

# **Persistent Complainants Procedure**

## **Purley CE Primary School**

**Date of policy: April 2014**

**Review Cycle: 3 years**

**Reviewed By: Finance & Staffing Committee**

**Last Reviewed: Summer 2018**

**Approved By: Finance & Staffing Committee 18/6/18**

**Next review date: Summer 2021**

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# **Purley CE Primary School**

## **Persistent Complainants Procedure**

(April 2014)

### **1. Purpose**

- To identify complainants who are unreasonable or unreasonably persistent and/or prolific in pursuit of their complaint and to manage their complaints appropriately.
- To ensure that all complainants are treated equitably and on an individual basis.
- To ensure that access to the complaints process as a mechanism for representation is not unlawfully barred.
- To ensure that individuals' needs are considered when deciding on a suitable approach to dealing with their complaints.
- To avoid perpetuating correspondence which is time consuming and not helpful to the complainant and/or other complainants and staff.

### **2. Applicability**

This procedure shall apply to all employees and governors of the school. It is the shared responsibility of the headteacher and the Chairman of Governors to ensure that these groups are made aware of the procedure.

### **3. Roles and Responsibilities**

The Chairman of Governors has overall responsibility for ensuring that unreasonable and unreasonably persistent complainants are managed appropriately in accordance with these agreed standards.

The Governing Body is responsible for reviewing and ratifying this procedure and ensuring that there is effective consultation and communication on complaints.

The Headteacher is responsible for the day-to-day management of complaints including ensuring implementation of this procedure.

All staff and governors are responsible for familiarising themselves with, and ensuring that they comply with, this procedure.

### **4. Defining Unreasonable Complainant Behaviour**

Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the school may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

However, 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 an unreasonably persistent complainant. 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 labeled unreasonably persistent. Responding to reasonable expressions of dissatisfaction and requests for information should not cause staff particular problems.

Behaviour which may lead to a complainant being considered as unreasonable can include some or all of the issues listed below.

- Refusing to specify the grounds for their complaint, or changing the grounds of their complaint while the complaint is under investigation.
- Introducing irrelevant or trivial issues into their complaint, or raising a large number of detailed but unimportant questions and insisting these are dealt with in detail.
- Refusing to accept that issues are not within the scope of the procedure, or insisting complaints are dealt with in ways not compatible with the complaints procedure or good practice.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Making apparently groundless complaints against staff dealing with the complaint and/or asking that they be replaced.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after the complaints process has been exhausted, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Despite all correspondence, explanations and meetings to resolve the case, refusing to accept the school/Governing Body or the Secretary of State's decision, and repeatedly arguing the point or complaining about the decision.

## 5. Resolving Unreasonable Complainant Behaviour

The Chair of the Governing Body, in consultation with the headteacher, will determine the point at which a complaint is considered as prolific and/or persistent, following the criteria identified above.

The Headteacher will ensure each complaint is thoroughly assessed to ensure no items are overlooked and all issues raised have been previously addressed, where necessary in consultation with the Chair of the Governing Body.

Once the Chair of the Governing Body and the Headteacher have jointly agreed that the complainant's correspondence fulfils the profile for persistent or prolific complaints, an action plan will be drawn up for future management, and a review date will be set. This will be led by the Headteacher, with input from all relevant staff.

The draft action plan will be considered by the Governing Body, or a Panel of at least three members of the Governing Body convened for this purpose.

A letter will be drafted to the complainant setting out the key elements of the proposed future management of representations, and this will be signed and sent by the Chairman of the Governing Body.

A copy of the above letter and action plan will be retained on file, and all relevant staff and governors likely to receive contacts will be notified of any actions they are required to take in the future – such as logging calls, not discussing the case, etc.

The action plan will be reviewed within the determined time scale, and at least at six monthly intervals.

## 6. Action Plan

Options available for selection to include in an action plan include:

**Explanation:** Make clear to a complainant the ways in which his/her behaviour is unreasonable, and the likely consequences of refusal to amend it, before taking more formal action. Liaise with all staff and Governors involved to reach an appropriate and coordinated decision. This is good practice and should be done in all cases where overlapping correspondence has been sent to a number of people.

**Coordination:** designate a key person as the single point of contact for the complainant to provide an arena to raise concerns direct and to receive all issues in the future (or all issues around this particular complaint). Advise the complainant of their role and contact details. All future representations and communications from the complainant regarding their issues subject to complaint will be fed through this one person to ensure all responses are coordinated and providing the same clear answers.

**Record keeping:** Where complainants are abusive or threaten staff, a formal written record shall be kept by all staff of all contacts made by the complainant, making careful record of any abusive behaviour or threats – preferably recording actual words used where possible. The Headteacher should keep a file of all these record sheets as evidence of the complainant's behaviour as this may be required for legal purposes at a later date.

**Correspondence:** Ensure that issues raised are quickly passed on to the appropriate staff member to ensure speedy resolution and a quick and firm response. See Appendix 1 for some suggested standard letters.

If the amount of correspondence is particularly large, the school may decide to collate all representations together, and acknowledge these and respond to these on an agreed regular basis – perhaps weekly or fortnightly – the time-scale in each case to be determined, recorded on the action plan, and adhered to and the complainant being advised of this approach.

