



# Coppice

Primary Partnership

Growing Together, Striving for Excellence.

## **Persistent Complaints & Harassment Policy**

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## **1. Expectations and Aims**

The Trust expects all parents, carers or members of the public with a complaint to:

- treat School and Trust staff, Local Governors and Trustees with courtesy and respect;
- behave reasonably;
- respect the needs of pupils and staff within the Trust;
- never use, or threaten to use, violence;
- never be aggressive or verbally abusive;
- recognise the time constraints under which staff in the Trust work;
- correctly follow the Trust Complaints Policy and procedures.

Where these expectations are not met the Persistent Complaints and Harassment Policy (the Policy) shall apply with the aim of:

- ensuring consistent communication between the School and a parent, carer or member of the public;
- supporting the well-being of pupils, staff and those connected with the School, including Local School Governors, Trustees and parents, where there is a persistent complaint or harassment; and
- dealing professionally with persistent complainants and those who harass members of staff or pupils in the schools of the Coppice Primary Partnership.

## **2. What is a persistent complaint?**

Persistent complaints are where a parent, carer or member of the public makes regular complaints under the Trust's Complaints Policy or frequently raises issues that are not within the remit of the Trust, and the volume or content of such complaints is unreasonable. Examples of such behaviour include:

- making substantially the same complaint to the Trust or School more than once; or
- repetitious raising of historical complaints, for which the Trust's complaints process has been exhausted and a final response provided; or
- continuous, unnecessary and prolific correspondence, by letter, email or telephone, which causes a high level of disruption; or
- raising complaints about matters which do not affect the complainant or which have no merit; or
- raising complaints for which the continued use of the Trust's resources to progress through all the stages of the Complaints Policy would be disproportionate.

### **3. What is harassment?**

Harassment is where Trust staff are subjected to a pattern of persistent and unreasonable behaviour from a parent, carer or member of the public. Such behaviour may be face-to-face, by telephone, in writing or electronically (including email, websites or social media).

Harassment does not have to be abusive or overtly aggressive to fall within this Policy. It can include a member of staff receiving constant demands, criticism or complaints which, whilst not always serious in isolation, can over time have the cumulative effect of undermining their confidence, well-being and health.

Any form of verbal abuse, threatening behaviour, violence or publishing falsified information will automatically be categorised as harassment by the Trust.

Harassment can:

- be targeted over a significant period on one or more members of Trust staff ;
- cause ongoing distress to staff at the Trust; or
- have a significant adverse effect on any of the School community or wider Trust.
- In extreme cases, the behaviour may constitute an offence under the Protection from Harassment Act 1997. If so, the Police have powers to take action against the offender.

The Trust shall have absolute discretion to determine whether the behaviour of a parent, carer or member of the public has become “harassment” and falls within this Policy.

### **4. Process**

#### **4.1. Stage 1**

The Trust shall notify the parent, carer or member of the public (the Referred Party) in writing that their persistent complaint / harassing behaviour is considered to be unreasonable and failure to modify their behaviour may result in sanctions. For the recommended format of a Stage 1 Letter see Appendix I.

Where a Referred Party has been physically violent or threatening the Trust will not issue a Stage 1 Letter and move immediately to Stage 2.

## **4.2. Stage 2**

A Stage 2 letter will be issued to the Referred Party if they have been physically violent or threatening or have not complied with the terms set out in a Stage 1 letter. They shall be notified in writing that their behaviour is unreasonable and that sanctions will consequently be put in place. For the recommended format of a Stage 2 Letter see Appendix II.

## **5. Available Sanctions**

The Trust can exercise any of the following sanctions at its absolute discretion.

All correspondence sent by the Trust in respect of the sanctions can be issued either by the Headteacher or the Chair of the Local Governing Body (CoG) in consultation with the Trust Leader. Copies of any letters must be kept on file. Correspondence can be issued by email to any relevant party if an email address is held on file.

If a Referred Party relapses into unreasonable persistent complaint behaviour or harassment, following a period of modified behaviour, the Trust shall activate this Policy again at the last level of sanction.

