



# Complaints (Vexatious) Policy

## Document Control

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## **Introduction**

Leger Education Trust and its academies deals with specific complaints as part of their day-to-day management of the Academy in accordance with the Complaints Policy.

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 the Leger Education Trust Complaints (Vexatious) Policy for dealing with persistent or vexatious complaints/harassment.

## **Vexatious Complaints**

Leger Education Trust, the Headteacher and Academy Governing Bodies are committed to the improvement of each academy. We welcome feedback from parents and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint, as detailed in the Complaints Policy.

Sometimes, however, parents pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept unreasonable persistent harassing, vexatious, threatening, or inappropriate behaviour.

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

## **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 who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the Academy.

Unreasonable behaviour can include (but is not limited to) one or a combination of the following:

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

- Insisting on a complaint being dealt with in ways which are incompatible with the Complaints Policy
- Adopting a 'scatter gun' approach; pursuing parallel complaints on the same issue with the Academy and also various Local Authority departments
- Making unjustified complaints about staff who are trying to deal with issues, and seeking to have them replaced
- Repeatedly making the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Denying or changing statements they made at an earlier stage
- Submitting repeat complaints with minor additions/variations which the complainant insists make these 'new' complaints
- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions, and insisting they are all answered
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails or letters every few days, and expecting immediate responses
- Submitting falsified documents from themselves or other
- Refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of help
- Refusing to co-operate with the complaints investigation process
- An insistence on damaging relationships between the Academy and the child of the parent involved, by making derogatory comments about the Academy and its staff to the pupil, thus affecting the child's enjoyment of school and confidence in staff
- Refusing to accept the finding of the investigation into that complaint where the Complaints Policy has been fully and properly implemented and completed including referral to the Department for Education

### **What is 'Harassment'?**

We regard 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 staff or others;
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to staff or others;
- It has a significant and disproportionate adverse effect on the Academy community;
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution.

### **Expectations - Academy**

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

- Follow the Academy complaints procedure
- Respond within a reasonable time. This will be determined by the Academy only
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the Academy and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the Academy complaints procedure, other policies and practice and in line with guidance from the Local Authority;
- Keep those involved informed of progress towards a resolution

## **Expectations - Complainants**

The Academy expects anyone who wishes to raise concerns with the Academy to:

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the Academy;
- Never to use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff in Academy work and allow the Academy a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the Complaints Policy
- 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, including your own children, and not in an open public space)
- To be prepared to work towards a resolution and in partnership with the Academy

## **Response**

This policy is intended to be used in conjunction with the Complaints Policy. 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 Academy may take any or all of the following steps, as appropriate:

- Inform the complainant informally that his/her 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 his/her behaviour to fall under the terms of the Complaints (Vexatious) 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 Academy will respond only to written communication sent via email to the Academy office in a timely manner. This will be determined by the Academy only
- Inform the complainant that all emails should be directed to the admin email address only and any emails sent to other staff email addresses will not be responded to
- Inform the complainant in writing that his/her 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 the Academy considers to be reasonable
- Place restrictions on the individual's access to the 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 the Academy
- Involve officers of the local authority

Wherever possible, the Headteacher or Chair of the Academy Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. Where the unreasonable behaviour of a complainant escalates quickly, the 'unreasonable' marking may need to be applied straightaway if matters have escalated beyond the point where informal discussion is likely to affect positive change on the part of the complainant.

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

## **Physical or Verbal Aggression**

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

- Prohibit the individual from entering the Academy site, with immediate effect
- Inform the individual that communication with them will cease other than in an emergency
- Request an Anti-Social Behaviour Order (ASBO)
- Prosecute under Anti-Harassment legislation

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

## **Timeframe 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 Academy 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 Complaints Policy, the Academy will use its discretion and may resume the investigation of the complaint. The Academy 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 Complaints (Vexatious) Policy. The Academy nevertheless reserves the right not to respond to communications from individual's subject to the policy.

It is always unfortunate if relationship between the Academy and the parents have broken down. The Academy will always seek the best solutions for the students within their care and in exceptional circumstances it may be that if all avenues have been exhausted and the Academy and parents cannot come to a solution, then it may be that a viable alternative is needed.