 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2


<b>Title</b>	<b>Persistent, Vexatious Complaints and Harassment Policy</b>
<b>Persons responsible for policy formulation, implementation, maintenance and evaluation</b>	Head Master
<b>Persons consulted</b>	Bursar
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### REVISION STATUS TABLE

Revision No	Effective Date	Summary of Revision	Reviewed		Approved	
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v1.0	18.06.15	New Policy	FGB	18.06.15	FGB	18.06.15
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### POLICY DOCUMENT REVIEW

This Policy document is subject to a review (every 3 years) by Holyport College that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. Holyport College reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

## Contents

<b>INTRODUCTION.....</b>	<b>2</b>
<b>1. AIMS OF POLICY .....</b>	<b>3</b>
<b>2. PARENTS' / CARERS' EXPECTATIONS OF THE COLLEGE .....</b>	<b>3</b>
<b>3. THE COLLEGE'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF.....</b>	<b>3</b>
<b>4. WHO IS A PERSISTENT COMPLAINANT? .....</b>	<b>4</b>
<b>5. THE COLLEGE'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT .....</b>	<b>5</b>
<b>6. REVIEW .....</b>	<b>6</b>
<b>MODEL LETTER 1.....</b>	<b>7</b>
<b>MODEL LETTER 2.....</b>	<b>8</b>

## INTRODUCTION

### PERSISTENT OR VEXATIOUS COMPLAINTS


The Head Master and staff deal with specific complaints as part of their day-to-day management of the College in accordance with the College'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 College and directly or indirectly the overall well-being of the children or staff in the College. In these exceptional circumstances the College may take action in accordance with this policy.

### HARASSMENT

The Governing Body is responsible for preventing harassment and are liable for any harassment suffered by their employees. According to ACAS (bullying and harassment at work, a guide for managers and employers), 'Harassment is something that has happened to them that is unwelcome, unwarranted and causes a detrimental effect'. In the Equality Act 2010 – Harassment is defined as: 'Unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Examples of unacceptable behaviour may include:

- Spreading malicious rumours, or insulting someone by word or behaviour;
- Copying emails that are critical about someone to others who do not need to know;
- Victimisation;
- Deliberately undermining a competent worker by overloading and constant criticism.

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

An employee can make a complaint against their employer where they are harassed by someone who does not work for that employer, such as a parent. Reasonable and proportionate action should be taken by the employer to address the issue.

## **1. AIMS OF POLICY**

1.1 The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the College 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 College, 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 College while ensuring that other stakeholders suffer no detriment.

## **2. PARENTS' / CARERS' EXPECTATIONS OF THE COLLEGE**


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

- a) make available to complainants in writing:
  - i. how and when problems can be raised with the College;
  - ii. the existence of the College's complaints procedure, and
  - iii. the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in College;
- b) respond within a reasonable time;
- c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the College and the nature of the complaint;
- d) respond with courtesy and respect;
- e) attempt to resolve problems using reasonable means in line with the College's complaints procedure, other policies and practice and in line with advice from the appropriate advisers, such as the Local Authority (LA), keep complainants informed of progress towards a resolution of the issues raised.

## **3. THE COLLEGE'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC**

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

- a) treat all College staff and other associated with the College with courtesy and respect;
- b) respect the needs and well-being of pupils and staff in the College;
- c) avoid any use, or threatened use, of violence to people or property;
- d) avoid any aggression or verbal abuse;

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

- e) recognise the time constraints under which members of staff in College work and allow the College 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 College's Complaints Procedure.

#### **4. WHO IS A PERSISTENT COMPLAINANT?**


4.1 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 College, 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 Head Master (or other member of senior staff) on all occasions irrespective of the issue and the level of delegation in the College 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 College because it is unlawful;
- h) utilising approaches other than the recognised complaints policy to complain about the college or any individual connected with the college, including but not limited to passing information relating to the college to the press or other media, particularly where such actions are interpreted by the college as a breach of confidentiality.

4.2 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:


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

Harassment is not necessarily face-to-face. It may occur through written communications, visual images, email and phone.

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

## **5. THE COLLEGE'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT**


- 5.1 In the first instance the College will 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.
- 5.2 This will be confirmed in writing (Model Letter 1 or similar).
- 5.3 The governing body or Headmaster may consider barring the parent/carers from the school premises following an incident of misconduct. The Headmaster can impose an initial immediate ban on a parent/carers, with or without consultation with the governing body. In such cases, this action will be followed up with reference to 5.4 below.
- 5.4 If the behaviour is not modified the College 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 College community:
- inform the complainant in writing that his/her behaviour is now considered by the College to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2 or similar);
  - 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 Model Letter 2);
  - inform the complainant that, except in emergencies, all routine communication with the complainant to the College should be by letter only (see Model Letter 2);
  - (in the case of physical, or verbal aggression) take advice from the College's advisers, such as Human Resources or Legal Services (services purchased by the Governing Body at its discretion) and consider warning the complainant about being banned from the College site; or proceed straight to a temporary ban;
  - consider taking advice from the LA or the EFA on pursuing a case under Anti-Harassment legislation;
  - consider taking advice from the College's advisers 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 Head Master but only with a third person to be identified by the governing body of the College, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Head Master accordingly;
  - The College may use outside agencies to help enforce any decisions which may include but is not limited to: Summoning Thames Valley Police to remove the parent/carers from the premises and applying for a court injunction to exclude the person or persons from the premises.
- 5.4 Thus, based on 5.3f 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 Colleges. However, the College will be advised by its advisers at the governing body's discretion.

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

5.5 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 College may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the College's advisers at the governing body's discretion.

## **6. REVIEW**

6.1 The College will review as appropriate, and at a minimum once in a College year, any sanctions applied in the context of this policy.

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

## 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 College 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 a College site can be disruptive and distressing to pupils, staff and parents/carers [delete if behaviour complained of did not occur on College 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 College's Complaints Procedure.

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

Please note that the College's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the College. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the College'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 College;
- considering a ban from the College premises;
- considering legal action.

I would ask that you allow College 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

Head Master

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

## MODEL LETTER 2

### INFORMING A COMPLAINANT 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 College'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 College: *[\*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 College, will be by letter only. Letters from you need to be addressed to *[INSERT NAME]* at the College address; email correspondence will not be responded to;
- b) an appointment will be arranged and confirmed in writing as soon as possible;
- c) a third party from the College will be present;
- d) 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 College will not be conducted by a member of staff, but will be conducted by *[INSERT NAME]* representing the College. I would ask you to note:

- a) all routine communication, including any request for a meeting between you and the College, will be by letter only. Letters from you need to be addressed to *[INSERT NAME]* at the College address; email correspondence will not be responded to;
- b) an appointment will be arranged and confirmed in writing as soon as possible;
- c) a third party will be present;
- d) 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 College 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 College 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

 <b>HOLYPORT COLLEGE</b>	Persistent, Vexatious Complaints and Harassment Policy	
	Effective Date: 09 Jan 2023	Version No: v1.2

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

Head Master