



Vexatious, Persistent & Unacceptable Conduct Policy

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Status & Review Cycle:	Every two years
Next Review Date:	September 2021

1. Introduction

- 1.1 The Academy welcomes the opportunity to receive positive comments from parents/carers and others when services are appreciated, but is also keen to know when and where there are concerns.

We are committed to dealing with complaints fairly and professionally, the Academy has a policy in place, the Complaints Policy, outlining the agreed routes through which concerns can be raised, recognised and resolved.

The vast majority of complaints and concerns are managed very successfully and the process is productive for both the Academy and complainant.

However, a very small minority of parents/carers make complaints that are vexatious or unreasonably persistent or conduct themselves in such a way that it is extremely difficult for the Academy to operate effectively and to maintain a safe and secure environment for staff, students, visitors and parents/carers alike.

Examples may include:

- Making excessive demands on the time and resources of staff whilst a complaint is being looked into by, for example, excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses;
- Being abusive, intimidating or threatening to staff, either by telephone, in writing (including emails and social media) or in meetings;
- Arriving at the Academy without an appointment and demanding to see staff (including the demand to see particular members of staff);
- Refusing to leave the Academy premises when requested;
- Expecting or demanding return telephone calls or responses within an unreasonable timeframe;
- Refusing to accept the requirements or process outlined in the Complaints Policy;
- Refusing to accept the outcome of the Complaints Policy.

- 1.2 This policy seeks to address such issues and covers both parents/carers and other visitors who make enquiries as well as complaints. However, in adopting this policy, the Academy will continue to recognise and respect their duties under the Freedom of Information Act, the Data Protection Act and any other related legislation.

2. Purpose

This Policy complements the Academy's Complaints Policy. It seeks:

- 2.1 To clarify what the Academy may deem to be vexatious, unreasonably persistent or unacceptable conduct by complainants;
- 2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. The Academy believes that all parents/carers, along with employees and staff, have the right to be heard, understood and respected;
- 2.3 To provide a process for communication that is accessible to all complainants and which operates in line with the Complaints Policy. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change the way in which that process may operate;
- 2.4 To give the Academy a framework both to implement and take appropriate action against those parents/carers who are deemed to be raising vexatious complaints, are being unreasonably persistent or who are engaging in unacceptable conduct when raising or pursuing enquiries or complaints.

3. Defining Unacceptable actions by complainants

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to the Academy.

The Academy does not view behaviour as unacceptable just because a complainant is forceful or determined. However, the actions of complainants who are angry, demanding or unreasonably persistent may result in unacceptable demands or behaviour towards Academy employees. It is these actions that the Academy considers unacceptable and aims to manage under this policy.

The Academy has grouped these actions under three broad headings:

3.1.1 Aggressive, Abusive or Intimidating Behaviour

- All staff should be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Violence or abuse to staff is unacceptable even if the complainant is angered by decisions made by the Academy. However, it is not acceptable when anger escalates into aggression (verbal or physical) directed towards Academy staff;
- Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel intimidated, threatened or abused;
- Examples of aggressive or abusive behaviour include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can constitute abusive behaviour, whether made in writing (email, letter or social media) or during visits or meetings;

Please note: where physical violence has been used or threatened towards staff or their families, or derogatory and abusive language has been used directly to, or about, members of staff, this will, in itself, cause personal contact to be discontinued immediately. Access to the Academy may also be restricted or withdrawn.

All incidents of verbal or physical intimidation or violence will be documented and reported to the Principal. Incidents will, where appropriate, be notified to the police. Sections 4-6 of this Policy will determine on-going and future contact with the Academy.

Verbal intimidation (**verbal attack or verbal assault**) is when a person forcefully criticizes, insults or denounces someone else characterised by underlying anger and hostility, it is a destructive form of communication intended to harm the other person and produce negative emotions.

3.1.2 Unreasonable Demands

Complainants may make what we consider unreasonable demands on the Academy for example through:

- the amount of information they seek;
- the nature and scale of service they expect;
- the number of approaches they make.

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant. A complainant could seek help with this from an advice agency.

Examples of actions grouped under this heading include:

- demanding responses or meetings within an unreasonable time-scale;
- continually making phone calls or sending letters or emails;
- insisting on meeting staff when an appointment has not been made;
- insisting on meetings with particular members of staff present;
- refusing to leave the Academy premises when asked;
- repeatedly changing the substance of the complaint;
- raising unrelated concerns;

These demands can have a significantly negative impact on the work of the Academy, such as taking up an excessive amount of staff time, affecting the smooth running of the Academy and having an adverse effect on the well-being of staff.

3.1.3 Unreasonably Persistent

We recognise that some complainants will not or cannot accept that the Academy is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the Academy persistently about the same issue.

Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to a complaint;
- persistent refusal to accept explanations relating to what the Academy can or cannot do;
- continuing to pursue a complaint without presenting any new information.
- The way in which these complainants approach the Academy may be entirely reasonable, but it is the persistent behaviour in continuing to do so that is not.
- Repeating a cycle of complaints which whilst different are linked to the same underlying concerns.

- 3.2 The examples given in sections 3.1.1 – 3.1.3 may not cover every situation with which the Academy is faced. It is for senior staff, including the Principal, to determine whether a complainant's conduct falls within the remit of this policy.

4. Managing Unacceptable Actions by Complainants

It would be rare for the Academy to consider the actions of a complainant unacceptable. However, if the Academy's ability to operate smoothly and provide a service to others is adversely affected, the complainant's contact with the Academy may need to be controlled in order to manage the situation safely. The Academy may, for example, restrict contact either in person, by telephone, by letter or electronically or any combination of these.

The Academy will aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our complaints process.

