



St. Edward's Church of England Academy

Vexatious and Harassment Policy

Approved by Trustees
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Non Statutory Policy



St Edward's
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Academy

The Vision for Education at our Academy

Jesus says, "I have come that they may have life and have it in all its fullness."

John 10:10

Our school vision is to ensure that God's aspiration for us all, as expressed in Jesus's words from John 10:10, is reflected in our aspiration for all of our children and staff to experience a full and rich life of learning, growing, helping, and caring for each other.

We are an inclusive community where all are welcomed, supported and celebrated for all they are and for all they do. Our Academy is a place of, and a space for, flourishing and fulfilment because here...

...we are 10:10 people.

As a Christian Academy, we live and breathe our core values:

- Respect
- Courage
- Hope
- Friendship

"For I know the plans I have for you, declares the Lord, plans to prosper you and not to harm you, plans to give you hope and a future."

Jeremiah 29:11

***"Be strong and courageous.
Do not
be afraid; do not be
discouraged for
the Lord your God will be with
you wherever you go."***

Deuteronomy 31:6



***"I no longer call you
Followers. Instead I call
you friends."***

John 15:15

"Show proper respect to everyone"

1 Peter 2:17



St Edward's
Church of England
Academy

Contents

1.	The Vision for Education within a Church of England Academy	3
2.	St Edward's Church of England Academy Ethos and Values	4
3.	Policy	5
4.	Introduction	5
5.	Aims	5
6.	Parents/Carers/members of the public expectations of the Academy	5
7.	The Academy's expectations of parents/carers/members of the public	6
8.	Who is a persistent complainant?	6
9.	Actions in cases of persistent or vexatious complaints on harassment	7
10.	Links with other policies	8
11.	Appendix 1: Poster in the Academy entrance	9
12.	Appendix 2: Incident recording form	10
13.	Appendix 3: Example letters	11



Policy

Introduction

The Principal and staff of St Edward's Church of England Academy deal with specific concerns or 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 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 this policy.

Aims

- To uphold the Academy's ethos and values of respect, in particular, 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
- To support the well-being of children, staff and everyone else who has legitimate interest in the work of the Academy, including trustees and parents
- To ensure that the Academy acts fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in the Academy while ensuring that other stakeholders suffer no detriment.

Parents/Carers/members of the public expectations of the Academy

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

- 1) Regularly communicate to parents/carers in writing:
 - a) how and when problems can be raised with the Academy
 - b) the existence of the Academy's complaints procedure, and
 - c) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in the Academy
- 2) Respond within a reasonable time



St Edward's
Church of England
Academy

- 3) Be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the Academy and the nature of the complaint
- 4) Respond with courtesy and respect
- 5) Attempt to resolve problems using reasonable means in line with the Academy's complaints procedure, other policies and practice and keep complainants informed of progress towards a resolution of the issues raised

The Academy's expectations of parents/carers/members of the public

The Academy can expect parents/carers/members of the public who wish to raise concerns with the Academy to:

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

Please note that where a parent/carer/member of the public behaves in a manner that is aggressive or abusive this policy will be followed.

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:

- a) Actions which are obsessive, persistent, harassing, prolific, repetitious
- b) Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) Uses Freedom of Information requests excessively and unreasonably
- d) An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- e) An insistence upon pursuing complaints in an unreasonable manner



- f) An insistence on only dealing with the Principal and/or a member of the Senior Leadership Team on all occasions irrespective of the issue and the level of delegation in the Academy to deal with such matters
- g) 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 Academy because it is unlawful

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) 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

The Academy's actions in cases of persistent or vexatious complaints or harassment

In the first instance the 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 (See Appendix 3: Example letters).

If the behaviour 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:

- Inform the complainant in writing that his/her behaviour is now considered by the Academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (See Appendix 3: Example letters)
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (See Appendix 3: Example letters)



- Inform the complainant that, except in emergencies, all routine communication with the complainant to the Academy should be by letter only (See Appendix 3: Example letters)
- In the case of physical aggression, verbal aggression or abuse this policy will be followed
- Consider taking advice from the LA on pursuing a case under Anti-Harassment legislation
- Consider taking advice from HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Principal but only with a third person to be identified by the trustee board of the Academy, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Principal accordingly*

*Please note that based legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in the Academy. However, the Academy will be advised by its HR/Legal Services.

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 Academy may resume the process identified above at an appropriate level. In these circumstances advice may be sought from HR/Legal Services.

Links with other policies

- Complaints Policy



St Edward's
Church of England
Academy

Appendix 1: Poster in the Academy entrance

We welcome visitors to our Academy.

We will act to ensure it remains a safe place for pupils, staff and all other members of our community.

If you have any concerns we will always listen to them and seek to address them.

Please be aware, however, that abusive, threatening or violent behaviour will not be tolerated.

Visitors behaving in this way are likely to be removed from the premises and may be prosecuted.



