

# **Churchside Federation Vexatious Complaints Policy**

<b>Policy Type:</b>	<b>Trust Core Policy</b>
<b>Approved By:</b>	<b>DNEAT MAT Board of Trustees (Finance, Audit and Resources Committee)</b>
<b>Approval Date:</b>	<b>28 June 2021</b>
<b>Date Adopted by LGB:</b>	<b>12 July 2021</b>
<b>Review Date:</b>	<b>June 2024</b>
<b>Person Responsible:</b>	<b>Head of Operations</b>

**Summary of Changes**

The model policy has been revised to reflect these changes to the local information and statutory guidance as outlined below.

<b>Page Ref.</b>	<b>Section</b>	<b>Amendment</b>	<b>Date of Change</b>
All	All	New policy for DNEAT	June 21

## **A policy for handling unreasonably persistent, harassing, vexatious, unreasonable or abusive complaints at Churchside Federation.**

### **1. Roles and accountabilities**

The Diocese of Norwich Education Academies Trust (DNEAT) is accountable for all policies across its Academies. All policies, whether relating to an individual academy or the whole Trust, will be written and implemented in line with our ethos and values as articulated on our website ([www.dneat.org](http://www.dneat.org)). We are committed to the provision of high-quality education in the context of the Christian values of responsibility, respect and dignity where individuals are valued, aspirations are high, hope is nurtured, and talents released.

A Scheme of Delegation for each academy sets out the responsibilities of the Local Governing Body and Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the Trust's policies.

There is a procedure for parents/carers to use if they wish to make a formal complaint about an academy. Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst the Trust recognises that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

The aim of this policy is to clarify the process for dealing with unreasonable complainants or parents who do not act appropriately.

### **2. What do we mean by 'an unreasonable complainant'?**

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff in the Trust.

Unreasonable behaviour may include:

- Out of proportion to the nature of the complaint
- Persistent – even when the complaints procedure has been exhausted
- Personally harassing
- Unjustifiably repetitious
- Obsessive, harassing, or prolific
- Prolific correspondence or excessive email or telephone contact about a concern or complaint
- Repetitious complaints where the complainant has no view about what would satisfy them and/or no intention to resolve the complaint
- Acting in a way not in line with the Trust's aim of reaching a resolution and not working with the Trust
- An insistence on pursuing unjustified or unmeritorious complaints
- Unrealistic outcomes to unjustified complaints
- An insistence on pursuing justifiable complaints in an unreasonable manner e.g., using abusive or threatening language
- Making complaints in public including on social media
- Refusing to attend appointments to discuss the complaint

### **3. What is 'harassment'?**

The Trust regards harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution. Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of Trust staff or others
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to Trust staff or others
- It has a significant and disproportionate adverse effect on the Trust community.
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution

### **4. What can you expect from the Trust?**

Anyone who raises informal or formal issues and complaints with the academy or Trust can expect the Trust to:

- Follow the Trust's complaints procedure
- Respond within a reasonable time
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils in the Trust and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance from the local authority
- Keep those involved informed of progress towards a resolution

### **5. What the Trust expects of you**

The Trust expects anyone who wishes to raise concerns to:

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the Trust
- Never use violence (including threats of violence) towards people or property
- Recognise the time constraints under which members of staff in Trust work and allow the Trust a reasonable time to respond to a complaint
- Recognise that some problems may not be resolved in a short time
- Follow the Trust's complaints procedure.
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space)
- To be prepared to work towards a resolution and in partnership with the Trust

### **6. The Trust's responses to unreasonably persistent complaints, vexatious complainants, unreasonable complaints or harassment**

This policy is intended to be used in conjunction with the Trust's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution. However, in cases of unreasonably persistent complaints or harassment the Trust may take any or all of the following steps, as appropriate:

- Inform the complainant informally that their behaviour is now considered by the Trust to be unreasonable or unacceptable, and request a changed approach (see Appendix 1)

- Inform the complainant in writing that the Trust considers their behaviour to fall under the terms of the Vexatious Complaints Policy
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the Trust will respond only to written communication
- Inform the complainant in writing that their behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner considered reasonable
- Place restrictions on the individual's access to an academy and/or academy staff
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in an academy
- Involve officers of the Trust to assist in finding a resolution

The Trust has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

#### **7. Physical or verbal aggression**

The Trust will not tolerate **any** form of physical or verbal aggression or personal harassment against Trust staff. If staff are subject to this type of aggression the Trust may:

