



**The Kite  
Academy  
Trust**  
Flying high  
together

**KITE ACADEMY TRUST**  
VEXATIOUS, MALICIOUS HARASSMENT POLICY

# Contents

1	Introduction.....	1
2	Aims of the Policy .....	1
3	What can you expect from the Academy? .....	1
4	The Academy’s Expectation of You .....	2
5	Who is a Persistent/Serial Complainant - what is Harassment? .....	2
6	Academy Actions in cases of Persistent or Vexatious Complaints or Harassment .....	2
7	Review .....	3



# 1 Introduction

The Senior Leadership Team and staff deal with specific complaints as part of their day-to-day management of the Kite Academy Trust academies in accordance with the Kite Academy Trust Academy Complaints Policy.

The majority of complaints are handled informally and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when the complainant behaves in an unreasonable manner when raising or pursuing concerns. Consequently, the complainant's actions begin to impact negatively on the day-to-day running of academies and, directly or indirectly, the overall wellbeing of the children or staff in the academy. In these exceptional circumstances, the academy may act in accordance with this policy.

By the time this policy is felt to be an appropriate course of action the complainant will have possibly been through stages of the Kite Academy Trust Academy Complaints Policy and may potentially have exhausted every stage, continuing to complain or raise concerns; or the complainant's behaviour will become unreasonable/unacceptable as detailed below. At this point, a decision may be taken to deal with a complaint in accordance with this policy. At this stage, the three stages of complaints process will be redundant, and this policy will be utilised by CEO/Head Teacher/Chair of Governors as appropriate. The decision to move away from the Kite Academy Trust Academy Complaints Policy and use this policy will be by agreement with the CEO and/or Chair of the Trust Board.

# 2 Aims of the 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 wishing to express a concern or make a complaint;
- Support the wellbeing of staff, children 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 the academy while ensuring that other stakeholders suffer no detriment

# 3 What can you expect from the Academy?

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

- 1) Regularly communicate to the complainant in writing
  - How and when problems can be raised with the academy
  - The existence of the Kite Academy Trust Academy Complaints Policy and,
  - The existence of the Kite Academy Trust Vexatious, Malicious Harassment Policy
- 2) Respond in a reasonable time;
- 3) Be available for consultation within a reasonable time limit bearing in mind the needs of the children in the academy and the nature of the complaint;
- 4) Respond with courtesy and respect;
- 5) Attempt to resolve issues using reasonable means in line with the Kite Academy Trust Academy Complaints Policy, other policies and practices and any advice from LA or other bodies, and to keep complainants informed of progress towards resolution of the issue raised

## 4 The Academy's Expectation of You

The Kite Academy Trust can expect parents/carers/members of the public who wish to raise an issue with the academy to:

- Treat all staff with courtesy and respect;
- Respect the needs and wellbeing of children 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 within academies work and allow the academy a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take time

## 5 Who is a Persistent/Serial Complainant - what is Harassment?

For the purpose of this policy, a **persistent/serial** complainant is someone who complains regularly 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:

- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive email or telephone contact about a concern or complaint;
- Insistence to pursue unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with the Head Teacher on all occasions irrespective of the issue and the level of delegation in the academy 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 academy because it is unlawful

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

- Appear to be targeted over a significant period of time at one or more members of staff; and/or
- Causing ongoing distress to individual member(s) of staff; and/or
- Have a significant adverse effect on the whole or 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 cumulative effect over time of undermining confidence, wellbeing and health.

## 6 Academy Actions in cases of Persistent or Vexatious Complaints or Harassment

Initially, staff 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.

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:

1. Inform the complainant in writing that his/her behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, falls under the terms of this policy;
2. Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of all meetings will be taken in the interests of all parties;
3. Inform the complainant that, except in emergencies, all routine communication from the complainant to the academy should be in writing only;
4. In the case of Physical or verbal aggression, advice will be sought from LA/HR or the Kite Academy Trust legal services. Consideration will be given to banning complainant from the academy site – initially in all cases a temporary ban could be issued;
5. Consideration will be given to taking legal action to pursue a case under Harassment Discrimination Legislation;
6. Consideration will be given to imposing procedures for dealing with complaints from the complainant as appropriate to each case and may involve taking advice from HR/LA or our Legal advisers. Such procedures may be that complaints or concerns from a complainant can only be made directly to another Head Teacher or Governor from within the Trust or CEO, to protect a Head Teacher or members of staff within an academy from distress or damage to their wellbeing. This 'other' person will then decide if the complaint is reasonable or vexatious and advise the Head Teacher accordingly.

This means that legitimate 'new' complaints may then be considered even if the person making them has been, or currently is, subject to this procedure. In this instance, a decision will be made regarding who the appropriate person to handle the 'new' complaint might be.

7. 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 above at the appropriate level. At this time legal advice may be sought.

## 7 Review

The Kite Academy Trust will review any sanctions imposed within this procedure at an appropriate time and in all cases after 6 months.