



# Mount Eden Normal

## PRIMARY SCHOOL

Te Whare Akoranga o Maungawhau

**POLICY**

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### *Persistent Complaints & Harassment*

#### **Rationale**

Boards of Trustees have a responsibility to ensure a physically and emotionally safe environment, free from bullying, harassment and discrimination at their workplace. Clear processes must be developed to report, record and respond appropriately when this occurs.

Standards of courtesy and reasonableness should characterise all communications between Board employees and other persons, including those who wish to express a concern or pursue a complaint through the processes outlined in the school's Concerns and Complaints Against Staff Policy. This policy sets out to:

- Protect employee rights and support the wellbeing of students, staff and everyone else who has legitimate interest in the work of the School, including Trustees, parents and other stakeholders, when dealing with complaints against staff.
- To deal fairly, honestly and respectfully with persistent complainants and those who harass members of staff in school to ensure that such behaviour towards employees is not tolerated.

#### **Purpose**

The School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of all stakeholders, including complainants and employees subject to the actions of a persistent complainant.

## Definitions

A **persistent complainant** is a complainant who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the School, but whose behaviour in pursuit of the complaint is deemed to be unreasonable.

Such behaviour may be characterised (but is not limited to):

- A. actions which are obsessive, persistent, harassing, prolific, and/or repetitious
- B. unreasonably prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- C. an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes
- D. an insistence upon pursuing meritorious complaints in an unreasonable and/or confrontational manner
- E. campaigns of misinformation, misrepresentation or malicious targeting of members of staff, including those directed at other parents and/or members of the wider school community
- F. any statements that could be deemed to be offensive and/or defamatory as defined by the Defamation Act 1992, whether or not the act has been invoked

For the purpose of this policy, **harassment** is the unreasonable pursuit of such actions as outlined in (A) to (F), 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 due to the unreasonable way in which they are pursued; and/or
- have a significant adverse effect on the whole/parts of the school community; and/or
- are pursued aggressively or in an intimidating and/or threatening manner, whether verbally, physically or in written form; and/or
- behaviour which is otherwise prohibited under the Harassment Act 1997.

Actions or patterns of behaviour that are considered to meet either of the definitions above, or any other harassing or persistently unreasonable behaviour, may render an individual liable to become subject to the provisions of this Policy.

## Policy Requirements

Parents/carers/members of the public can expect the School to:

- report any acts of violence and/or intimidation towards school staff to the police in the first instance and take legal advice;
- communicate to parents/carers in writing how and when problems can be raised with the School;
- provide both staff and complainants with a copy of the School's Complaints Against Staff Policy and make them aware of the existence of the Persistent

Complaints/Harassment Policy;

- respond to concerns and complaints within a reasonable time;
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means, in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from external bodies as applicable;
- keep complainants reasonably informed of progress towards a resolution of the issues raised to the extent it is legally able to do so.

Board Employees/School Staff can expect parents/carers/members of the public who wish to raise problems with the School to:

- treat them with courtesy and respect, and consider any complaints in a fair and reasonable way;
- respect the needs and well-being of pupils/students and staff within the School;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time (in the case of a complaint);
- follow Board Policies and Procedures.

### **Actions to be taken in response to persistent complaints and/or harassments**

In the event that the Board has reasonable grounds to believe that a complaint is of a persistent nature and/or that harassment of staff has occurred, it will take the following *consecutive* steps as necessary if the complainant's behaviour is not modified:

- 1) Provide a copy of this Policy and inform the complainant in writing that his/her behaviour is considered to have become unreasonable/unacceptable, and may become subject to the terms of this policy if it reoccurs at any point.
- 2) Inform the complainant that his/her behaviour is now considered by the Board to have become unreasonable/unacceptable and that sanctions may now be implemented under the Policy.
- 3) Inform the complainant in writing that his/her behaviour has meant that the complaint will not be investigated further until it is pursued in a manner the Board considers to be reasonable.

**Further Board Actions:**

As appropriate this may, additionally, result in the Board taking further steps, including:

- informing the complainant that all meetings with a member of staff will be conducted with a second member of staff present and that notes of meetings may be taken in the interests of all parties and that, except in emergencies, all communication from the complainant to the school should be carried out in writing, addressed to the Principal or Board Chair
- in the case of physical or verbal aggression/intimidating behaviour, warning the complainant about being banned or trespassed from the School site; or proceeding straight to a temporary ban
- seeking police and/or legal advice on pursuing a case under the Harassment Act (1997).

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered even if the person making them is, or has been, subject to the Harassment/Persistent Complaints Policy.

If a complainant's harassing/persistent complaining behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may implement any or all of the steps identified above as deemed appropriate.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified in the School's Complaints Procedure, the School will use its discretion and may resume investigation of the complaint.

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

### **Related Policies & Procedures**

Concerns & Complaints Against Staff Policy  
Staff Grievances, Complaints & Workplace Bullying Prevention Policy  
Protected Disclosures Act Policy  
Privacy Policy  
Equal Opportunities Employer Policy

Signed: Murray Streets  
Date: May 2021

### **Policy review details**

Version / date: May 2021  
Review cycle: Triennial  
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