, to explain why this behaviour is causing concern, and to ask them to change this behaviour. At the same time, they will be provided with a copy of this policy. They will also be notified of the actions that may be taken if the behaviour does not change.

If the behaviour continues, the school will then decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact will be appropriate, proportionate and subject to review.

Where a response is being made to legitimate correspondence, arrangements will be made for continuing contact with the correspondent.

Any restrictions applied will be proportionate to the issues that the person presents. The kinds of restrictions that may be imposed are:

- Limiting contact to a specific mailbox or one named member of staff;
- Placing time limits on telephone conversations and meetings;
- Restricting the number of telephone calls/visits/written correspondence that will be taken from the individual each day/week;
- Requiring any personal contact to take place in the presence of a witness;
- Only accepting email or written correspondence from the individual;
- Only accepting telephone contact through an agreed third party e.g. solicitor/advocate/ councillor or friend acting on behalf of the individual;
- Indicating that no further correspondence will be responded to unless substantially new matters are raised. Such information will be read and placed on file, but no further action will be taken in response to it;
- Blocking the individual's e-mail address so that emails from this address are not received by the school. This will only be done after all other avenues have been exhausted.

Where the decision is taken to apply such restrictions, the individual will be written to, detailing the reasons for the decision, what action the school is taking, and when the decision/restriction(s) will be reviewed. This decision will be shared with all staff in the Office, all of whom will be empowered to deal with that individual as determined by the Headteacher. The decision may be amended at a later date, and further restrictions applied if the individual continues to behave in a way that is unacceptable. Equally, restrictions will be lifted or eased if behaviour improves.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff and/or their families, or causes the recipient of the behaviour to feel threatened or alarmed, the school may consider other options, for example reporting the matter to the police or taking legal action. Where material, comments or actions are grossly offensive or threatening and may be construed as offences, the school may involve the police or institute legal proceedings. In such cases, the school may not give the individual prior warning of that action, and reserves the right to share any relevant communication with the police and/or to suspend all contact with the complainant / correspondent whilst legal advice is sought.

Records will be retained by the school of all cases assessed to be abusive, persistent or unreasonable, including the action that has been taken in relation to these cases and the review dates.

Right of appeal

Appeal can be made to the Headteacher in the first instance or to the Chair of Governors if the Headteacher is involved.

New issues

Even where an individual may have behaved in a manner that is abusive, persistent or unreasonable in the past, it will not be assumed that any future contact from them will also be unreasonable. Any new issues or complaints raised by individuals managed under this policy will be treated as new and reviewed on their individual merits. Any imposed restrictions will not apply to substantially new matters, although the individual may be reminded not to repeat behaviours that led to those restrictions.

Review process

The status of an individual judged to be abusive, persistent or unreasonable will be reviewed by the Headteacher six-monthly and the individual will be informed if the decision to apply this policy to them has changed, been extended or lifted. Where restrictions are lifted, immediate consideration will be given to reintroducing them should the behaviour that led to the original restrictions return.

Support for employees subjected to abuse

The school takes a serious view of any incidents of physical and verbal abuse against its employees and will support them if assaulted, threatened or harassed.

The first concern of Line Managers will be to provide appropriate debriefing and consider whether additional support is needed.

The Line Manager will assist victims of violence with the completion of the formal record of the incident and where necessary, to report the incident to the police.

If we are asked to provide any documents, statements or other evidence to a third-party organisation, such as a regulator or the Police, we will act in line with the requirements of the Data Protection Act.

The school re-affirms its commitment to do everything possible to protect all staff from unacceptable behaviour that causes hurt, alarm, damage or distress.