

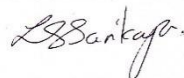


THE ST. BART'S
ACADEMY
— TRUST —

**Dealing with Persistent
or Vexatious Complaints /
Harassment Policy**

April 2023

The St. Bart's Academy Trust Dealing with Persistent or Vexatious Complaints / Harassment Policy

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Date	Section Amended	Signature
April 2023		S. Cope



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Introduction

The Principal and staff deal with specific complaints as part of their day-to-day management of the academy in accordance with the **St. Bart's Multi-Academy Trust (SBMAT) Complaints Procedure**.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the academy and directly or indirectly the overall well-being of the children or staff in the academy. In these exceptional circumstances, the academy may take action in accordance with this policy.

For more information on dealing with vexatious requests please visit - <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

1. Aims of policy

1.1 The aims of this policy are to:

- 1) uphold the standards of courtesy and reasonableness that should characterise all communication between the academy and persons who wish to express a concern or pursue a complaint;
- 2) support the well-being of children, staff and everyone else who has legitimate interest in the work of the academy, including governors and parents;
- 3) deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in the academy while ensuring that other stakeholders suffer no detriment.

2. Parents' expectations of the academy

2.1 Parents/carers/members of the public who raise either informal concerns or formal complaints with the academy can expect the academy to:

- 1) communicate to parents/carers in writing:
 - a) how and when problems can be raised with the academy;
 - b) the existence of the SBMAT Complaints Procedure, and
 - c) the existence of the SBMAT Dealing with Persistent or Vexatious Complaints / Harassment Policy;
- 2) respond within a reasonable time;
- 3) be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the academy and the nature of the complaint;
- 4) respond with courtesy and respect;
- 5) attempt to resolve problems using reasonable means in line with the SBMAT Complaints Procedure and advice from the Department for Education. The aim is to keep complainants informed of progress towards a resolution of the issues raised.

3. The academy's expectations of parents/carers/members of the public

3.1 The academy can expect parents/carers/members of the public who wish to raise problems with the academy to:

- 1) treat all academy staff with courtesy and respect;
- 2) respect the needs and well-being of pupils and staff in the academy;
- 3) avoid any use, or threatened use, of violence to people or property;
- 4) avoid any aggression or verbal abuse (including the use of inappropriate language whether or not directed at a member of staff);
- 5) recognise the time constraints under which members of staff in the academy work and allow the academy a reasonable time to respond;
- 6) recognise that resolving a specific problem can sometimes take some time; (in the case of a complaint) follow the **SBMAT Complaints Procedure**.

4. Who is a persistent complainant?

4.1 For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the academy, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- 1) actions which are obsessive, persistent, harassing, prolific, repetitious;
- 2) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- 3) uses Freedom of Information requests excessively and unreasonably;
- 4) uses Subject Access Requests excessively and unreasonably
- 5) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- 6) an insistence upon pursuing complaints in an unreasonable manner;
- 7) actions that are designed to cause disruption or annoyance.
- 8) an insistence on only dealing with the Principal on all occasions, irrespective of the issue and the level of delegation in the academy to deal with such matters;
- 9) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the academy because it is unlawful. The same complainant sending duplicate complaints once the initial complaint has been closed.
- 10) The complainant seeks to bypass the normal complaints procedures

4.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (1) to (7) above in such a way that they:

- 1) appear to be targeted over a significant period of time on one or more members of academy staff and/or:
- 2) cause ongoing distress to individual member(s) of academy staff and/or:

- 3) have a significant adverse effect on the whole/parts of the academy community and/or:
- 4) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

5. The academy's actions in cases of persistent or vexatious complaints or harassment

- 5.1 The academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the academy; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 5.2 A complaint may be regarded as unreasonable when the person making the complaint:
- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
 - Refuses to accept that certain issues are not within the scope of a complaints procedure.
 - Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
 - Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
 - Changes the basis of the complaint as the investigation proceeds.
 - Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
 - Refuses to accept the findings of the investigation into that complaint where the academy's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
 - Seeks an unrealistic outcome.
 - Makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- 5.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:
- Maliciously.
 - Aggressively.
 - Using threats, intimidation or violence.
 - Using abusive, offensive or discriminatory language.
 - Knowing it to be false.

- Using falsified information.
 - By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.
- 5.4 Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
- 5.5 Whenever possible, the principal or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 5.6 **If the behaviour continues**, the academy will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.
- 5.7 This will be confirmed in writing (**Model Letter 1**).
- 5.8 **If the behaviour is not modified**, the academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the academy community:
- a) inform the complainant in writing that his/her behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see **Model Letter 2**);
 - b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see **Model Letter 2**);
 - c) Inform the complainant that, except in emergencies, all routine communication with the complainant to the academy should be by letter (see **Model Letter 2**);
 - d) (in the case of physical, or verbal aggression) take advice from the police, HR / Legal Services (services purchased by the Trust Board) and consider warning the complainant about being banned from the academy site or proceed straight to a temporary ban;
 - e) consider taking advice from the legal department on pursuing a case under Anti- Harassment legislation;
 - f) consider taking advice from the HR / Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Principal but only with a third person to be identified by the Trust Board, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Principal accordingly.
- 5.9 For complainants who excessively contact the academy causing a significant level of disruption, the academy may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
- 5.10 A decision to stop responding will only be considered in circumstances where the following statements are true:
- Every reasonable step has been taken to address the complainant's concerns.
 - The complainant has been given a clear statement of the academy's position and their options.
 - The complainant contacts the academy repeatedly, making substantially the same points each time.
- 5.11 If the above criteria are met, in making a decision to stop responding the academy will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal

comments about or threats towards staff, and if the academy believes their intent is to disrupt or inconvenience the academy.

