



## ***Persistent Or Vexatious Communication/Complaints/Harassment Procedures***

### **Rationale**

The Principal and staff deal with specific complaints as part of their day-to-day management of the school.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant, who could be a student's parent, relative, carer or neighbour i.e. someone not directly involved in the school.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of staff, children and parents in the school community. In these exceptional circumstances the school may take action in accordance with this policy.

### **Purpose**

The aims are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- support the well-being of children, staff and everyone else who has legitimate interest in the work of the school, including Board of Trustees and parents;
- deal fairly with those who make persistent and/or vexatious communications or complaints and those who harass members of staff in school..

### **Parent Expectations of the School**

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

- 1) communicate to parents/carers givers:
  - i) how and when problems can be raised with the school;
  - ii) the existence of the school's complaints procedure, and
  - iii) the existence of these guidelines;
- 2) respond within a reasonable time of three working days during term time, when a response is sought
- 3) be available for consultation within reasonable time limits bearing in mind the needs of the students within the school and the nature of the complaint;
- 4) respond with courtesy and respect;
- 5) attempt to resolve problems using reasonable means in line with the school's Complaints Policy and Parent Communication and Concerns Procedure, Parent Behaviour Policy and Persistent or Vexatious Communication/Complaints/Harassment Policy;
- 6) keep complainants informed of progress towards a resolution of the issues raised.

### **School's Expectations of Parents/ Caregivers/ Members of the Public**

The school can expect parents/carers/members of the public who wish to raise problems with the school to:

- 1) treat all school staff with courtesy and respect;
- 2) respond to the school's correspondence within a reasonable time ;
- 3) respect the needs and well-being of pupils and staff of the school;
- 4) avoid any use, or threatened use, of violence to people or property;
- 5) avoid any aggression or verbal abuse;
- 6) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
- 7) recognise that resolving a specific problem can sometimes take some time;
- 8) (in the case of a complaint) follow Ellerslie School's Complaints Policy and Parent Communication and

### **Who is a Persistent Complainant?**

For the purpose of this document, a persistent complainant is a parent/caregiver or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- d) an insistence upon pursuing complaints in an unreasonable manner;
- e) an insistence on only dealing with a specific member of staff on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- f) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) and (e) above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community including individuals
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

### **The School's Actions in Cases of Persistent or Vexatious Complaints or Harassment**

In the first instance the school will inform the complainant in writing that, in the school's view, his/her behaviour is or is becoming unreasonable/unacceptable and, if it is not modified, action may be taken. If the behaviour is not modified the school may take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- 1) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy;
- 2) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- 3) inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be written only;
- 4) (in the case of physical, or verbal aggression) take advice from New Zealand School Trustees Association (NZSTA) and/or the School lawyer and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- 5) consider taking advice from (NZSTA) and/or the School lawyer on pursuing a case under the Harassment Act 1997;
- 6) consider taking advice from (NZSTA) and/or the School lawyer about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Principal but only with a third person to be identified by the Board of Trustees of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Principal accordingly.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from (NZSTA) and/or the School lawyer.

### **Review**

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this guidance.

Signed: .....

Date: .....2019

Board of Trustees Chairperson to be reviewed: 2022