

Part Three. Guidance on developing clear parental expectations and managing unreasonable behaviour

(Guidance followed by a model policy)

General Guidance

In a minority of cases, parents or carers pursue their complaints and concerns in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the effective investigation of their concern or complaints, which can have a significant impact on time, resources and staff well-being in school. This behaviour can occur at the early stages of a concern being raised, whilst a complaint is being investigated, or once the school has concluded the complaint investigation.

If the school determine that the complainant is unreasonable in pursuing the complaint (see criteria below), then the school may interrupt the complaints process.

In this case the school needs to be clear that they have done all they can to engage fully and properly with the complainant when seeking to resolve the complaint and have gathered appropriate evidence to demonstrate this.

Definition of unreasonable behaviour

'Unreasonable behaviour', may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually an accumulation of incidents or behaviour over a longer period.

Unreasonably persistent complainants are those parents or carers who, because of the nature or frequency of their contacts with the school, hinder the school's consideration of their concern or complaint.

- There is a distinction between persistent and unreasonably persistent complainants, for example, criticising a complaints procedure when the policy set out is not properly followed, is not unreasonable
- If the school has clear guidelines for parents on how to feed back concerns to the school, and a robust complaints procedure which is well understood by staff and governors, then responding to expressions of dissatisfaction and requests for information should not cause the school a problem. However, some parents or carers may have justified concerns or complaints but may pursue them in inappropriate ways
- Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their communication 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
- Very occasionally, complainants also act deceitfully by forging documents, making covert recordings of meetings, adopting false identities and so on. Such behaviour is unacceptable and managing it can become a distraction from consideration of the original substance of complaint

- Situations can escalate, and in a few cases, parents or carers may become abusive, offensive, threatening or otherwise behave unacceptably. In response a school may have to restrict access to its premises or staff, protecting the staff and children from exposure to harassment and harm

Examples of unreasonable behaviour, persistence, demands, arguments and lack of co-operation

A single incident may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the concern or complaint.

Unreasonable behaviour

- Refusing to specify the grounds of a complaint, despite offers of assistance
- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Making unjustified complaints about staff and/or governors who are trying to deal with the issues, and forwarding information to others or requesting that someone else deals with the issue
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements he or she made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising numerous, detailed but unimportant questions; insisting they are all answered
- Sending rude, threatening or confrontational letters/emails

Unreasonable persistence

- Persisting even though the complaint has been comprehensively addressed.
- Reframing the complaint
- Demanding a review of the complaint
- Making an issue of trivial things, repeatedly, and making unreasonable demands of the school

Unreasonable demands

- Insisting on the complaint being dealt with in ways which are incompatible with the school's complaints procedure or with good practice
- Insisting on unattainable outcomes
- Wanting revenge or retribution
- Making demands about the way the complaint should be handled
- Providing an extraordinary degree of irrelevant detail
- Creating complexity where there is none and proposing unreasonable arguments

Unreasonable arguments

- Advancing irrational beliefs (e.g. seeing cause-and-effect links where none exist)
- Advancing and sticking to what is clearly a conspiracy theory unsupported by evidence
- Insisting that a particular solution is the correct one
- Insisting on the importance of an issue that is clearly trivial
- Refusing to co-operate with you

Unreasonable lack of co-operation

- Presenting a large quantity of disorganised information
- Withholding information
- Refusing to define the issues underlying the complaint
- Focusing on principles, rather than issues
- Changing the complaint

Considerations prior to taking action under the policy

The decision to designate someone's behaviour as unreasonable, and restrict their access to the school, will have serious consequences for the parent/carer and the child, so you should be satisfied that:

- the complaint is being or has been investigated properly and proportionately
- any concluding determination is the right one
- communications with the complainant have been adequate, and the complainant is not now providing any significant new information that might affect the school's view on the complaint

When it is necessary to designate the complainant as behaving unreasonably, some of the following steps may assist.

- Offering the complainant a meeting with the headteacher and the chair of governors to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable
- Sharing your policy with the complainant and warning them that restrictive actions may need to be applied if their behaviour continues
- Designating a key contact (headteacher, senior member of staff or governor as appropriate) to co-ordinate the school's response(s)

When complaints about new issues are made, these should be treated on their merits. You should consider whether any restrictions previously applied are still appropriate and necessary.

Options for action

Any actions taken should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be brought to a conclusion briskly, without further distractions. Options include:

- placing limits on the number and duration of contacts with staff per week or month
- offering a restricted time slot for necessary calls
- limiting the complainant to one medium of contact (telephone, letter, email etc.)
- requiring the complainant to communicate only with one named member of staff/governor
- requiring any personal contacts to take place in the presence of a witness and in a suitable location
- refusing to register and process further complaints about the same matter
- where a decision on the complaint has been made, you can inform the complainant that correspondence will be read and placed on file but not acknowledged, unless it contains new information. A designated officer should be identified who will read future correspondence

Banning a parent or carer

It is very important to make sure that legitimate business between the banned parent/carers and school can still take place – bans should not disadvantage the child, e.g. safe delivery and collection of children.

Necessary and proper communication channels need to be agreed and shared with the parent/carers and staff. A ban should not deprive a parent/carers of all rights to communicate with the school.

Keep detailed records to show:

- if the decision is taken not to apply the Managing Unreasonable Behaviour Policy when a member of staff asks for this to be done, or
- if the decision is taken to make an exception to the Managing Unreasonable Behaviour Policy once it has been applied
- if the decision is taken not to put a further complaint from this complainant through your complaints procedure for any reason, and
- if the decision is taken not to respond to further correspondence, making sure any further letters, faxes or emails from the complainant are checked for any significant new information

Remember - this evidence may be used in Court in the event of a civil or criminal prosecution of the parent/carer, and/or in any appeal brought by the parent/carer to challenge the decision to ban them.

Reviewing decisions to restrict access

A ban should be considered to be a cooling off period and should not be disproportionately long (preferably weeks not months).

- When imposing a restriction on access, you should have a specified review date and communicate this to the parent/carer in writing
- Restrictions should be lifted and relationships returned to normal unless there are good grounds to extend the restrictions
- You should inform the complainant of the outcome of your review. If restrictions are to continue, explain your reasons and state when the restrictions will next be reviewed
- Bans should not be used as a substitute for reporting criminal matters, e.g. assault, criminal damage, public order offences etc. to the police

The following model policy (Part Four) can apply to parents or any other person that engages with the school, whether the unreasonable behaviour is as a result of an ongoing concern or complaint which they have about the school or not.