The threat or use of physical violence, verbal abuse or threatening behaviour towards Academy staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police and this will always be the case if physical violence is used or threatened.

The Academy will not deal with correspondence (letter or electronic) that is abusive to employees. When this happens, the Academy will tell complainants that their language is considered offensive, unnecessary and unhelpful. The Academy will ask them to stop using such language and state that there will be no response to their correspondence unless they do so. The Academy may require future contact to be through a third party.

Academy staff, including senior staff, will end telephone calls if the caller is considered aggressive, abusive, offensive or intimidating. The member of staff taking the call has the right to make this decision, to advise callers that their approach is unacceptable **and to end the call if the conduct does not improve.**

Where a complainant repeatedly contacts the Academy, sends irrelevant documents, raises issues that have already been answered, or continues to

engage in unacceptable conduct (in writing, in person or through email/letters) the Academy may decide to:

- only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from the complainant in the future;
- require the complainant to make an appointment to see a named employee before visiting the Academy or that the complainant contacts the Academy in writing only;
- return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
- restrict contact further (see sections 5 and Appendix A) or take other action that we consider appropriate. The Academy will, however, always tell the complainant what action is being taken and why.

5. **Deciding to Restrict Complainant Contact**

This policy may be invoked in one or more of the following ways:

- Once senior staff have determined that conduct falls within the remit of this policy (See section 3 and Appendix A and B) the individual/s, may be informed in writing, that they are at risk of being classified as vexatious, unreasonably persistent or engaging in unacceptable conduct. A copy of this policy should be sent to them and they should be advised to take account of the criteria in any future dealings with the Academy and its staff;
- It may be useful to hold a meeting with the complainant to find out if there is a more effective way for the correspondence to be dealt with. This may bring to light an underlying, common cause for the various complaints or for the conduct displayed. However, it will be made clear that this meeting must be conducted in line with the expectations of this policy;
- In some situations, a preliminary letter or meeting may not be appropriate and the Academy may implement immediate restrictions.

5.2 When a complainant has been deemed vexatious, unreasonably persistent or unacceptable in his/her conduct towards the Academy, the complainant will be notified in writing outlining:

- the reason/s why the decision to apply this policy was taken;
- what it means for his or her contact with the Academy;
- how long any restrictions will last; and
- what the complainant can do to have the decision reviewed.

5.3 This notification will be copied promptly for the information of others such as the Chair of the Governing Body. Records must be kept on file, for future reference, detailing the reasons why the decision has been made to classify individuals as vexatious, unreasonably persistent, or unacceptable in terms of conduct, and what action has been taken.

The Academy will retain hard copies of documentation for up to 3 years only from the date of this policy being invoked. At the end of the 3-year period, the Academy will review the relevant case to consider whether it is necessary to retain information specifically relating to an individual classified as vexatious, unreasonably persistent or unacceptable in their conduct towards the Academy.

6. **Withdrawing Restrictions**

- 6.1 Senior staff will already have used careful judgement in recommending or confirming vexatious, unreasonably persistent, or unacceptable conduct status. Similar judgement and discussion will be necessary when recommending that such status should be withdrawn.
- 6.2 Any restrictions, which are put in place, are time-limited, but if a more reasonable approach is subsequently demonstrated and sustained by the complainant, then restrictions could be lifted at an earlier point. Complainants will be advised in writing if this is the case.

Appendix A

Some examples of vexatious, unreasonably persistent and unacceptable conduct by complainants:

- Refusal to specify the grounds of a complaint, despite offers of assistance from Academy staff;
- Refusal to co-operate with the complaints investigation process or insistence on the complaint being dealt with in ways, which are incompatible with the Academy complaints procedure;
- Seeking to “fast track” the complaint, thereby ignoring or showing no interest in resolving the matter;
- Interfering with the complaints process by producing witness statements or telephoning others who may be involved (including staff, students or parents/carers);
- Making unnecessarily excessive demands on the time and resources of Academy staff whilst a complaint is being investigated;
- Lodging numbers of complaints in batches over a period, resulting in related complaints being at different stages of a complaints procedure;
- Refusing to accept that issues are not within the remit of a complaints procedure or demanding outcomes, which the complaints procedure cannot in itself provide. This could include the overturning of court decisions, or the dismissal or criminal prosecution of staff;
- Electronically recording meetings, telephone calls and conversations with staff;
- Seeking to coerce, intimidate or threaten staff or other people involved, whether by through use of language, tone of voice or behaviour including body language. Please note: the Academy’s right to respond to intimidating, threatening or derogatory comments includes telephone calls, email and the use of social media;
- Submitting repeat complaints essentially about the same issues, which have already been addressed under the Academy complaints procedure;
- Persistence in contacting the Academy, and demanding responses or action, long after the Academy has closed the enquiry / investigation into a complaint and all rights of review and appeal have been exhausted.

Some examples of restrictions:

- Placing time limits on telephone conversations or written communications and personal contacts;
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning / afternoon of any week);
- Limiting the complainant to one medium of contact (telephone, letter, e-mail etc.);
- Requiring the complainant to communicate only with a designated, named employee;
- Requiring any personal contact with staff to take place in the presence of a witness;
- Banning a complainant from the Academy’s premises;
- Involving the police in cases where the Academy believes the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses a request to leave the Academy premises.

Appendix B

Visitor Notice

We strive to ensure that our Academy is a safe, healthy and pleasant environment for all members of the Academy community: staff, students and visitors.

We are very happy to deal with any concerns or queries, which are presented in an acceptable way through speech, writing and action.

Please be aware, however, that conduct and/or communication which is interpreted as abusive, threatening, and intimidating or which seeks to undermine staff will not be accepted.

Visitors behaving in this way are likely to be removed from the premises and formal action taken.