



Devon Moors Federation

MANAGING UNREASONABLE BEHAVIOUR POLICY

Signed by Chair of Governors

Agreed at the Policy Review Meeting on 14 February 2020

This policy will be reviewed biennially

At The Devon Moors Federation School we recognise that parents and carers are the single biggest influence on their children and their achievements. Therefore, we are committed to building positive and responsive relationships with parents and carers so that together we can ensure that our young people get the most out of their time with us.

We encourage partnerships with our parents and carers, and work hard to maintain mutual respect and recognition of shared responsibility for the children. However, in a very small minority of cases, the behaviour of a few parents or carers can cause disruption, resulting in abusive or aggressive behaviour towards staff and this will not be tolerated. All members of the school community have a right to expect that their school is a safe place.

Schools are not public places and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that it is an offence for a trespasser on school premises to cause a nuisance or disturbance. The school is entitled to withdraw the implied right a parent or carer has to enter the school, if that parent or carer is violent or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts.

This policy applies to all those that engage with the school and not just to parents.

Behaviours which can lead to a ban include:

1. Physical or verbal threats towards staff, pupils, or other parents
2. actual violence,
3. damage to property
4. refusal to leave when asked
5. disruption of the running of the school
6. general abusiveness

The Head of School will decide whether the situation has been reached for proposing an actual ban. In extreme circumstances, i.e. if the incident is considered to be very serious, then s/he can issue a short-term temporary ban immediately, if required.

If the issue presents a less immediate threat then the Head of School will consider issuing a warning letter which says that repeats of such behaviour will likely result in a ban. Events may occur in a number of stages and it may be that upon consideration by the Head of School that a warning letter needs to be issued.

The school will write to the parent/carer setting out:

- what has happened and why it is unacceptable
- that the school will consider banning the parent/carer from the school premises
- give a clear explanation of why the ban is proposed
- give the parent/carer 5 working days to respond in writing giving their own version of events
- state the length of the proposed ban and give a review date.

Following receipt of the written response:

- The Executive Head/Head of School will decide whether or not to ban the parent/carer
- The parent/carer will be informed in writing within 3 days of the decision taken
- The terms of any ban will be clear, with explicit paths of communication between the school and the parent
- Pick up and drop off of children will be taken into consideration
- A date for the review will be given, which will take account of what has happened in the interim period
- If no further concerns have arisen regarding the parent's behaviour, a meeting date will be set which will seek to re-establish a productive working relationship between the school and the parent/carer

If a parent/carer wishes to appeal against a ban, they may do so in writing (following the complaints procedure). The first stage of this appeal will be undertaken by an appointed governor who would invite the Executive Head/Head of School to review the matter with a view to lifting the ban. If the outcome to this stage is that the ban is still in place, then the parent may appeal further to a panel of governors according to the usual complaints process.

In some cases the unacceptable behaviour is so extreme (for example, an assault on a member of staff) that the Executive Head may feel that there is no alternative but to impose a lengthy or permanent ban. In criminal cases the Executive Head should inform the police and should contact their legal advisors (DCC Solicitors in maintained schools).

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

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- 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 cooperation

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

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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

Guidance on developing clear parental expectations and managing unreasonable behaviour ⁴

When it is necessary to designate the complainant as behaving unreasonably, some of 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/carer 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/carer and staff. A ban should not deprive a parent/carer of all rights to communicate with the school.

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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.

Model Letters

Name of school

Telephone:

Date

(Attach Part Three of this guidance entitled 'Developing Clear Parental Expectations and Managing Unreasonable Behaviour' to give the background to the school's decision).

Dear

I write with reference to your complaint against *xx insert name of school xx*.

Having reviewed the matter, it is my intention to apply to The Governing Body to dispense with your complaint(s), the grounds for doing so are that (choose explanation from options as follows)

OPTION 1 – UNREASONABLE BEHAVIOUR

The school's guidance states that a complainant "*behaves unreasonably when he/she:*

- *Refuses to specify the grounds of a complaint, despite offers of assistance.*
- *Refuses to co-operate with the complaints investigation process.*
- *Refuses to accept that certain issues are not within the scope of a complaints procedure.*
- *Makes 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.*
- *Changes the basis of the complaint as the investigation proceeds.*
- *Denies or changes statements he or she made at an earlier stage.*
- *Introduces trivial or irrelevant new information at a later stage".*

OR

OPTION 2 – UNREASONABLY PERSISTENT

The school's guidance states that a complainant is "*unreasonably persistent when he/she:*

- *Persists although the complaint has been comprehensively addressed.*
- *Reframes the complaint.*
- *Demands a review of the complaint.*
- *Makes an issue of trivial things, repeatedly, and makes unreasonable demands of the school”.*

OR

OPTION 3 - UNREASONABLY DEMANDING

The school’s guidance states that a complainant is “*unreasonably demanding when he/she:*

