



*Achieving excellence together*

# Persistent/Vexatious Complaints and Harassment Policy

|  |               |                         |                  |
|--|---------------|-------------------------|------------------|
| <b>Approved by:</b>                    | Trust Board   |                         |                  |
| <b>Responsible department:</b>         | MAT Core Team |                         |                  |
| <b>Date of adoption of the policy:</b> | October 2024  | <b>Written by:</b>      | Jayne Firth, COO |
| <b>Last updated:</b>                   | October 2024  | <b>Last updated by:</b> | Jayne Firth, COO |
| <b>Next review due :</b>               | October 2025  |                         |                  |

## **1. Introduction**

Great Heights Academy Trust is committed to dealing with all concerns and 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 our academies. 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.

In some cases we will regard a concern/complaint as vexatious. The definition of a vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

## **2. Aims of the policy**

To uphold the standards of courtesy and reasonableness that should characterise all communication between the Trust and persons who wish to express a concern or pursue a complaint.

To support the well-being of pupils, staff and everyone else who has legitimate interest in the work of the Trust, including governors and parents.

To deal fairly, honestly and properly with persistent complainants and those who harass members of staff in the Trust while ensuring that other stakeholders suffer no detriment.

## **3. What is unreasonable behaviour?**

The Trust defines unacceptable behaviour or a vexatious complaint/concern as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the academy, such as, if the complainant:

- 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 complaint procedure has been fully and properly implemented and completed including referral to the Department of Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

The above list is adopted from the DFE's model policy for managing serial and unreasonable complaints.

Complainants should try to limit their communication with the school that relates to their concern or complaint, while the 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.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from academy premises.

#### **4. Complainants' expectations of the Trust**

Complainants who raise either informal or formal issues or complaints with the Trust can expect the Trust to:

- regularly communicate to the complainant in writing (i) how and when problems can be raised with the academy (ii) the existence of the academy's complaints procedure and the existence of the Persistent Complaints/Harassment Policy
- respond within a reasonable time
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the Trust and the nature of the **concern**/complaint
- respond with courtesy and respect

- attempt to resolve problems using reasonable means in line with the Trust's complaints procedure
- keep complainants informed of progress towards a resolution of the issues raised

### **5. The Trust's expectations of complainants**

Complainants should try to limit their communication with the academy that relates to their complaint while the 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.

The Trust expect complainants to:

- treat all trust staff with courtesy and respect
- respect the needs and well-being of pupils/students and staff within the Trust
- 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 Trusts work and allow the Trust a reasonable time to respond
- recognise that resolving a specific problem can sometimes take some time
- (in the case of a complaint) follow the Trust's complaints procedure

### **6. The Trust's actions in cases of persistent complaint or harassment**

The Trust will take the following consecutive steps as necessary if the complainant's behaviour is not modified:

- inform the complainant orally or in writing that his/her behaviour is considered to have become unreasonable/unacceptable and may be considered to fall under the terms of this policy.
- inform the complainant in writing that his/her behaviour is now considered by the Trust to have become unreasonable/unacceptable and warn of further sanctions under the Policy (Model Letter 1)
- inform the complainant in writing that his/her behaviour is now considered by the Trust to fall under the terms of this policy (see Model Letter 2) and that the complaint will not be investigated further until it is pursued in a manner the Trust considers to be reasonable.

As appropriate this may additionally result in the Trust:

- a) informing 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.
- b) informing the complainant that, except in emergencies, all communication from the complainant to the Trust should be carried out in writing.
- c) In response to any serious incident of aggression or violence, The Trust will immediately inform the police and communicate our actions in writing. This may include barring an individual from academy premises.

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 Trust may resume the process identified above as appropriate.

## **7. Review**

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

Model letter 1: Warning a complainant that his/her behaviour is considered to be in breach of the policy and of the consequences of remaining in breach of policy.

Dear .....

We are aware that you have raised some concerns, and would advise you that these are being addressed in accordance with the complaints policy.

At the moment we are dealing with these issues at stage \* of the Academy's Complaints Procedure.

This letter is to inform you that we consider your actions on..... when you .....to be in breach of the Trust's Harassment/Persistent Complaints Policy in relation to ... add from list in section 3.

Please note that the Trust's Harassment/Persistent Complaints Policy sets out standards of behaviour expected of all people towards the Trust.