Appendix 2: Incident recording form

<p>Description of the incident</p> <p>(include relevant events leading up to the incident and details of those present)</p>	
<p>Location and time of incident</p> <p>Attach a sketch if appropriate</p>	
<p>Outcome</p> <p>(were other staff or Police called, what happened after the incident)</p>	
<p>Other information to be recorded as appropriate</p>	
<p>Any possible contributory factors</p>	
<p>Has this parent/carer or visitor been involved in any previous incidents of this nature?</p>	
<p>Were measures in place to try to prevent an incident of this type occurring?</p> <p>Could these be improved?</p> <p>Name and contact of any police officers involved and crime/incident number</p>	
<p>Any other relevant information</p>	
<p>Form completed by: (name and role)</p>	
<p>Date:</p>	



St Edward's
Church of England
Academy

Appendix 3: Example letters

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 the 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 e-mail].

We are aware that you have raised some concerns and 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

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 the 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,

Principal



St Edward's
Church of England
Academy

Letter imposing conditions on the parent's attendance at Academy events

This is a letter from the Principal informing parents of the Academy's decision to impose conditions on the parent's / carer's or visitor's attendance at Academy events, pending review by the Chair of Trustees

Recorded delivery

Dear

I have received a report from the (name of staff) about your conduct on at
.....

(Add summary of incident and its effect on staff, pupils and others present)

You will recollect that I have already written to you about a previous incident on (date) warning you of the consequence of any further vexatious complaints or harassment.

I must inform you that the trustees, in line with our policy, will not tolerate conduct of this nature on the Academy premises and will act to defend Academy staff and pupils.

I am therefore writing to inform you that I am imposing conditions on the contact you may have with the Academy's staff. These are as follows: (delete as appropriate)

- You must be accompanied to any meeting with a member of Academy staff
- You may not contact by telephone or in writing any member of staff. You may contact either myself or (insert named members of staff)
- You may not attend any events for parents/carers except those where you will be accompanied by a member of the senior leadership team of the Academy
- Other as are reasonable and proportionate

The restrictions above are provisional until they have been reviewed by the Chair of Trustees. Please consider them to be in force until you receive their confirmation.

If you do not comply with this instruction I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education act 1996; if convicted under this section, you are liable to a fine of £500.

The Chair of Trustees will need to decide whether it is appropriate to confirm or overturn this decision. You may, if you wish, send in writing any comments or observations of your own within 10 working days of the date of this letter. These comments may be to challenge or explain the facts of the incident, to express regret and give assurances about your future good conduct. The Chair will then write to you with the outcome of their decision.

If on receipt of your comments, the Chair of Trustees considers that my decision should be confirmed, you will be supplied with details of how the conditions will be reviewed by the trustee board.

Yours sincerely,

Principal

cc: Chair of Trustees



St Edward's
Church of England
Academy

Letter from the Chair of Trustees informing parent of their decision to confirm or remove the conditions

Recorded delivery

Dear

The Principal wrote to you on (date) to detail concerns about an incident when your behaviour towards (name) fell short of what we would expect as an Academy. You will be aware that he has written to you previously about your behaviour towards staff.

I have not received a written response from you/I have received a letter from you dated, the contents of which I have considered carefully.

In the circumstances, and after further consideration of the Principal's report and your letter, I have determined that the decision to impose conditions on your contact with Academy should be confirmed. The conditions are as follows:

- (Copy conditions from Principal's letter)

This decision will be reviewed by the trustee board in approximately six months' time. The Clerk to the Trustees will write to you in advance of the meeting to ask you to provide a written statement for their consideration. When deciding whether it will be necessary to extend the application of conditions to attend Academy premises or communicate with its staff, consideration will be given to the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from you; and any evidence of your co-operation with the Academy in other respects.

If you do not comply with this instruction I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education act 1996; if convicted under this section, you are liable to a fine of £500.

OR

In the circumstances, and after further consideration of the Principal's report and your letter, I have determined that the decision to impose conditions on you should be overturned. You may hence attend Academy events as normal. However, should there be a repeat of inappropriate behaviour towards staff all of the above sanctions may be applied.

Yours sincerely,
Chair of Trustees
cc: Principal



St Edward's
Church of England
Academy

Letter imposing a ban

Letter from Principal Informing parents of the Academy's intention to impose a ban on their attendance at Academy premises, pending review by the Chair of Trustees.

Recorded delivery

Dear

I have received a report from the (name of staff) about your conduct on at
.....

(Add summary of incident and its effect on staff, pupils and others present)

You will recollect that I have already written to you about a previous incident on (date) warning you of the consequence of any further vexatious complaints or harassment.

I must inform you that the trustees, in line with our policy, will not tolerate conduct of this nature on the Academy premises and will act to defend Academy staff and pupils.

I am therefore writing to inform you that I am recommending imposing a ban on you attending or contacting the Academy. This means you may not attend Academy for any reason whatsoever. You must not make contact with any member of staff by telephone or e-mail. You do, however, have the right to attend one meeting per year to discuss your child's progress. This meeting will be with me. I will contact you to arrange this at the time of the next Parent's Evening.

