



Managing Conflicts with Parents

Nathan Croot – November 2016

You can get along with all parents some of the time, and some parents all the time, but you cannot get along with all parents all the time. This is a revised version of a quote often attributed to Abraham Lincoln about fooling the people. The reality is that, at some stage, schools will come into conflict with parents.

Some parents will have genuine grievances and justifiable issues with a school. They, or their child, have been wronged by the school and the school needs to take steps to resolve the dispute. These are reasonable parents who have a legitimate conflict with the school. In most circumstances, reasonable people can resolve conflicts by discussing the issues.

There are other parents who do not have a legitimate complaint against the school or blow a minor complaint out of proportion. Yet they complain and cause issues that the school must deal with. Their behaviour might be erratic and threatening. They might change their story and lie outright. They tend to be far more confrontational and problematic. These are the unreasonable parents and it is much more difficult to deal with them.

Whenever conflicts arise, schools need to attempt to resolve them whether the parents are reasonable or not. However, even before any conflict arises, schools should seek ways to avoid and minimise potential conflicts.

Avoiding conflicts

Every school has an enrolment process in which the school assesses potential students and their families. A government school may not have much choice about whether it enrolls a particular student who lives in its catchment area. However, non-government schools have more flexibility in who they enrol.

All schools should require parents to provide documents and information that will allow the school to assess the child's maturity, needs, learning ability, family situation, health and behaviour. Even if the school must enrol the child, having such information may alert the school to potential conflicts. For example, if the parents are separated and there are Court Orders about when each parent spends time with the child, the school will know which parent should pick up the child on any given day. If there is a dispute about who is collecting the child on any particular day, the school will at least know which parent should be collecting the child according to the Court Orders. Having as much information as possible will enable schools to anticipate potential conflicts.

When a minor issue arises, schools should ask, "Is it really worth fighting over?" Sometimes the wise thing to do is to overlook an offence because correcting it may just lead to further conflict or be more trouble than it is worth. An independent school may face this issue with unpaid school fees. Sometimes the cost of recovering a debt may exceed the amount of the debt.

There can be a downside to overlooking an offence. Parents talk to each other. If the school gets the reputation of being soft on debtors or minor breaches of the rules, the school may soon become inundated with such behaviour. This may create more conflict. The school may need to take a strong approach with some parents to prevent conflicts with others.

Conflicts usually arise because one party has offended the other in some way. However, often it is not what is done but how it is done. Schools can avoid many conflicts by communicating

well. One aspect of this is to give parents realistic expectations of the school. In the independent school sector there can be real competition for enrolments and schools market themselves by highlighting their positives. This can be a great way to increase enrolments. However, if the school goes overboard and promises an unrealistic school experience, parents may react poorly at the first sign of trouble.

Schools should also insist that communication between students, parents, visitors and staff members is conducted in a courteous and respectful manner. In particular the school should train its staff to engage with parents in a professional and respectful way. If the school communicates with parents respectfully, it will decrease the chances of a conflict.

There are times when schools must give bad news to parents. This may relate to disciplining their child, giving their child a failing grade or some other difficult situation. The way the school communicates could make a significant difference in whether this leads to conflict. To give an exaggerated example, if a school texts or emails parents to say “Pick up John, he has been suspended”, there is a good chance the parents will be angry and upset by the time they reach the school. It is far better for the school to sit down with the parents and explain the situation to them.

The same issue may come up in the enrolment process. If a child has a disability, the school needs to make all reasonable adjustments to allow the child to access and use the school’s facilities in the same way as a child without the disability. However, the school does not need to make adjustments if it will be an unjustifiable hardship for the school. If a school simply tells the parents what it will and will not do without any consultation, the parents may respond negatively if they do not agree with the school’s decision. This may lead to a disability discrimination complaint with both parties entrenched in their positions. However, if the school discusses the situation with the parents and negotiates an appropriate course of action, the parents are more likely to understand the school’s position and accept its decision. This may even be the case if the school and the parents conclude the school is not the right place for the child.

There are times when parents will have one genuine complaint and, because they are upset, raise other unrelated or minor issues that may be less important to them. In these circumstances, the school may avoid a prolonged conflict by apologising for the genuine complaint and ignoring the other issues, at least initially. Often parents will drop the secondary issues if they are happy with the school’s response to their main complaint. It may be tempting for the school to apologise for the main complaint and to deny the legitimacy of the other complaints. Even if the school has legitimate objections to the secondary complaints, challenging them may escalate the dispute and the parents might be less likely to accept the school’s apology. It can be better to apologise and hope that parents drop the other issues than to ensure that the school has corrected the record. There is nothing to stop the school from responding to the other issues if the parents do not accept the apology.

