Unreasonable Behaviour towards Staff Policy

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1. Introduction

1.1. This policy applies to all of the schools and nurseries of The Stephen Perse Foundation (the **Foundation**) and to all parents, carers, contractors, and all those who deal with Foundation staff[1].

1.2. The Foundation is committed to providing a safe and collaborative environment for both our staff and our students. We are keen to work positively and proactively with parents, visitors and local residents to resolve issues, using our resources to achieve the best outcomes for our school and, specifically, our students. This policy has been produced to create a joint understanding of what is considered acceptable and unacceptable behaviour when working with Foundation staff and Governors, including dealing with abusive, persistent or vexatious complaints and complainants.

1.3. Employers have a duty to provide a safe and healthy working environment to all employees. This includes protection from bullying, harassment and unreasonable behaviour of any kind. Internal staff conflict is dealt with by the use of the grievance and disciplinary policies.

2. Aims

2.1. The aims of this policy are to:

- Define the behaviours that are not acceptable and deemed as unreasonable to the Foundation and the governing body by parents/carers and visitors, including by people making formal complaints.
- Ensure that the ability of staff to conduct business is not adversely affected by those few individuals who behave in an unreasonable manner.
- Ensure our staff have a safe working environment and are not exposed to unnecessary stress due to the unacceptable behaviour of others.
- Empower our staff and governors to deal confidently and effectively with unreasonable behaviour.
- Ensure consistency and effective practice across the nurseries and schools of the Foundation.

3. Unreasonable behaviour when dealing with Foundation staff

3.1. What behaviour is unreasonable?

3.1.1. We recognise that there may be times when individuals contact the Foundation where they may have reason to feel aggrieved, upset or distressed.

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

[1] Note that throughout this document, the word 'staff' also applies, where appropriate, to any person, including volunteers and employees of other organisations, authorised by the school to carry out work on its behalf.

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

3.1.4. Unreasonable behaviour is behaviour or language, whether face to face, by telephone, by email, on remote teaching platforms (such as Google Classrooms), by video conference (e.g. Google Meet), on social media or in writing that may cause staff to feel intimidated, threatened or abused. The list below is not exhaustive, however some examples may include:

- threats
- aggressive and/or intimidating behaviours, including hand gestures or standing very close and choice of language
- verbal abuse, including shouting and raised voices
- written abuse
- physical abuse, such as pushing, holding, kicking, biting, striking, slapping, punching
- cyber-bullying through social media, texts messages or similar
- publishing any abusive or unacceptable comments about the school or staff or other parents or students on social media/websites or in public places or spaces
- racist or sexist language/comments and offensive remarks about disability, personal appearance or private life
- any form of harassment whether related to race, sex, disability or any other personal characteristic
- derogatory remarks
- offensive language
- rudeness
- spitting
- making inflammatory statements
- breaking the Foundation security procedures (e.g. by entering the school premises without invitation)
- raising unsubstantiated allegations
- electronically recording meetings, telephone calls and conversations with staff without their knowledge and/or agreement
- undermining staff by regular criticism of their work, such as suggesting their work is inadequate, and seeking to direct and exercise control over their work
- inappropriately criticising an individual member or members of staff openly in a public forum

3.1.5. 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.

3.2. Unreasonable requests and communication

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

- requesting responses within unreasonable timescales

- insisting on speaking with certain members of staff
- adopting a "capture-all" approach by contacting many staff members and third parties

3.2.2. 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

3.2.3. 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 the Foundation regards as being a disproportionate amount of time and resources that could be used elsewhere to support others in our community.

3.2.4. We ask parents/carers to recognise that, due to the volume of work with which we deal, we may not be able to respond immediately to their requests. This does not mean that their concerns are any less important to us. If we have asked for their patience but they continue to pursue their concerns, we may consider such behaviour to be unreasonable.

3.3. The examples set out in sections 3.1 and 3.2 above may not cover every situation with which the Foundation is faced. It is for members of the relevant Senior Leadership Team, including the Principal, to determine whether an individual's conduct falls within the remit of this Policy.

4. Managing unreasonable behaviour

4.1. All our staff across the Foundation have the authority to manage unreasonable behaviour. We have a zero-tolerance position on violence and threats against staff and any such behaviour will always be reported to the police.

4.2. In all other cases, we will only restrict communication with an individual if we have informed them in writing that their behaviour is unreasonable and have asked them to modify their behaviour. We will explain what action will be taken if the warning is ignored and, if they do not modify their behaviour, we will take steps to restrict communications with them.