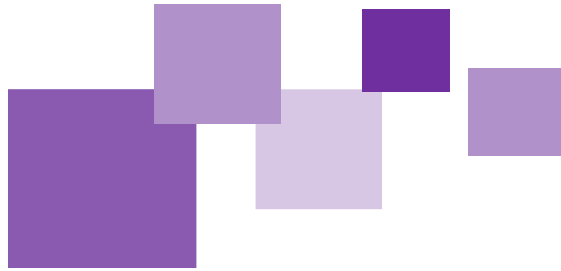
- Prohibit the individual from entering Trust sites, with immediate effect
- Inform the individual that communication with them will cease other than in an emergency
- Prosecute under anti-harassment legislation

#### **8. Time frame and review**

If a complainant's harassing/persistent 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.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Trust's Complaints Policy, the Trust will use its discretion and may resume the investigation of the complaint. The Trust will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy. 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 vexatious or persistent complaints policy. The Trust nevertheless reserves the right not to respond to communications from individuals subject to the policy.

This policy will be reviewed every three years.

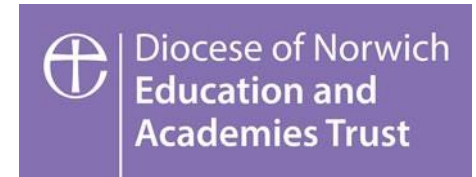


### **Academy's response to vexatious complaints or harassment**

This policy is intended to be used in conjunction with the academy's complaints procedure. Taken together, these documents set out how each school will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in case of vexatious complaints or harassment, the academy may take the following steps:

- Inform the complainant informally that her/his behaviour is now considered by the academy to be unreasonable or unacceptable, and request a changed approach.
- Inform the complainant in writing that the academy considers her/his behaviour to fall under the terms of the academy's complaints procedure.
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken.
- Inform the complainant that, except in emergencies, the academy will respond only to written communication.



## **Information and Advice for Parents and Carers**

**The DNEAT Complaints Policy is available: on each academy's website as well as the Trust's website**

Both the Trust and its academies will work through the Complaints Policy as a matter of course and will guide any parents/carers who wish to raise a complaint to do the same.

**We very much value the positive relationship with our parents and carers, however this policy will be applied in exceptional circumstances**

## **Vexatious Complaints Policy**

**The Diocese of Norwich Education and Academies Trust**

**Headteachers and Local Governing Bodies are committed to the improvement of their academies and all academies welcome feedback from parents and carers and will always try to resolve any complaints as quickly as possible.**

**Sometimes, however, parents or carers pursuing complaints or other issues treat staff in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, headteachers and local governing bodies will not accept threatening or harassing behaviour. We always seek legal advice regarding slanderous or libelous behaviour.**

#### **What the academy expects of you**

DNEAT and the academy expect anyone who wishes to raise problems with the school to:

- Treat all academy staff and governors with courtesy and respect.
- Respect the needs of pupils, staff and governors.
- Look to resolve problems in a reconciliatory/non violent manner
- Recognise the time constraints under which members of staff (and governors) in academies work and allow the academy a reasonable time to respond to a complaint.
- [Follow the academy's complaint procedure](#) and subsequent outcome.

#### **What can you expect of the academy?**

Anyone who raises informal or formal issues and complaints with an academy can expect the academy to:

- Keep in touch regularly in writing.
- Respond within a reasonable time.
- Be available for consultation within a reasonable time limit, bearing in mind the need of all the pupils at the academy.
- Respond with courtesy and respect.
- Attempt to resolve problems using reasonable means in line with the academy's complaints procedure and advice from DNEAT.

[Full details relating to how academies will respond to complaints are set out in each academy's complaints procedure.](#)

#### **What do we mean by a 'vexatious complaint'?**

A vexatious complaint/complainant may be anyone who engages in unreasonable behaviour when making a complaint, including parents and carers, who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint.
- Persisting with complaints – even when the complaints procedure has been exhausted.
- Personal harassment.
- Using abusive or threatening language.
- Using social media to target or contact members of the school
- Making complaints in public forums without [following the complaints policy](#).
- Refusing to attend appointments to discuss the complaint.

#### **What is 'harassment'?**

Harassment is the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of academy staff/governors, without good cause.
- The way in which a complaint or other issues is pursued causes ongoing distress to academy staff and governors.
- It has a significant and disproportionate adverse effect on the academy community.

#### **Physical or verbal aggression**

Neither DNEAT staff nor the academy will tolerate ANY form of physical or verbal aggression against academy staff and governors.

If the staff and/or governors are subject to this type of aggression the academy may:

- Ban the individual from entering the academy site, with immediate effect.
- Request an Anti-Social Behaviour Order (ASBO).
- Prosecute under Anti-Harassment legislation.

Legitimate new complaints will always be considered, even though the person making them is (or has been) subject to the [academy's complaints procedure](#).