To avoid conflicts, schools should consider whether it is worth the fight, manage parents’ expectations and communicate well.

Resolving conflicts with reasonable parents

The first step in resolving a conflict with reasonable parents is for the school to ensure that it is being reasonable too. If both parties are acting reasonably, they should have an appreciation of the other party’s position and be able to discuss the situation rationally.

Sometimes the solution will be simple. However, just because the parties are both reasonable, it does not mean it will necessarily be easy to resolve the issue or that no one will get upset. There are situations that are inherently difficult to resolve. In attempting to resolve a conflict, a school must think through what an acceptable resolution may involve and what it cannot accept.

One thing the school needs to consider is whether the relationship with the family can continue. There may be times when the school or the parents are not willing for the student to remain at the school. For example, if a staff member has engaged in sexual misconduct with a student, even if the school took all reasonable precautions to prevent the misconduct and responded appropriately throughout the process, there is still likely to be some conflict between the parents and the school. A resolution of the conflict may only be possible if the student leaves the school and the family has a chance to heal emotionally. The reverse situation may be true if the student breaches the school rules in a serious way.

All conflicts are different and difficult. However, if both parties are reasonable, thoughtful and communicate well, they should be able to come up with a solution. One note of caution is to ensure that the solution is lawful and, if necessary, binding. Schools may need legal advice to implement some resolutions. For example, if the parties agree to enter a deed of release, the deed should be prepared by a lawyer.

Resolving conflicts with unreasonable parents

The principles outlined for resolving conflicts with reasonable parents also apply to unreasonable parents. Schools should ensure that they consider the issues thoroughly, communicate respectfully and manage expectations. However, there are additional issues that schools need to consider.

Dealing with difficult and unreasonable individuals can be stressful and, in some cases, potentially dangerous. Under WH&S legislation, schools and the individuals who operate schools have duties to ensure, so far as is reasonably practicable, the health and safety of teachers and other staff. If teachers or other staff are engaged in a conflict with an unreasonable parent, schools need to monitor the situation carefully. If there is a risk to health and safety, schools must respond. Schools should also have procedures in place to debrief and monitor staff during the conflict and after it has been resolved.

Unreasonable parents are rarely the same and unreasonable conduct can manifest itself in a variety of ways. The Commonwealth Ombudsman identifies five categories of unreasonable conduct¹. Based on the Ombudsman's categories, one can say that there are five types of unreasonable parents that schools may face from time to time. For more information about handling unreasonable people, the Ombudsman's Guide is a very useful resource.

These types of parents are not mutually exclusive. Schools will find that some parents fit into more than one category.

¹ Commonwealth Ombudsman, *Better Practice Guide to Managing Unreasonable Complaint Conduct*, June 2009.

Unreasonably persistent parents

These parents are stubborn and will become focused on a particular issue or outcome, even when it is completely unrealistic. No matter how accommodating or understanding a school may be, these parents will accept no solution except for the one they want. No matter what objections the school has to their solutions, even if the solution is unlawful, these parents will not be dissuaded. It can be very difficult to compromise with unreasonably persistent parents.

Unreasonably persistent parents also find it very difficult to accept that their complaint has been dealt with thoroughly. Schools can spend extraordinary amounts of time investigating and discussing an issue. However, if the school's findings do not match the parents' perception, the parents will not accept that the school has considered the matter thoroughly or that the decision is final. To these parents, there will always be another step the school can take.

When dealing with unreasonably persistent parents, schools need to maintain boundaries, take a firm stand and be unequivocal in their position. As long as schools give parents hope that there is a further step to be taken, the parents will believe that the school will come around to their way of thinking and will remain unreasonably persistent.

If a school has made a final decision and the parents refuse to accept it, the school should shift the burden back on the parents by requiring them to give reasons why the school should review its decision. It is possible that the school has made an error. If the parents identify an error, the school should reconsider its decision. If the parents do not provide good reasons for a review of the decision, the school can resist the parents' request and respond to any further communication from the parents by repeating its own request for good reasons to review the decision.

Practically, schools need to ensure that their communication with unreasonably persistent parents is clear and unambiguous. When communicating with parents, schools may express understanding of the parents' position but should clearly state the school's position. Finally, if conversations or meetings are unproductive, schools can end the conversation or meeting.

