



**St Peter & St Paul**  
Catholic Voluntary Academy  
*Pro Petro Paulo Patria*

Policy Document  
Status: Approved  
Confidentiality level: Public

# Vexatious Complaints/ Harassment in Academy Policy

*Policy Ref No. PVC 01*

## **'I have come that they may have life and have it to the full'**

John 10:10

### **The Ethos of St Peter and St Paul**

*"Our school is a community where Jesus Christ is our role model and his message the guiding principle behind all we do.*

*Every member of our community is responsible for creating an environment that is caring, fair and respectful of each individual.*

*We develop our potential, celebrate our talents and go forward together in faith."*

Christ is the foundation of everything we do and the Gospels provide us with our influence and inspiration. We are therefore committed to promoting:

### **The uniqueness of the individual**

We believe that every person is a unique individual, created in God's image and loved by Him. We are therefore committed to treat every person with equality of esteem and the respect and dignity due to a child of God.

### **The search for excellence**

We are called to seek perfection in all aspects of our lives. We celebrate the enrichment of the total community, which flows from diversity of age, gender, racial and social origins, abilities, culture and religion. We are therefore committed to ensure that all are to be given every opportunity to develop their talents to the full.

### **The education of the whole person**

We offer young people the experience of life in a community founded on Gospel values and working in harmony. Through this and a variety of educational experiences and interactions we aim to prepare young people for a life working with others in communities which maybe diverse socially, culturally and religiously. We recognise that it is also important to help pupils to understand their own ethnic identity and cultural heritage as well as helping them to understand that of others irrespective of whether the school serves or is located in an ethnically diverse community.

### **The education of all**

We have the duty of care for all to ensure that we provide for those who are socially, academically, physically, emotionally or financially disadvantaged.

### **Moral principles**

Our belief in the Gospel message commits us to be in the forefront of the movement for social and racial justice and harmony. We believe this is fundamental to the common good. We aim to prepare our young people to serve as witnesses to these moral and spiritual values in the wider world.

### **Consequently, we still strive to ensure that:**

Any person recruited to the service of the school, whether as a member of staff or as a volunteer, is made fully aware of our aims and objectives and required to support them;

Children who are admitted to the school and their families are fully aware of our aims and objectives and undertake to support them;

All of our structures and policies are evaluated and kept under constant review in order to see that no individual is subject in any way to unlawful discrimination, whether intentional or unintentional, and to ensure that all are enabled to reach their full potential.

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## **Introduction**

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the Academy in accordance with the Academy's 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 St Peter and St Paul Academy and directly or indirectly the overall well-being of the students or staff in the Academy. In these exceptional circumstances the Academy may take action in accordance with this policy.

Raising legitimate concerns or criticisms of a complaints procedure as it progresses (for example in relation to timescales) does **not** make a complainant vexatious, and neither does a person seeking to challenge the outcome of a complaint that they are unhappy with. The vast majority of complaints, even those which are not upheld by the Academy, will **not** be defined as being vexatious.

## **Aims of Policy**

The aims of this policy are to:

- 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;
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the Academy, including governors and parents;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in Academy while ensuring that other stakeholders suffer no detriment.

## **St Peter and St Paul Academy's Expectation of Parents / Carers / Members of the Public**

St Peter and St Paul Academy expects parents/carers/members of the public who wish to raise problems with the Academy to:

- treat all Academy staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in the Academy;
- 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 Academy's work and allow the Academy a reasonable time to respond;
- recognise that resolving a specific problem can sometimes take some time;
- (in the case of a complaint) follow the Academy's Complaints Procedure.

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## **Who is a persistent complainant?**

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:

- frequently complaining about a variety of different things, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and /or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the Academy frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the Academy and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contact with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or persistently sending communications which demand responses, or making telephone calls seeking interviews with staff, after the Academy has closed the investigation into a complaint and all rights of review and appeal have been exhausted.
- uses Freedom of Information requests excessively and unreasonably;
- insistent on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the Academy to deal with such matters;

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- insistent upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions outlined in the points above in such a way that they:

- appear to be targeted over a significant period of time on one or more members of Academy staff and/or
- cause ongoing distress to individual member(s) of Academy staff and/or
- have a significant adverse effect on the whole/parts of the Academy community and/or
- 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.

