



THE ST. BART'S
ACADEMY
— TRUST —

Dealing with Persistent or Vexatious Complaints / Harassment Policy

January 2019

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

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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;
- 7) (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) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- 5) an insistence upon pursuing complaints in an unreasonable manner;
- 6) 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;
- 7) 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.

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. In the first instance 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.

5.2. This will be confirmed in writing (Model Letter 1).

- 5.3. 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) and posted or emailed to **XXXXXX**;
 - 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.
- 5.4. Thus, based on 5.3f, 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.
- 5.5. 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. Review

- 6.1. The Academy will review as appropriate, and at a minimum once in an academy year, any sanctions applied in the context of this policy.

Appendix 1 - Model Letter 1:

Appendix 2 - Model Letter 2:

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, nomatter 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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