Parents with unreasonable demands

Mr Vandelay² was the quintessential unreasonable parent. He and his wife enrolled their daughter, Mary, at Sudden Valley Grammar School. Mr Vandelay requested that his daughter be placed in a class with either Jane or Sally, two of Mary's friends. Around the same time, Jane's parents, having had difficulty with Mr Vandelay the previous school year, requested the school not to put Jane and Mary in the same class. Therefore, the school placed Mary in a class with Sally but not with Jane. This fulfilled both parents' requests.

This was not good enough for Mr Vandelay. He changed his story and said that he had only requested that Mary be in the same class as Jane. He also alleged that the school was discriminating against him because it agreed to similar requests from other parents. Mr Vandelay continued making this demand to the point that it required several meetings with the principal to resolve it.

² Names changed for confidentiality.

However, the resolution did not last long. Soon Mary and Sally, who had been sitting together, had a falling out and Mary had a new best friend in her class, Lisa. Mr Vandelay demanded that the teacher rearrange the class seating arrangements so that Mary and Lisa could sit next to each other. When the teacher declined this request, the conflict escalated and several more meetings with the principal were required. The school was spending an unreasonable amount of time on unreasonable, and relatively trivial, demands and, all the while, Mr Vandelay was complaining that his family did not receive the attention that other families did.

We will pick up the story of Mr Vandelay later. However, it is clear that Mr Vandelay's demands were unreasonable. There are many ways that a parent can make unreasonable demands. A parent may:

1. request outcomes that the school cannot provide;
2. accuse the school of being unfair or unjust;
3. demand unnecessary apologies;
4. look for revenge rather than a resolution;
5. demand how the school handles the complaint;
6. provide excessive or irrelevant information;
7. demand excessive time be dedicated to the issue; and
8. move the goal posts by changing his or her demands.

Schools can spend considerable time dealing with unreasonable demands. Although the parents making the demands believe they are being treated with less attention than other parents, it is actually quite the opposite. The principal at Sudden Valley Grammar School spent a substantial and disproportionate amount of time dealing with Mr Vandelay and his demands. It is unfair on other parents and students at a school that an unreasonable parent commands a disproportionate amount of the school's finite resources. How can schools manage unreasonable demands?

Schools, whenever possible, need to let parents know in advance how it will handle the complaint and, in particular, what the limitations are in relation to what the school can do. This requires good communication with all parents who make complaints because it is not always possible to know in advance which parents will make unreasonable demands.

Schools should also set boundaries with the parents. The school may designate a specific staff member to be the point person so that the parents may only contact that particular staff member if they have a complaint. The school may also limit how the parents are to communicate. For example, the school may require that all complaints be in writing rather than over the phone or in person.

Finally, the school must avoid doing for parents who make unreasonable demands what it would not do for other parents. It can be natural to try to appease parents in the hope of a resolution. However, as Sudden Valley Grammar School found with Mr Vandelay, most unreasonable parents do not make just one unreasonable demand. There is a cycle of demanding behaviour which escalates over time. There may be a time when the school needs to take a firm stand and, if necessary, consider whether the continued enrolment of the parents' child is tenable.

Unreasonable lack of co-operation from parents

Schools function best when teachers and parents share a relationship of mutual trust and co-operation. Although a lack of co-operation may not necessarily be the cause of a conflict, unreasonable parents often show a lack of co-operation with schools during a conflict. They may provide the school with excessive, unorganised and/or irrelevant information or not explain their complaint properly because the information “speaks for itself”. Essentially, a lack of co-operation will result in the school spending unnecessary time on an issue because the parents do not work with the school to resolve the issue in an appropriate way.

If a school is faced with such a parent, it again must set boundaries. The school may refuse to read unorganised material or respond to unspecified complaints. If the parents cannot articulate their complaint clearly, it is unreasonable to expect the school to respond.

Parents with unreasonable arguments

Mr Vandelay did not just make unreasonable demands. He also supported those demands with unreasonable arguments. To him, the staff at Sudden Valley Grammar School were engaged in a conspiracy against him and his family. He alleged that he was discriminated against without providing a basis for it. Months later, after not getting his way, he made a complaint of discrimination to the Human Rights Commission. It was only after someone at the Commission asked him for the basis of the discrimination that he said it was based on his race. Previously he had not mentioned anything about race in his lengthy written complaints to the School. However, now it was alleged that some teachers at Sudden Valley had made appalling racist remarks and Mr Vandelay’s race was a central issue of the dispute.