The restrictions above are provisional until they have been reviewed by the Chair of Trustees. Please consider them to be in force until you receive this confirmation.

If you do not comply with this instruction I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education act 1996; if convicted under this section, you are liable to a fine of £500.

The Chair of Trustees will need to decide whether it is appropriate to confirm or overturn this decision. Please send, in writing, any comments or observations of your own within 10 working days of the date of this letter. These comments may be to challenge or explain the facts of the incident, to express regret and give assurances about your future good conduct.

If on receipt of your comments, the Chair of Trustees considers that my decision should be confirmed, you will be supplied with details of how this ban will be reviewed by the trustee board.

Yours sincerely,

Principal

cc: Chair of Trustees



St Edward's
Church of England
Academy

Letter from the Chair of Trustees informing parent of their decision to confirm or remove ban

Recorded delivery

Dear

The Principal wrote to you on (date) to detail concerns about an incident when your behaviour towards (name) fell far short of what we would expect as an Academy. You will be aware that they have written to you previously about your behaviour towards staff.

I have not received a written response from you/I have received a letter from you dated, the contents of which I have considered carefully.

In the circumstances, and after further consideration of the Principal's report and your letter, I have determined that the decision to impose a ban on you should be confirmed. This means you may not attend Academy for any reason whatsoever. You must not make contact with any member of staff by telephone or e-mail. You do, however, have the right to attend one meeting per year to discuss your child's progress. This meeting will be with The Principal or a member of the senior team.

This decision will be reviewed in six months' time by the trustee board. The Clerk to the Trustees will write to you in advance of the meeting of the trustee board to ask you to provide a written statement for their consideration. When deciding whether it will be necessary to extend the application of conditions to attend Academy premises, consideration will be given to the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from you and any evidence of your co-operation with the Academy in other respects.

If you do not comply with this instruction it will be arranged for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education act 1996; if convicted under this section, you are liable to a fine of £500.

OR

In the circumstances, and after further consideration of the Principal's report and your letter, I have determined that the decision to impose a ban should be overturned. You may hence attend Academy events as normal. However, should there be a repeat of inappropriate behaviour towards staff all of the above sanctions may be applied.

Yours sincerely,
Chair of Trustees
cc: Principal



St Edward's
Church of England
Academy

Letter reviewing the decision to impose conditions or impose a ban

Letter from clerk to Trustees requesting statement from parents to trustee board for review of decision.

Recorded delivery

Dear

The Principal wrote to you on (date) to detail concerns about your behaviour towards Academy staff/pupils fell short of what we would expect as an Academy. As a result of this incident, conditions were imposed on you/a ban was imposed.

This decision will be reviewed by the trustee board at their next meeting on (date).

I am writing to ask whether you would like to make a written statement to Trustees for their consideration in making the decision whether to remove the restriction or extend it.

If you should wish to make a written statement, please can you e-mail it to me at (address) by (date – parents/carers should be given 10 days to respond).

Yours sincerely,
Clerk to Trustees

cc: Principal
cc: Chair of Trustees



Letter from clerk to the Trustees to confirm the outcome of further reviews of decisions where the imposition of conditions/ban has been extended or removed.

Recorded Delivery

Dear

I wrote to you on (date) to request a statement to enable Trustees to review the Academy's decision to impose conditions/ban you from attending Academy premises.

I have not received a written response from you/I have received a letter from you dated, the contents of which were considered carefully by the Trustees at their meeting on (date).

In the circumstances, and after further consideration of the Principal's report (and your letter), Trustees have determined that the decision to impose conditions/ban you from attending or contacting Academy attend should be confirmed. The conditions of your attendance on site are as follows:

- You must be accompanied to any meeting with a member of Academy staff
- You may not contact by telephone or in writing any member of staff. You may contact either The Principal or (insert named member of staff)
- You may not attend any events for parents/carers except those where you will be accompanied by a member of the senior leadership of the Academy
- Any other condition imposed

OR

- You must not attend any event in Academy except for an annual meeting about your child's progress. This meeting will be conducted by The Principal
- You may not contact by telephone or in writing any member of staff

This decision will be reviewed again in six months' time. When deciding whether it will be necessary to extend the application of conditions to attend Academy premises, consideration will be given to the extent of your compliance with the decision, any appropriate expressions of regret and assurance of future good conduct received from you; and any evidence of your co-operation with the Academy in other respects.

If you do not comply with this instruction I shall arrange for you to be removed from the premises. If you cause a nuisance or disturbance on the premises you may be prosecuted under section 547 of the Education act 1996; if convicted under this section, you are liable to a fine of £500.

OR

In the circumstances, and after further consideration of the Principal's report and your letter, Trustees have determined that you should once again be allowed to attend parents' events as usual. All conditions have been removed. However, should there be a repeat of inappropriate behaviour towards staff this decision may be revoked.

Yours sincerely,
Clerk to Trustees
cc: Principal