The Policy also indicates the steps that we can take if these standards are breached. Steps that we will take:

**Add/delete as appropriate**

- not investigating your complaint further unless it is pursued in a manner considered by the Trust to be reasonable
- [*insert additional steps as appropriate*]

Additional steps that we may take if necessary:

- make special arrangements for your meetings and communication with the Trust
- ban you from the Trust premises
- take legal action against you [*delete as appropriate*]

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

I am confident that you will respect our need to maintain a calm and welcoming environment at all times.

Yours sincerely

Principal

\* Fill in as appropriate

Model letter 2: Informing a complainant that his/her further behaviour means that the sanctions referred to in Letter 1 will now be invoked.

Dear ..... \*

You will recall that I wrote to you on ..... \* telling you that we felt your behaviour on.....when you ..... \* was below the standard we expect of all people toward the academy and was in breach of the Harassment and Persistent Complaints Policy.

I am now writing to inform you that your behaviour on ..... when you ..... \* has now led us to apply for the foreseeable future the Trust's Harassment/Persistent Complaints Policy because it again breached that policy.

As a result, of the following actions in relation to **add from list in section 3** of the Policy have been taken: \*

- The Trust will not investigate your complaint further unless it is pursued in a manner considered by the Trust to be reasonable
- The Trust will make special arrangements for meetings and/ or communication with the Trust.[delete as appropriate]
- These arrangements do not, apply, of course, to any emergencies concerning #, which should be reported to the Trust in the usual way. I will write to you separately with details of this [send model letter 3 and/or 4 as appropriate]
- banning you from the Trust premises . I will write to you separately with details of this [see banning letters 1 - 4 below.
- considering legal action against you

[delete as appropriate]

These measures will be reviewed on ..... \*

If you wish to make a representation about the contents of this letter, please do so in writing to me by ..... \*

I do hope that the difficulties can now be quickly resolved.

Yours sincerely

Principal

# Fill in as appropriate

\* Delete as appropriate

Model letter 3: Informing a complainant that special arrangements will be made for him/her to meet members of staff.

Dear ..... \*

Following my letter to you of ..... \* informing you that we felt your recent behaviour in connection with the Trust to be unacceptable/ unreasonable \* , and that we now considered you to be subject to the Trust's Persistent Complaints/Harassment Policy, I am now writing to outline for you the arrangements we have made regarding meetings.

For the foreseeable future, should you wish to meet with a member of staff, we would ask you to note:

- a) this meeting will be arranged with a written appointment as soon as possible, and with a third party present
- b) in the interests of all parties, formal notes of this meeting may be made

These arrangements do not, apply, of course, to any emergencies concerning \* , which should be reported to the Trust in the usual way.

I thank you for your forbearance in this matter, and do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Principal

\* Fill in as appropriate



Model letter 4: Requesting that future communication should be by letter only

Dear .....\*

You will recall that I wrote to you on .....\* informing you that we felt your recent behaviour is unacceptable/unreasonable\*, and that we now consider you to be subject to the Trust's Persistent Complaints/Harassment Policy.

**I am now requesting that, for the foreseeable future, all routine communication should be by letter only.**

Please address all letters to.....\*. We shall respond as quickly as possible.

This request does not apply, of course, to any emergency involving\*..... in which case you should contact us in the usual way--or to parents' evenings, which will continue as in the past, but with a third party present.

I do hope that we can resolve the ongoing difficulties as soon as possible.

Yours sincerely

Principal

Banning letter: Initial letter to parent with children at the Trust

Dear Sir/Madam,

I am writing to you about your unacceptable conduct on **add date** where you **example used abusive and threatening language and behaviour on the school premises towards me, this was witnessed by staff, parents and pupils**, due to this behaviour I am withdrawing permission for you to come on to the premises of **?????** Academy. I am therefore instructing you that you are not to enter the school premises.

If you do not comply with this instruction, or if you cause a nuisance or disturbance on the premises then staff shall arrange for you to be removed from the premises by contacting the police.

The withdrawal of permission for you to enter the school premises takes effect immediately and will be in place until **the end of the academic year**.

Regardless of this decision, the academy remain committed to the education of your child/children **(delete as appropriate)**, who must continue to attend the school as normal.

If you would ordinarily bring/collect your child from school please arrange for an alternative adult to undertake this and inform the office staff of who this will be.

If you wish to appeal this decision, you have the opportunity to write to The Great Heights Trust with any comments or observations of your own in relation to the incident that occurred. These comments may be to challenge or explain the facts of the incident, to express regret and give assurances about your future good conduct.

If you do wish to appeal, please send The Great Heights Trust any written comments you wish to make by **?????** so that they can take a further look into this case and make a decision on any appeal.

Yours sincerely,  
Principal