



Unreasonable Complaints and Vexatious Communication Policy July 2021

Office use

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Complaints policy https://www.diverseacademies.org.uk/wp-content/uploads/sites/25/2018/08/Concerns-and-complaints.pdf			
Schedule			
September 2018 – no significant changes made November 2019 – updated to reflect Trust position instead of academy/parent only June 2020 Policy updated to reflect vexatious complaints July 2021 – no significant changes made			

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1 Policy statement

Diverse Academies is committed to dealing with all complaints and interactions with staff, parents and students fairly and impartially, and to providing a high-quality service to those who have a concern they require resolving. We will not normally limit the contact complainants have with the trust or any of its academies. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns and complaints. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the trust or academy and directly or indirectly the overall well-being of the children or staff in our organisation.

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, malicious or persistent either once investigations have been concluded and fully exhausted or whilst they are ongoing. In these exceptional circumstances the trust/academy may take action in accordance with this policy.

2 Scope and purpose of the policy

Diverse Academies defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the trust or an academy, hinder our consideration of their or other people's complaints and which distract the workforce in an unreasonable way'

We will:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the trust/academy and persons who wish to express a concern or pursue a complaint
- support the well-being of children, staff, and everyone else who has legitimate interest in the work of the trust/academy, including trustees, academy committee members and parents
- deal fairly, honestly, openly, and transparently with those who make persistent or vexatious complaints and those who harass members of staff in school, while ensuring that other stakeholders suffer no detriment.

3 Expectations of parents/carers/members of the public

3.1 The organisation can expect parents/carers/members of the public who wish to raise problems with it to:

- a) treat all staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff
- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff work and allow a reasonable time to respond
- f) recognise that resolving a specific problem can often take some time
- g) (in the case of a complaint) follow the trust's complaints procedure.

4 Expectations of the trust/academy

4.1 Parents/carers/members of the public who raise either informal concerns or formal complaints with the trust/academy can expect the organisation to:

- a) regularly communicate with the enquirer in writing and will confirm:
 - how and when problems can be raised
 - the existence of the trust's complaints procedure, and
 - the existence of this policy
- b) respond within a reasonable time
- c) be available for consultation within reasonable time limits bearing in mind the operational needs of the organisation, pupils and staff and the nature of the complaint
- d) respond with courtesy and respect
- e) attempt to resolve problems using reasonable means in line with the complaints procedure and other policies and practice
- f) keep complainants informed of progress towards a resolution of the issues raised.

5 Definition of an unreasonable complaint

5.1 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 trust or academy, and whose behaviour is unreasonable. Such behaviour may be characterised by someone who:

- a. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- b. refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- c. refuses to accept that certain issues are not within the scope of the organisation
- d. insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- e. introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- f. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- g. changes the basis of the complaint as the investigation proceeds
- h. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- i. refuses to accept the findings of the investigation into a complaint where the trust's complaint procedure has been fully and properly implemented and completed
- j. seeks an unrealistic outcome
- k. makes excessive demands on staff's time by frequent, lengthy, complicated and stressful contact regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- l. Uses Subject Access Request (SAR) and Freedom of Information Act (FOIA) requests excessively and unreasonably.

5.2 Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious
- an insistence upon pursuing complaints in an unreasonable manner
- an insistence on only dealing with a specific person on all occasions irrespective of the issue and the level of delegation in the organisation to deal with such matters
- 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 organisation because it is unlawful.

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

- appear to be targeted over a significant period of time on one or more members of staff

- cause ongoing distress to individual member(s) of staff
- have a significant adverse effect on the whole/parts of the organisation
- 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
- unnecessarily take up an inordinate amount of staff time, detracting from staff members' ability to undertake legitimate business.

5.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- a. maliciously
- b. aggressively
- c. using threats, intimidation or violence
- d. using abusive, offensive or discriminatory language
- e. knowing it to be false
- f. using falsified information
- g. publishing unacceptable information in a variety of media such as on social media websites and in newspapers.

5.5 Complainants should limit the numbers of communications while a 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.

6 Actions in cases of persistent or vexatious complaints or harassment

6.1 Whenever possible, the Principal/Chief Operating Officer will discuss any concerns with the complainant informally before applying any sanctions.

6.2 If the undesirable behaviour continues the Principal/Chief Operating Officer will write to the complainant explaining that their behaviour is unreasonable/unacceptable, and which may be considered to fall under the terms of this policy. For complainants who excessively contact the Trust or its academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This may result in informing the complainant that:

- all meetings with a member of staff will be conducted with a second person being present and notes of the meeting may be taken in the interest of all parties

- except in emergencies, all communication to the academy must be in writing
- advice may be sought from our legal advisors under anti-harassment legislation.

6.3 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our premises.

7 Barring from the trust and/or academy premises

7.1 Although fulfilling a public function, academies and the trust's offices are private places. The public has no automatic right of entry. Our staff will therefore act to ensure they remain a safe place for students, staff and other members of their community.

7.2 If a complainants' behaviour is a cause for concern, a member of staff can ask him/her to leave the premises or to refrain from any contact with the organisation except for in emergencies. In serious cases, the Executive Principal/Chief Operating Officer can notify them in writing that their implied license to be on Trust premises including any academy has been temporarily revoked subject to any representations that the complainant may wish to make. We will always give the complainant the opportunity to formally express their views on the decision to bar in writing.

7.3 The decision to bar will then be reviewed, taking into account any representations made by the complainant and either confirmed or lifted. If the decision is confirmed the complainant should be notified in writing, explaining how long the bar will be in place.

7.4 All bar and sanctions will usually be reviewed after 6 months.

7.5 Legitimate new complaints, if not pursued in a harassing or unreasonable way, may still be considered.

7.6 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 trust/academy may resume the process identified above at an appropriate level. In these circumstances advice may be sought from HR and legal advisers even if the person making them is, or has been, subject to the contents of this policy.

7.7 Anyone wishing to complain about being barred can do so by letter or email to the Executive Principal for the academy or the Chief Operating Officer or Chair of Governors. However, complaints about barring cannot be escalated to the Education Skills Funding Agency.

Once the trust's own complaints procedure has been completed, the only remaining avenue of appeal is through the courts; independent legal advice must therefore be sought.

8 Roles and responsibility

Diverse Academies has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal of each academy and to the Chief Operating Officer for all other situations. At all times we reserve the right to engage legal advice.

9 Review of the policy

This policy is reviewed annually by the trust we will monitor the application and outcomes of this policy to ensure it is working effectively.