Mr Vandelay conceived there was a conspiracy against him, made baseless allegations and then, pressed to defend them, referred to incidents of racism that he had never mentioned before. This was a classic case of a parent using unreasonable arguments because Mr Vandelay held irrational beliefs for which there was no evidence. Another characteristic of unreasonable parents is that they interpret facts and situations in irrational and unreasonable ways.

If a conflict gets to the stage where a parent is using unreasonable arguments, the best approach for the school is to refuse to engage with those arguments and to maintain that position. It is futile to engage with unreasonable arguments and it ought not be attempted. However, there are times when the unreasonable arguments lead to unreasonable behaviour. At this point the school may have no choice but to respond.

Parents who behave unreasonably

Mr Vandelay did not stop with unreasonable arguments. In addition to his complaint to the Human Rights Commission, he:

- made a subsequent complaint to the Anti-Discrimination Board;
- complained to NSW Fair Trading;
- applied for an AVO against the principal;
- made reports against teachers to the Police;
- filed an application with the NSW Civil and Administrative Tribunal;

- complained to the Board of Studies, Teaching and Educational Standards;
- complained to the Office of the Australian Information Commissioner;
- engaged an investigator who repeatedly demanded to interview the principal and teachers;
- attempted to have media outlets investigate and report his complaints against the school;
- had an associate send text messages claiming to be from a TV station and that reporters from the station would confront the principal and teachers at the school and their respective homes;
- confronted parents in the school playground;
- made allegations against other parents;
- alleged that the school endangered his family because it did not warn everyone at the school that another parent had a mental illness;
- accused teachers and the principal of demanding gifts from him;
- sent text messages about his complaints to people in the school community, including the principal's teenage son; and
- threatened to commence court proceedings.

To understate it, Mr Vandelay's behaviour was unreasonable.

When confronted with unreasonable behaviour, like with unreasonable arguments, schools are best not to engage. If a school receives threatening or aggressive complaints, the school may choose to return the complaint back and request that it be reworded in a more moderate way. Schools should also make it clear that threatening and aggressive behaviour has no place at the school. In all of this, schools must assess the potential risks and take all reasonable precautions to ensure the health and safety of people at the school.

Unfortunately for Sudden Valley Grammar School, Mr Vandelay's behaviour included formal legal proceedings. The principal could not ignore the AVO application against him and the school could not disregard the complaints to government agencies. Sometimes the school must engage. If a school has not already done so, it should seek professional advice to help navigate the formal complaints.

The most expensive words that anyone can say when they are in a conflict is that "it is the principle of the matter". Principles cost money and time. I am confident that if Sudden Valley defended itself against every single complaint and allegation then it would have ultimately been vindicated. Mr Vandelay had no evidence to support his allegations and many of his claims were contradictory or misconceived. However, after six months of responding to the complaints and tens of thousands of dollars in legal costs, Sudden Valley entered a deed of release with Mr Vandelay under which it paid him a relatively small amount of money.

It is a deeply unpleasant thought for a school to pay any money to an unreasonable parent. However, there may be times when doing so will save a substantial amount of time and money. This is a commercial decision that a school has to make after considering all the circumstances. Conceding on any level will seem unfair and unjust. However, if making a

concession results in a full and final end to the conflict and protects the school from future conflicts, it may be worthwhile.

Conclusion

When managing conflicts, the old proverb is true: “Prevention is better than cure”. Schools need to be proactive in their relationships with parents. This starts in the enrolment process by gathering information and assessing families, which will help schools identify potential issues. It also involves communicating clearly with parents and setting and maintaining boundaries.

When conflicts arise, schools need to take a thoughtful approach to resolve them. All conflicts have their own unique challenges and coming to a solution may take some creative thinking. It is important for schools to consider the issues to decide where they will and will not compromise. Schools must also ensure they act reasonably. This may mean taking a deep breath before hitting send on the email drafted in anger.

Finally, unreasonable parents are a fact of life for schools. It can be easy to appease unreasonable parents initially. However, appeasement is rarely the final solution. It usually only gives the unreasonable parent more latitude in the future. Instead, schools must set and maintain boundaries with unreasonable parents and communicate clearly with them.

In the end, resolutions to conflicts are rarely satisfactory. Schools may need to compromise in one area in order to reduce the overall damage of the conflict to the school and its staff members. A common saying amongst negotiators is that a good deal is one that everyone is unhappy with. In order to resolve a conflict with an unreasonable parent, a school may need to accept a less than ideal solution. In such circumstances, schools may need to be satisfied that resolving the matter is a good outcome in and of itself.