

Queensgate Foundation Primary School



Unacceptable Behaviour Policy

Including Habitual or Vexatious Complainants

November 2019



**UNACCEPTABLE BEHAVIOUR POLICY
INCLUDING HABITUAL OR VEXATIOUS BEHAVIOUR**

Queensgate Foundation Primary School

Policy Review

This policy will be reviewed in full by the Governing Body on an annual basis.

The policy was last reviewed and agreed by the Governing Body on 21st November 2019

It is due for review on November 2020 (up to 12 months from the above date).

Signature *Sillito* Head Teacher Date *19/2/2019*

Signature *WN* Chair of Governors Date *16/12/2019*

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1. INTRODUCTION

This policy sets out Queensgate Foundation Primary School's approach to the relatively few persons whose actions and behaviour we consider unacceptable during a personal visit, telephone call or electronic method of communication with our staff. It offers definitions of unacceptable behaviour, the procedure to follow, the sanctions available and who can authorise sanctions.

The common view of unacceptable behaviour is when a person is abusive either verbally or physically. However, there are other behaviours which unreasonably impact on the business of the school and affect service delivery to other persons. For example, where a person makes constant requests for complex information without apparent good reason, or where they are acting in a manner to cause annoyance without the intention of resolving their query, or where they engage in frequent and prolonged contact with the school in order to pursue a campaign. It is particularly this type of behaviour on which staff need guidance in order to deal with the effects on the school.

This policy also applies to unreasonable and vexatious complainants, who persist unreasonably with their complaints, or make complaints in a manner which is deemed unacceptable, for example using abusive language. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again. The frequency of contact with the school can hinder the consideration of their complaints and the ability of staff to provide a quality service to our community as a whole.

This policy relates to those situations where staff are not at risk of physical harm, but may feel harassed, intimidated, threatened or abused.

2. SCOPE

This policy applies to all employees of Queensgate Foundation Primary School and addresses those situations where, in the course of their duties, they have contact with members of the public.

The school is aware that there are occasions when members of the public exhibit challenging behaviour and occasionally staff are subjected to verbal or physical assault. This policy is aimed at addressing challenging individuals who may be considered as unreasonably persistent or displaying other unacceptable behaviour. This policy is aimed at addressing those situations, in a fair and consistent way, to ensure staff are informed in the handling of difficult situations.

It is recognised that there are many reasons for these difficult situations occurring which range from simple frustration to mental illness. The school will ensure that all staff are aware of the different problems that may arise and are sufficiently trained to handle situations in a calm and positive manner.

In addition, staff must also have regard to Health and Safety Legislation and consider the Health and Safety Manual (Managing Aggression and Violence at Work), which can be found on the Isle of Wight Council website. www.iwight.com

3. EMPLOYER'S RESPONSIBILITIES

The School will endeavour to minimise the risk of 'challenging' behaviour from individuals escalating into confrontational situations with school employees by:

- Carrying out regular risk assessments
- Ensuring all staff receive the appropriate amount of training
- Putting in place appropriate control measures to protect employees
- Taking decisive action when challenging situations occur
- Offering employees access to a confidential counselling and support service
- Ensuring that the Chair of Governors is kept informed



4. EMPLOYEE'S RESPONSIBILITIES

Individual employees are responsible for:

- Ensuring they attend all training courses that are provided for them
- Recognising the legitimacy of a right to complain
- Delivering a high standard of service without expressing personal views
- Observing and following the School's policies and procedures
- Reporting incidents to the Headteacher

5. HEADTEACHER'S RESPONSIBILITIES

The Headteacher is responsible for ensuring that staff are provided with the appropriate level of training to carry out their duties safely. This includes:

- Understanding their responsibilities for assessing risks and providing reporting and support systems
- Knowing how to recognise and react appropriately to potentially escalating situations
- Directing employees who have been in difficult situations to access the counselling and support services

6. RIGHTS OF PUBLIC ACCESS

This policy and guidance on unacceptable behaviour helps staff to deal with individuals in a fair and consistent way. This policy also deals with the school's approach to dealing with habitual and vexatious complainants so that both staff and complainants can be clear what to expect.

A very small minority of people correspond with the school in a manner that is habitual or vexatious, in that they persist unreasonably with their particular issue in a manner which is deemed unacceptable; for example use of abusive language or making serial complaints about different matters, or continuing to raise the same or similar matters over and over again. The frequency of contact with the school can hinder the consideration of their complaints or deal with their issues as well as inhibiting the ability of staff to provide a quality service to the public as a whole.

