



Intake Farm Primary School

Persistent, unreasonable, habitual and/or vexatious complaints policy

Introduction

Intake Farm Primary School and Nursery is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. All staff deal with specific concerns as part of their day-to-day management of the school in accordance with the school's complaints procedure.

The majority of concerns 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 school and directly or indirectly the overall well-being of the children and/or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

This policy applies to all complainants. It identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'persistent, habitual or vexatious'. The policy presents ways of responding to these situations.

In this policy the term habitual means 'done constantly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests cause disproportionate and repeated efforts on behalf of the school staff and governors by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004, and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Persistent, habitual and/or vexatious complainants can be a problem for school staff and governors. The difficulty in handling such complainants can place a strain on time and resources. While the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Aims of this policy

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school 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 school, including governors and parents/carers;
- 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.

Expectations of parents/carers

The school expects parents/carers who wish to raise problems with the school to:

- treat all school staff with courtesy and respect;
- respect the needs and well-being of pupils, governors and staff in the school;
- 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 in schools work and allow the school a reasonable time to respond;
- recognise that resolving a specific problem can often take some time;
- (in the case of a complaint) follow the school's complaints procedure.

Scope of Policy

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school's complaints procedures. However, it is not necessary for a complaint to have progressed through all the stages on the complaints policy, before this policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential persistent, habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

The policy should only be invoked following careful consideration of all the issues by the Headteacher/Deputy Headteacher and the Chair of Governors after an attempt has been made to reason with the complainant and it has been explained to them what it will mean if the Persistent, Habitual and Vexatious Complainants Policy is invoked. The decision to invoke the policy must be reported to the full governing body at the next Full Governing Body meeting.

Definitions

Habitual or Vexatious Complainant

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

- persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided);
- change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints;
- are unwilling to accept documented evidence of action;
- are unwilling to accept that the governing body has reached a final decision on a chosen course of action;
- deny receiving an adequate response in spite of correspondence specifically answering their questions;
- persist in pursuing a matter when they have already exhausted other statutory routes;
- do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns;
- continue to seek to pursue a complaint where the concerns identified are not within the remit of the governing body to investigate;
- focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criterion;
- have in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. A contact may be in person or by telephone, letter or email. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case;
- threaten or use physical violence towards staff at any time. Contact with the complainant will, in this case, cease. All such incidences will be documented and dealt with appropriately using the parental behaviour policy;

- harass or use abusive language or verbal aggression towards staff dealing with the complaint. They will document all instances of harassment, abusive or verbally aggressive behaviour;
- are known to have recorded meetings or telephone conversations or circulated such records to third parties without the prior knowledge and consent of other parties involved;
- make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.

Persistent complain

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be a persistent complainant if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where the complainant's behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific and/or repetitious;
- prolific correspondence or excessive email or telephone contact about a concern or complaint;
- uses Freedom of Information requests excessively and unreasonably;
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on introducing trivial or irrelevant information which the complainant expects to be taken into account and commented upon, or raising a large number of detailed but unimportant questions insisting that they are answered fully;
- making unjustified complaints about the investigator and/or seeking to have them replaced;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

Harassment is the unreasonable behaviour where an individual or individuals:

- appear to target one or more members of school staff;
- cause ongoing distress to individual member(s) of school staff;
- have a significant adverse effect on the whole/parts of the school community;
- pursue a matter which is perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, while 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 school business.

Unreasonable complainants

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be an unreasonable complainant if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where the complainant's behaviour may be that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to cooperate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education (DfE);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;

- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Steps we will take when dealing with persistent, habitual, unreasonable or vexatious complaints

Where complainants have been identified as persistent, habitual, unreasonable or vexatious under the scope of this policy, taking account of the above criteria, the Chair of Governors (or, if unavailable, the Vice-Chair of Governors) will determine what action to take.

The Chair of Governors will implement such action and will notify complainants, in writing, of the reasons why they have been classified as persistent, habitual, unreasonable or vexatious and what action will be taken.

This notification may be copied for the information of others involved in the complaint, e.g. Notts LA. A record will be kept, for future reference, of the reasons why a complainant has been classified as persistent, habitual, unreasonable or vexatious.

It may be decided to deal with complainants in one or more of the following ways:

- Withdraw contact with the complainant.
- Restrict and limit contact with the complainant and construct a communication plan. This will be reviewed after six months.
- Notify the complainant in writing that the governing body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add, and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will not be answered.
- Temporarily cease all contact with the complainant, provided that the governing body shall not, without the consent of the LA, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.
- 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.
- In the case of physical or verbal aggression, take advice from HR/Legal Services.

g) Consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban.

h) Consider taking advice on pursuing a case under Anti-Harassment legislation.

i) If a parent's behaviour is a risk or a cause for concern, the school can ask him/her to leave school premises immediately.

The school reserves the right to:

- cease to respond to complaints of a vexatious nature;
- bring legal action for harassment against the complainant.

Duplicate complaints

If we have resolved a complaint under the complaints procedure and receive a duplicate complaint on the same subject, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue;
- direct them to the DfE if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow the complaints procedure again.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- publishing a single response on the school website;
- sending a template response to all of the complainants.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Review

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

Date of approval: September 2023

Frequency of review by Governing Body: every 4 years

Date for next review: September 2027

Policy is written in conjunction with complaints policy and parents' behaviour policy