### **5.1. Cease Ongoing Investigations**

Where a Referred Party has not satisfactorily modified their behaviour, any underlying complaint will cease to be investigated until the individual's behaviour is modified in a manner the Trust considers to be reasonable. The Referred Party may not appeal this sanction.

### **5.2. Banning from Trust premises**

Where the Referred Party has been informed in a Stage 2 letter that they are to be banned from the Trust premises, the Trust shall issue a letter concerning the arrangements for such ban. All letters must be sent by recorded delivery and email (if an email address is available).

It is unlikely to be appropriate to ban a member of the public, with no child or children at the Trust, from the premises as they have no right to be there. If they continue to access the Trust premises, legal advice will be sought to have the individual removed and prosecuted under Section 547 of the Education Act 1996. If convicted under this Act, that individual will be liable to a court fine.

There are four stages of a banning sanction.

- 5.2.1.** In the first instance, a letter will be sent to the Referred Party by the Headteacher or CoG confirming that they are not permitted on Trust premises, the duration of the ban, the appeals process and limited exceptions. The banning may be appealed by the Referred Party by writing to the original sender of the banning letter within ten school days of the date of that letter. For the recommended format of an Initial Banning Letter see Appendix III.
- 5.2.2.** If such an appeal is received the original sender will consider whether the ban is to continue or be lifted based upon the representations made by the Referred Party (if any). A letter will be sent to the Referred Party confirming the decision made. For the recommended format of a Banning First Appeal Response Letter see Appendix IV.
- 5.2.3.** The banning may be further appealed by the Referred Party by writing to the CoG or the Trust Leader as appropriate within ten school days of the date of the Banning First Appeal Response letter. If such an appeal is received, they shall consider whether the ban is to continue or be lifted based upon:
- the representations made by the Referred Party; and
  - discussion with the original decision maker.
- The decision of the CoG or the Trust Leader shall be final and communicated to the Referred Party in writing. For the recommended format of a Banning Final Appeal Response Letter see Appendix V.
- 5.2.4.** At the review date of any banning decision, as set out in the relevant letter, the Trust may continue or lift the ban placed upon the Referred Party based on:
- the Referred Party's compliance with the ban;
  - any expressions of regret; and
  - any assurance of future good conduct.

Where the ban is lifted, a letter shall be issued by the last decision maker to the Referred Party confirming the lifting. For the recommended format of a Banning Lifted Letter see Appendix VI.

Where the ban is to continue, a letter shall be issued by the last decision maker to the Referred Party confirming the continuation. For the recommended format of a Banning Continuation Letter see Appendix VII.

### **5.3. Take legal action**

If the School wishes to take legal action against a Referred Party it shall consult with the Trust before commencing any action.

### **5.4. Make special arrangements for Meetings and Communications**

#### **5.4.1. Safety of Pupils, Staff, Local Governors and Trustees**

Where the Referred Party has been informed in a Stage 2 letter that special arrangements for future meetings or communication are to be put in place, to ensure the safety of Pupils, Staff, Local Governors and Trustees; the Trust shall write confirming that:

- All meetings with the member of staff will be conducted with a third-party present; and that contemporaneous notes will be taken. Or
- All communications from the Referred Party must be in writing. Or
- Both of the above will apply.

#### **5.4.2. Emergency Contact**

The School/Trust will cease to respond to any vexatious communication from the individual. However, the school will give details of how the individual can contact the school in the case of emergencies for their child(ren).

The Referred Party may not appeal the special arrangements.

## **6. Legitimate New Complaints**

Where a Referred Party wishes to raise a new complaint, it shall be managed in accordance with the Trust's Complaints Policy provided that their behaviour does not fall within this Policy.

## **Appendix I – Stage 1 Letter: Persistent Complaints/Unreasonable Behaviour**

Private and Confidential

Dear [Name],

I am writing further to recent correspondence and interactions between yourself and the School/Trust.

The Trust is committed to working constructively with parents, carers and members of the public and to resolving concerns wherever possible. We also have a duty to ensure the safety, wellbeing and effective working conditions of pupils, staff, governors and trustees.