The nature and extent of the person's unacceptable behaviour will determine how they are managed. The school needs to ensure that any sanctions applied are proportionate to the behaviour exhibited. If the individual's persistence adversely affects staff's ability to carry out their work and provide a service to others, it may be necessary to address the unacceptable behaviour by restricting contact with the school.

7. RECORDING NAMES AND DETAILS OF CHALLENGING INDIVIDUALS

There will be a database detailing both Health & Safety incident forms as well as agreed restrictions to individual contact as applied under this policy.

Incident forms will be monitored by the Health & Safety section who corporately have access to all forms and are therefore best placed to highlight any multiple incidents triggered by the same individual. They would then inform senior management of a pattern emerging where the next step would be to consider applying the unacceptable behaviour policy.

The details on the database will indicate to relevant staff what restrictions are in place for named individuals. It will include limited information, with contact details for further information, if necessary.

8 DEALING WITH INAPPROPRIATE COMMUNICATION

The following actions should be taken when an individual displays inappropriate behaviour:

8.1 Written correspondence

When the school receives a written communication that contains inappropriate content a written response will be sent to the author by the recipient or their manager stating that a reply will not be sent until the correspondence is re-written removing the inappropriate content. If an appropriate response is thereafter received the school will then respond. If no appropriate response is received the school will not give a substantive reply.

8.2 Telephone calls

When dealing with a telephone call, where a caller uses inappropriate language, the caller will be warned that the call will be terminated unless the caller is prepared to desist from the use of inappropriate language. If the caller continues to use inappropriate language following the warning then the call may be terminated and the caller be asked to call back when they are prepared to use appropriate language.

8.3 Face to face

When dealing with an individual face to face, and the individual uses inappropriate language or behaves in an inappropriate manner, they will be warned that contact with them will be terminated unless the individual is prepared to desist from the use of inappropriate language or behaviour. If the individual continues to use inappropriate language or behaviour following the warning then attendance may be terminated and the individual advised that we will write to advise them how their issues will now be addressed which may vary according to circumstances and the severity of the individual's behaviour. Staff should seek guidance from the Headteacher.

In the event that an individual persistently exhibits inappropriate behaviour or language it will be at the discretion of the Headteacher, with advice from relevant advisers to decide whether to discontinue all future attendance on them either for a specified period or whether in future all business will only be conducted in writing or through a nominated and agreed intermediary. Such decisions will be notified to the individual in writing.

If an individual attends the school premises contrary to the school's permission and they refuse to leave, as a last resort the police may be called to remove the individual from the building.

9. UNACCEPTABLE BEHAVIOUR / UNREASONABLE PERSISTENCE

When inappropriate contact has been made on a number of occasions, the behaviour may be considered unreasonable, and further action can be taken.

Queensgate Foundation Primary School has a responsibility to ensure that its resources are used in a proportionate and reasonable way. It recognises that people often feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. It is important for staff to be able to distinguish between distress, frustration and determination, and behaviour which is unacceptable.

Unacceptable behaviour may be defined as: behaviour or language that may cause staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, rudeness, harassment and unsubstantiated allegations.

In addition, individuals may make what we consider unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding



the behaviour and the seriousness of the issues raised by the person. If demands start to impact substantially upon workload, for example by taking up an excessive amount of employee time to the disadvantage of other persons or service delivery, then they may be considered unreasonable.

Features of unreasonable behaviour may include but is not limited to one or more of the following:

- presenting the same issues repeatedly (exactly or with minor differences) but never accepting the explanations & outcomes. This can take the form of excessive phone calls, visits to the school or written communications
- seeking an unrealistic outcome and persist until it is reached
- previously showing patterns of unreasonable persistence
- pursuing a complaint where the school's complaints process has been fully and properly implemented and exhausted
- making groundless complaints about employees or attempting to use the complaints procedure to pursue a personal vendetta against an employee or team
- contact with the school is disproportionately frequent, lengthy, complicated and stressful for staff
- aggressive behaviour towards staff or members which may be expressed in verbal abuse or threatening, threatened or actual physical harm
- presentation of contradictory information or views, or raising large numbers of detailed but unimportant questions and insisting they are fully answered
- making and breaking contact with the school on an ongoing basis without proper justification
- repeated approaches to different staff or members of the school about the same issue
- demands impose a significant burden on resources of the school and where the contact:
- Clearly does not have any serious purpose or value
- Is designed to cause disruption or annoyance
- Has the effect of harassing the school

10. DEALING WITH UNACCEPTABLE BEHAVIOUR

Where individual behaviour becomes unacceptable it will be referred to the Chair of Governors who will review matters to confirm that they have been as fully considered as is appropriate and that there is clear evidence of one or more of the features listed above.