- 5.12 The academy will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.
- 5.13 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.
- 5.14 Thus, based on 5.8f, legitimate new complaints may still be considered even if the person making them is, or has been, subject to the **SBMAT Dealing with Persistent or Vexatious Complaints / Harassment Policy**. However, the academy will be advised by HR / Legal Services.
- 5.15 If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the academy may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from HR/Legal Services.

6. Exceptional circumstances

- 6.1 The DfE expects complainants to have completed the academy's complaints procedure before directing a complaint to them. The exceptions to this include when:
 - Pupils are at risk of harm.
 - Pupils are missing education.
 - A complainant is being prevented from having their complaint progress through the academy's complaints procedure.
 - The DfE has evidence that the academy is proposing to act or is acting unlawfully or unreasonably.
- 6.2 If a social services authority decides to investigate a situation, the Principal or Governing committee may postpone the complaints procedure.
- 6.3 Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
- 6.4 If a complainant commences legal action against the academy in relation to their complaint, the academy will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

7. Review

- 7.1 The Academy will review as appropriate, and at a minimum once in an academy year, any sanctions applied in the context of this policy.
- 7.2 The policy will be reviewed every **two** years by the Trust.

Appendix 1 – Model Letter 1:

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS / HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE / ACCEPTABLE STANDARD

Academy's Headed Paper / RECORDED DELIVERY

Dear XXX

This letter is to inform you that the academy considers your actions in *[describe actions, dates, behaviour]* on when you to be unreasonable/unacceptable *[delete as appropriate]*.

We would ask you to bear in mind the fact that such behaviour on the academy site can be disruptive and distressing to pupils, staff and parents/carers *[delete if behaviour complained of did not occur on the academy site e.g. persistent use of e-mail, verbally abusive telephone calls, in the community]*.

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the SBMAT Complaints Procedure Policy.

At the moment we are dealing with these issues by *[describe actions being taken to resolve concern]*.

Please note that the SBMAT Complaints Procedure Policy sets out standards of behaviour expected of all people in their dealings with the Academy. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the SBMAT Complaints Procedure;
- avoiding physical and verbal aggression (including inappropriate language) at all times.

The SBMAT Dealing with Persistent or Vexatious Complaints and Harassment Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the academy;
- considering a ban from the academy premises;
- considering legal action.

I would ask that you allow the academy time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

Principal

Appendix 2 – Model Letter 2:

INFORMING A COMPLAINANT THAT HIS / HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT

Academy's Headed Paper / RECORDED DELIVERY

Dear XXX

You will recall that I wrote to you on *[insert date]* telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on *[date]*, when you *[describe actions/behaviour]* it has been decided that actions within the scope of the St. Bart's Multi-Academy Trust Complaints Procedure and the St Bart's Multi-Academy Trust Dealing with Persistent or Vexatious Complaints and Harassment Policy will apply from the date of this letter.

I will not respond to further correspondence on this current issue. However, if it is felt that your letter relates to a different issue or new complaint I will respond to you in writing in accordance with the details below.

In the circumstances, I have made the following arrangements for your future contact with the academy:

*[*Delete A or B as applicable]*

***A** For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the academy, will be by letter only. Letters from you need to be addressed to **XXXXXXXXXX**, at the academy address, note: email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the academy will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

***B** For the foreseeable future, all meetings arising from any written communication with the academy will not be conducted by a member of staff, but will be conducted by representing the academy. I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the academy, will be by letter only. Letters from you need to be addressed to **XXXXXXXXXX**, at the academy address, note: email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving *[insert name of pupil]* – in which case you should contact the academy in the usual way.

While these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report. These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the academy by *[state ten working days from the date of the letter]*. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Principal

Appendix 3 – Identifying potentially vexatious requests

Indicators (not listed in any order of importance)

Abusive or aggressive language

The tone or language of the requester's correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive.

Burden on the authority

The effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.

Personal grudges

For whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.

Unreasonable persistence

The requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority, or otherwise subjected to some form of independent scrutiny.

Unfounded accusations

The request makes completely unsubstantiated accusations against the public authority or specific employees.

Intransigence

The requester takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the authority.

Frequent or overlapping requests

The requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier enquiries.

Deliberate intention to cause annoyance

The requester has explicitly stated that it is their intention to cause disruption to the public authority, or is a member of a campaign group whose stated aim is to disrupt the authority.

Scattergun approach

The request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of 'fishing' for information without any idea of what might be revealed.

Disproportionate effort

The matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate amount of resources in order to meet their request.

No obvious intent to obtain information

The requester is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to possess already.

Futile requests

The issue at hand individually affects the requester and has already been conclusively resolved by the authority or subjected to some form of independent investigation.

Frivolous requests

The subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement.



THE ST. BART'S ACADEMY

— TRUST —

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