Having carefully reviewed the frequency, tone and content of your recent communications, the Trust considers that your behaviour now meets the definition of a persistent complaint and/or unreasonable behaviour as set out in the Trust's Persistent Complaints & Harassment Policy.

Examples of the concerns identified include:

- [Delete as appropriate – repetition of issues already concluded / excessive volume of contact / unreasonable tone / issues outside the Trust's remit]
- [School to complete if required]

At this stage, we are asking that you:

- communicate with the Trust in a respectful, proportionate and reasonable manner;
- refrain from repeating matters that have already been fully responded to;
- follow the Trust's Complaints Policy when raising any new concerns.

Please note that if your behaviour does not improve, the Trust may progress to Stage 2 of the Policy, which may result in formal sanctions.

We hope this will not be necessary and that matters can now move forward constructively.

Yours sincerely,  
[Name],[Role]

## Appendix II – Stage 2 Letter: Notification of Sanctions

Private and Confidential

Dear [Name],

I am writing further to previous correspondence and ongoing concerns regarding your behaviour towards the School/Trust.

Despite written advice regarding expected standards of conduct, your behaviour has not sufficiently improved.

OR

Due to the seriousness of recent behaviour, including [brief factual description], the Trust has determined that it is not appropriate to issue a Stage 1 letter.

The Trust therefore considers your behaviour to be unreasonable and/or harassing under the Persistent Complaints & Harassment Policy. The following actions will now be taken:

(Delete as appropriate)

- All future communication must be in writing only.
- Meetings will only take place with a third party present and contemporaneous notes taken.
- A temporary ban from Trust premises is being implemented.
- The investigation of ongoing complaints is paused until behaviour improves.
- Alternative arrangements for contact have been put in place.

[School to specify alternative arrangements if none above apply]

These measures are proportionate, necessary and taken in the interests of safeguarding pupils, staff and governors.

Failure to comply may result in further action, including legal remedies.

Yours sincerely,

[Name], [Role]

## **Appendix III – Initial Banning Letter**

Sent by recorded delivery and email

Dear [Name],

Following continued concerns regarding unreasonable or harassing behaviour, the Trust has decided to ban you from Trust premises with immediate effect.

This ban applies from [start date] until [review date]. During this period, you must not enter any Trust premises without prior written permission.

Limited exceptions may apply (e.g. pre-arranged meetings, emergencies) and must be agreed in advance.

Breach of this ban may result in legal action.

### Right of Appeal

You may appeal this decision by writing to [name/role] within ten school days of the date of this letter.

Yours sincerely,

[Name], [Role]

## **Appendix IV – Banning First Appeal Response Letter**

Dear [Name],

Thank you for your appeal dated [date] regarding the ban from Trust premises.

Your representations have been carefully considered. The Trust has decided to:

Uphold the ban

Lift the ban

(Delete as appropriate)

If upheld, the ban will remain in place until [review date].

You may submit a final appeal within ten school days to [Chair of Governors / Trust Leader].

Yours sincerely,

[Name], [Role]

## **Appendix V – Banning Final Appeal Response Letter**

Dear [Name],

I am writing further to your final appeal dated [date].

After considering your representations and discussion with the original decision maker, the Trust has decided to:

Maintain the ban

Lift the ban

(Delete as appropriate)

This decision is final.

Yours sincerely,

[Name]

[Chair of Governors / Trust Leader]

## **Appendix VI – Banning Lifted Letter**

Dear [Name],

Following review, the Trust has decided to lift the ban from Trust premises with effect from [date].

This decision reflects compliance with previous restrictions and assurances regarding future conduct.

Any recurrence of unreasonable behaviour may result in immediate reapplication of sanctions.

Yours sincerely,

[Name]

[Role]

## Appendix VII – Banning Continued Letter

Dear [Name],

Following review, the Trust has decided that the ban from Trust premises will continue until at least [next review date].

This decision is based on:

- [Delete as appropriate – non-compliance / lack of assurance / continued concerns]
- [School to complete]

Yours sincerely,

[Name]

[Role]