10.1 Warning letter

The decision to restrict access will be taken by the Headteacher.

The Chair of Governors will write to the individual concerned to let them know that if their behaviour continues restricted access may be applied, in accordance with this Policy, a copy of which should be provided. The warning should contain the reason why they believe that the behaviour is unacceptable and what will happen if such behaviour continues.

If the behaviour continues, the Headteacher or Chair of Governors will review the situation.

Where the behaviour is particularly serious the school may decide that this policy should be applied without prior warning.

10.2 Restricting access

If conduct continues the Headteacher will complete an Unacceptable Behaviour Form to document their decision to apply restrictions. Restrictions should be applied for a period of either 6 or 12 months.

Restrictions imposed will be reasonable, proportionate, and balance the interest of the person with the duty to protect the health, safety and well-being of our staff. Examples of restrictions might include:

- requesting contact in a particular form (for example, letters or e-mail only)
- requiring contact to take place with a named member of staff
- restricting telephone calls to specified days and times
- asking the individual to enter into an agreement about future contact with the school; and
- informing the individual that if they still do not follow this advice, (as stated above) any further correspondence that does not present significant new matters or new information will not be acknowledged, but will be kept on file

Irrespective of the individual's restricted contact, new issues, including request for information in accordance with the Freedom of Information Act or related legislation will be dealt with, in accordance with the schools Access to Information policy.

In addition, they should be advised of any external processes available to them (recourse to the Local Government Ombudsman or Information Commissioner Office or other statutory body)

In all cases where a decision has been made that the behaviour of an individual is considered unreasonable, they will be informed why this decision has been made, what action is being taken and the duration of that action. The individual will also be informed that the decision can be challenged if they disagree with it by approaching the Local Government Ombudsman.

The Headteacher will inform relevant staff and arrange for relevant systems to be updated with the relevant details.

10.3 Review

The Headteacher shall review the decision after 6/12 months, whichever timescale was applied initially.

Contact over the restricted period will be taken into account and a decision made on whether to continue to apply the policy for a further period, or to remove restrictions. A copy of the outcome of this review should be communicated to the individual in writing.

11. DATA PROTECTION LEGISLATION

All details relating to information recorded under this policy, including the original request form, supporting material, decision/review documentation, etc., will be retained while the individual is subject to restriction.

When the restriction is removed, all details will be retained for a period of three years. If after this three year period no further incidents/ circumstances/ situations have arisen that may warrant further restrictions being applied, then all details will be removed from the individual's records.

Under Data Protection Legislation, any individual is entitled to request access to their personal information that is held by an organisation. Any request will be dealt with in accordance with the rights of the data subject.

If an individual is aggrieved by a decision to record their details, they have a right to serve upon the school a notice indicating that the retention of this information is causing them substantial and unwarranted distress. If such a notice is served upon the school then legal advice should be sought.



12. FREEDOM OF INFORMATION

Nothing in this policy shall inhibit the person's statutory right to make an application for recorded information under the Freedom of Information Act (or similar legislative provisions).

Any such requests shall be dealt with in accordance with the Act and the school's Access to Information Policy.

13. RELATED POLICIES

Health and safety policy



14. APPENDIX A – UNACCEPTABLE BEHAVIOUR FORM

To be completed by the Headteacher

Date:

Name of individual	
Address of individual	
Submitted by	
BACKGROUND:	
FURTHER DETAILS:	
SUMMARY:	
Documents attached:	
Has the contact been through the complaints procedure? Yes / No	
If not, what is the nature and stage of contact with the school?	
Are there any related complaints currently going through the Complaints Procedure? Yes/ No	
If yes, who is dealing with the complaint?	
Has the contact complained to the Chair of Governors? Yes / No	
Has an independent investigator or mediator been involved? Yes / No	
If yes, please give brief details	
Has there been a meeting with the contact to discuss their particular concerns? Yes / No	
If yes please give brief details	



What is the proposed strategy should this contact be deemed unreasonably persistent or abusive?	
Approved / Not approved	
Comment of Headteacher or Chair of Governors	
Signed: Headteacher: _____ Date: _____ Chair of Governors: _____ Date: _____	



15. APPENDIX B – UNACCEPTABLE BEHAVIOUR REVIEW FORM



To be completed by the Headteacher or Chair of Governors

Review date:

Name of individual	
Address of individual	
Submitted by	
Originally submitted on	
Background leading to the review: <u>SUMMARY</u> Has the behaviour changed since the policy was applied – please give details below. Does the behaviour warrant the continuation of the policy: YES NO <u>FURTHER DETAILS</u>	
Signed – Headteacher	
Date of Authorisation	