- *Insists on the complaint being dealt with in ways which are incompatible with the school’s complaints procedure or with good practice.*
- *Insists on unattainable outcomes.*
- *Wants revenge or retribution.*
- *Makes demands about the way the complaint should be handled.*
- *Provides an extraordinary degree of irrelevant detail.*
- *Creates complexity where there is none and proposes unreasonable arguments”.*

OR

OPTION 4 – UNREASONABLE ARGUMENTS

The school’s guidance states that it will “*be unreasonable to:*

- *Advance irrational beliefs (e.g. seeing cause-and-effect links where none exist).*
- *Advance and stick to what is clearly a conspiracy theory unsupported by evidence.*
- *Insist that a particular solution is the correct one.*
- *Insist on the importance of an issue that is clearly trivial.*
- *Refuse to co-operate with the school”.*

OR

OPTION 5 - UNREASONABLY LACKING IN CO-OPERATION

The school’s guidance states that a complainant is “*unreasonably lacking in co-operation when he/she:*

- *Presents a large quantity of disorganised information.*
- *Withholds information.*
- *Refuses to define the issues underlying the complaint.*
- *Focuses on principles, rather than issues.*
- *Changes the complaint”.*

In my consideration, your approach in this matter has been **xx insert description xx** and therefore meets the above criteria.

OR

OPTION 6 – VEXATIOUS, OPPRESSIVE, REPETITIVE or AN ABUSE OF THE PROCEDURE

A repetitious complaint is one which:

- *is substantially the same as a previous concern or complaint, or*
- *contains no new information which significantly affects the matter, or*
- *contains no new evidence to support the concern or complaint.*

The matter to which you refer is already the subject of a previous complaint, **xx cross ref xx** and is substantially the same. Your letter contains no new information that significantly affects the matter and no new evidence to support your complaint.

I consider that the matters you raise are **(vexatious, oppressive or an abuse of the procedure)** for the following reason.

(insert reason(s))

As a consequence, your complaint will not be progressed.

Yours sincerely

Appointed person

School Governor

Dear

I am writing to you about your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, pupils, other parents].

I must inform you that the School will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils. On behalf of the governing body I am therefore issuing a formal warning to you, and if this behaviour is repeated, I will have no alternative but to ban you from the premises in line with Section 206 of the Education Act 2002.

In order for us to re-establish good working relationships, I would therefore ask you to contact me at the school to arrange a meeting in order to agree next steps.

Yours sincerely,

Headteacher

Dear

I am writing to you about your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, pupils, other parents].

I must inform you that the School will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils. On behalf of the governing body I am therefore instructing that (for a temporary period – make this proportionate, this should be a cooling off period not a punishment) you are not to reappear on the premises of the school. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 206 of the Education Act 2002. If convicted under this section, you are liable to a fine.

In the case of a primary school include: For the duration of this decision you may bring your son(s)/daughter(s) (complete as appropriate) to school and collect them/him/her (delete as appropriate) at the end of the school day, but you must not go beyond the school gate.

In the case of infant children, also insert: Arrangements have been made for your (delete as appropriate) son(s)/daughter(s) (insert child/rens names) to be collected, and returned to you, at the school gate by a member of the school staff.

The withdrawal of permission for you to enter the school premises takes effect immediately. However, I still need to decide whether it is appropriate to confirm this decision and before I do so I would like to give you an opportunity to give me in writing any comments or observations of your own in relation to this letter. These comments may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct. To enable me to take a decision on this matter at an early point, you are asked to send me any written comments you wish to make within 5 working days.

If on receipt of your comments I consider that my decision should be confirmed, you will be supplied with details of how to pursue a review of the circumstances of your case.

Yours sincerely,

Headteacher

Dear

I am writing to you about your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, pupils, other parents].

Following your communication with me regarding the circumstances of the above behaviour, in this instance I have decided to revoke the ban that was imposed on (date). Therefore, on behalf of the governing body, I would like to invite you to meet with **myself and/or named governor** to agree how we move forward to ensure that we establish clear expectations and lines of communication between home and school, so that this incident is not repeated. Please contact me at the school to arrange a meeting.

May I reassure you of our continued commitment to provide the very best education for your **child/children**.

Yours sincerely,

Headteacher

Name of school

Telephone:

Date

Dear

I am writing to you about your conduct on (enter date and time).

[Add summary of the incident and of its effect on staff, pupils, other parents].

I must inform you that the school will not tolerate conduct of this nature on its premises and will act to defend its staff and pupils. On behalf of the Governing Body I am therefore instructing that you are not to reappear on the premises of the school. If you do not comply with this instruction, I shall arrange for you to be removed from the premises and prosecuted under Section 206 of the Education Act 2002. If convicted, you are liable to a fine.

This decision will be reviewed on (set a date that is proportionate to the incident) and I will be in contact with you within one working week of this date to discuss the outcome of the review.

May I reassure you of our continued commitment to provide the very best education for your child/children and I hope that after this cooling-off period, we can agree further arrangements which will enable us to re-establish a good working relationship.

Yours sincerely,

Headteacher