4.3. The relevant Senior Leadership Team will, in consultation with relevant employees, complete a risk assessment in appropriate circumstances.

4.4. The level of restriction that is applied will be proportionate, taking into account the nature, extent and impact of the individual's behaviour on our ability to do our work.

4.5. We will be transparent and explain what restriction(s) we are putting in place, our reasons for doing so, and how long the restriction(s) will apply.

4.6. If we have already made a reasonable adjustment for the individual, this will be taken into account when deciding upon the appropriate course of action.

4.7. Where necessary, we will rely on our contractual right to require a pupil to leave the Foundation.

5. Unreasonable behaviour by someone making a formal complaint to the Foundation

5.1. The vast majority of complaints and concerns are managed very successfully and the process is productive for both the Foundation and the complainant. However, a very small minority of individuals pursue their complaints in a way which can either impede the investigation of their complaint, or can have significant resource issues for the Foundation. This can happen either while their complaint is being investigated, or once the Foundation has finished dealing with the complaint.

5.2. We are committed to dealing with all complaints fairly, comprehensively, and in a timely manner, in accordance with our Complaints Policy which is available on the Foundation website or on request.

5.3. We will not normally limit the contact which complainants have with Foundation staff or their representatives; however we do not expect staff to tolerate unacceptable behaviour by complainants or any individual. Consideration will be given to designating a point of contact in such circumstances.

5.4. Unacceptable behaviour is explained in section 3 above and can be applied to complainants. We will take action to protect staff 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 restrictions detailed in section 6.

5.5. Raising legitimate queries or criticisms of the process of a complaint 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. 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.

5.6. We adopt the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the Foundation, hinder consideration of their or other people's complaints.

5.7. A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;

- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of the complaints policy and procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the Foundation's complaint procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

5.8. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

5.9. A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the Foundation shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the Foundation will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;
- if the purpose of the complaint is to obtain an outcome which is unavailable via the

complaints procedure, such as a claim for compensation, damages or a refund of fees paid;

- any evidence of a complaint being brought for an improper purpose.

5.10. Whenever possible, the Principal will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Principal will normally only do so after consultation with the Chair of Governors.

5.11. If the behaviour continues, the Foundation will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

5.12. For complainants who excessively contact the Foundation causing a significant level of disruption, the Foundation may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after 3 months.

5.13. In response to any serious incident of aggression or violence the Foundation will immediately inform the police and communicate its actions in writing. This may include barring an individual from the school.

5.14. It is open to a complainant to request that a Panel be convened to determine the single issue of whether the Foundation's dismissal of the complainant's original complaint(s) was justified.

6. Restricting contact

6.1. If an individual continues to behave unreasonably after we have asked them to modify their behaviour, we will consider restricting contact with them, including:

- Requiring them to contact a named staff member(s) only.
- Restricting contact (whether via telephone, face to face, or digital) to specified days and times, as agreed with them.
- Terminating contact if they 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 they wish to raise. If no new issues are raised and they persist in raising issues which we have already addressed, we will tell them 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, we will seek to confirm identity where necessary.
- Terminating contact if they are aggressive, rude, abusive or offensive. We will politely ask them to modify their behaviour, but if the behaviour continues we will tell them again that their behaviour is unacceptable and end the conversation. The line manager of the member of staff involved may intervene and may provide a written warning, with a view to limiting future communication to writing only. As above, if digital contact is made under a user name, we will seek to confirm identity where necessary.
- Restricting the issues we will correspond on.
- If we are sent a large volume of irrelevant documentation, we may return these documents . In extreme cases we will advise that further irrelevant documents will be destroyed.
- If we have already fully explained our reasons for a decision and they 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 the correspondence unless they provide significant new information or evidence relating to the matter.

- We will block emails if the number and length of emails sent causes difficulties for us to conduct our business.
- We will not respond to correspondence which is abusive or offensive and we will block emails that are abusive or offensive.
- If a large number of reports are made to us which prove to be unfounded, we may ask that in future any further allegations submitted 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.
- Physical violence, verbal or written 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.

7. Record keeping

7.1. We will retain records of correspondence, meetings and telephone notes and any other relevant documentation together with details regarding the reasons why the decision has been made to classify individuals as vexatious, unreasonably persistent, or unacceptable in terms of conduct, and of what action has been taken. This information may also be shared with the Chair of Governors and/or other members of the Governing Body as appropriate.

7.2. Records will be kept in accordance with our Information and Records Retention Policy and data protection laws.

Please also refer to:
Complaints Policy
Grievance Policy and Procedure

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