The school may also wish to consider whether to omit from correspondence with the complainant a note of other staff or Governors the letter is copied to. Listing those copied in has been known to escalate the circle of contact and circulation used by the complainant.

In very exceptional circumstances the school may decide to decline to respond to further representations from the complainant on old issues. If this is the case then the complainant must be advised of this, with reasons. This advice should include an indication that all correspondence will be read, and information passed on if relevant, but that no response will be provided in future. If this strategy is adopted care must be taken to scrutinise all future representations from the complainant to identify new issues that do need to be followed up formally with the complainant or be accepted into the complaints procedure, and this should always be done with the involvement of the Headteacher and the designated person. The complainant should be made aware that this will be done.

**Staffing:** Ensure all staff involved are aware of the action plan for managing the complainant's issues.

- Where required, the management of the complainant and case to date will be scrutinised by the Headteacher to identify any staff training issues which need to be addressed – and this will be progressed.
- Where required, the case may be included as a specific item for routine inclusion in the supervision sessions of involved staff.
- Where required, the Headteacher will consider all staff dealing with the complainant, on an individual basis, to identify any person who may need support to alleviate or minimise their own stress or anxiety – and that this support will be provided.
- Where required, schools may consider whether local Parish Councillors, Ward Councillors/Members or MPs may also be subject to persistent correspondence. Where appropriate they should be engaged in the management process by the school so that they understand how the complainant's issues are being addressed, and who to contact about correspondence.

**Managing Behavioural Issues:** The Headteacher and the Governing Body has a duty of care to all staff to ensure that they are safe from abuse or intimidation.

If the complainant's behaviour is abusive or provocative, the Headteacher and Chairman of Governors may *jointly* determine that only written representation will be acceptable, explaining why, and also explaining who to address any written representation to. Where this is not possible arrangements should be made for a named member of staff to take details of complaints. Other specified single routes for representation may be determined, such as e-mail or calls to an answer phone during certain times, etc.

If the complainant presents himself/herself regularly at the school and behaves inappropriately, the above advice may be instigated to prevent face-to-face confrontation.

If the complainant behaves in a particularly aggressive or confrontational manner the Chairman of the Governing Body will consider banning the complainant from the school site for a fixed period of time, subject to review.

**Managing Representation on Behalf of Others:** If the person making representation is purporting to do so on behalf of another person and this individual proves unwilling to have the representation progressed by the third party - the person making representation is barred from the process. Staff must ensure that the complainant is able to access the complaints procedure for himself/herself should they so wish, including advising them that an advocate could be found to support/assist any complaint should this be necessary. Staff should also make a full record of any discussions.

**Support from the Local Authority**

If in doubt, the school is advised to seek advice from:

Sue Broughton, Information Management Officer

Policy & Communication

Tel 01635 519747 Email: [scbroughton@westberks.gov.uk](mailto:scbroughton@westberks.gov.uk)

If there are any legal or statutory issues the Governing Body is advised to involve Legal Services to ensure that all duties and responsibilities have been fulfilled, and that all relevant decisions made are well founded and robust.

## Appendix 1: Standard letters

### Referral letter – named person:

Dear XXXXX,

You have recently written/emailed/phoned the school on a number of occasions in respect of *details of complaint/complaints*. Staff have complained that your manner is offensive and that although they have provided resolutions as far as possible to your complaint/s you have continued to raise these issues.

I would now ask that all complaints are made, in writing, to *named person*. This will ensure that we are managing any new issues, and will allow us to review how we have handled past issues and ensure these have been appropriately managed. Any correspondence to other staff will be passed to *named person* for a response. When we have confirmed that we have answered an issue appropriately, and if necessary progressed it through Stage 1 and Stage 2 of our complaints process we will consider the matter closed, although this will not affect your right to go to the Secretary of State, whose details I have supplied.

Yours sincerely

### Acknowledgement V1:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date*. You have asked for a review of *description of previous complaint* **or** you have asked the school to re-consider your complaint regarding *description of ongoing complaint*.

The school has carried out a thorough investigation of your complaint/s at Stage 1 and Stage 2 of our complaints process, and has found no maladministration in how the application was processed. *In addition you have referred the matter to the Secretary of State who has made a determination on the case which supports our findings*. I recognise that you disagree with these findings but I would advise you that we now consider the matter closed.

Unless your correspondence raises new issues, we will in future acknowledge, but not respond, to further correspondence on this matter.

Yours sincerely

Acknowledgement V2:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date*. I note this raises what you consider to be new issues around *description of ongoing complaint*. However, on review this appears to be matters already dealt with at Stage 1 and Stage 2 of our complaints process, and I would advise you that we now consider this matter closed.

Yours sincerely

Acknowledgement V3:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date* regarding *description of ongoing complaint*. As we have advised, we now consider this matter closed and will not respond further unless your correspondence raises new issues.

Yours sincerely

Acknowledgement V4:

Dear XXXXX,

Thank you for your letter/email of *date*, received *date* regarding *description of ongoing complaint*. I note that you have raised *itemise any specific issue* and we will pass this information to *named person* to resolve. The remainder of your letter deals with old issues, and as advised we now consider this matter closed.

Yours sincerely