### **St Peter and St Paul Academy's Strategy for Dealing with Persistent or Vexatious Complainants**

In the first instance St Peter and St Paul 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. This will be confirmed in writing.

Where complainants have been identified as persistent or vexatious under the scope of this policy, the Headteacher and Chair of Governors or, if unavailable the Vice Chair of Governors, will determine what action to take. The Complaints Officer will implement such action and will notify complainants, in writing, of the reasons why they have been classified as persistent or vexatious and what action will be taken. They will also be notified of the review procedure.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it e.g. LA officers, staff, Members of Parliament. A record will be kept, for future reference, of the reasons why a complainant has been classified as persistent or vexatious.

If the behaviour of the complainant 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:

- Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
- To restrict contact to liaison through a designated member of staff.
- Notify the complainant in writing that the Board of Governors has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The

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complainant will be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.

- Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Board of Governors shall not, without the consent of the LA, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

The complainant concerned will also be given an opportunity to modify their behaviour before closing correspondence. For example, a person who writes regularly to the Academy but refuses to meet with staff could be invited to a meeting with the Governors to discuss their concerns. If the complainant does not comply with the request to change their conduct then a letter should be sent making clear that future correspondence will not be responded to, but that the Academy will note any new concerns being raised and will appropriately investigate any that are considered to be of merit.

Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further conversations referring to the matter.

### **Review Decisions and Withdrawing 'Persistent or Vexatious' Status**

Once a complainant has been determined, as persistent or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of 3 governors will review their decisions to categorise a complainant as persistent or vexatious every six months.

The panel on review may either withdraw the categorisation of a person as persistent or vexatious or amend the strategy being applied to that person.

If the panel considers it appropriate to withdraw the status of persistent or vexatious complainant, normal contact with the complainant and application of the Academy's complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

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## **Threats to involve the Media**

Threats involving the media and/or legal action will be treated respectfully; the Academy will respond to any letters or approaches from the media or solicitors. The Headteacher will contact Lincolnshire County Council's Press Office when concerned about statements being made to the media, or if they are contacted by the media.

## **Responsibility for the Policy and Procedure**

### **Role of the Board of Governors**

The Board of Governors has:

- delegated powers and responsibilities to the Headteacher to ensure all Academy personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the Academy complies with all equalities legislation;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- responsibility for the effective implementation, monitoring and evaluation of this policy
- made effective use of relevant research and information to improve this policy;

### **Role of the Headteacher**

The Headteacher will:

- ensure all Academy personnel and parents are aware of and comply with this policy;
- work closely with Governors;
- provide leadership and vision in respect of equality;
- make effective use of relevant research and information to improve this policy;
- organise training for the appropriate Academy personnel;
- monitor the effectiveness of this policy;
- report to the Board of Governors on the success and development of this policy.

### **Role of Academy Personnel**

Academy personnel will:

- comply with all aspects of this policy;
- report any concerns they have on any aspect of the Academy community.

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## **Raising Awareness of this Policy**

We will raise awareness of this policy via:

- the Academy's website
- induction of staff
- meetings with Academy personnel.

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## **MODEL LETTER 1:**

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

### **ACCEPTABLE STANDARD**

#### **RECORDED DELIVERY**

Dear

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 an Academy site can be disruptive and distressing to pupils, staff and parents/carers *[delete if behaviour complained of did not occur on Academy site e.g. persistent use of email, verbally abusive telephone calls]*.

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

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

Please note that the Academy's Policy for Dealing with Persistent or Vexatious Complaints/Harassment 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 Academy's Complaints Procedure;
- avoiding physical and verbal aggression at all times.

The 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 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

Headteacher

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**MODEL LETTER 2:**

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

**RECORDED DELIVERY**

Dear

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 the Academy's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply from the date of this letter.

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 ..... at the Academy address; 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 ..... at the Academy address; 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;

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(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

Headteacher