PERSISTENT, UNREASONABLE, HABITUAL AND/OR VEXATIOUS COMPLAINANTS POLICY

INTRODUCTION

Avondale Primary School 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 complaints as part of their day-to-day management of the school in accordance with the school'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 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, and 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' and 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/MEMBERS OF THE PUBLIC

The school can expect parents/carers/members of the public 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 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. Authorisation to invoke the policy must be made in consultation with and on the advice of a panel of 3 governors. In an emergency the Chair of Governors or, if unavailable, the Vice-Chair of Governors may give authorisation pending ratification by the panel of 3 governors. The decision to invoke the policy must be reported to the full governing body.

No individual may undertake a role in authorisation in this procedure if he/she has had an involvement with the complaint.

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 criteria
- 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
- have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. This will also inform the complainant of the action to be taken with regard to any further communication received
- have harassed or been personally abusive or verbally aggressive on more than one occasion 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 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 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 seeking to have them replaced
- an insistence on only dealing with Headteacher on all occasions irrespective of the issue and the level of delegation in the school 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 school because it is unlawful.

Harassment is the unreasonable behaviour where an individual or individuals

- appear to be targeted over a significant period of time on 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
- 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, 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 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 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.

Whenever possible and if appropriate, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

STEPS WE WILL TAKE FOR DEALING WITH PERSISTENT, HABITUAL, UNREASONABLE OR VEXATIOUS COMPLAINANTS

Where complainants have been identified as persistent, habitual, unreasonable or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (Headteacher and Chair of Governors or, if unavailable, the Vice-Chair of Governors) will determine what action to take. The Authorising Officers 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. They will also be notified of the review procedure.

A record must 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:

a) Withdraw contact with the complainant either in person, by telephone, by email, by letter or any combination of these, provided that at least one form of contact is maintained.

b) To restrict contact to liaison through a designated member of staff or specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

c) 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 be acknowledged but not answered.

d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the governing body shall not, without the consent of the ESFA, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

e) 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.

f) 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) 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 Headteacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Headteacher accordingly.

j) If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises immediately. In serious cases, the Headteacher will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any

representations that the parent may wish to make. Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

The school reserves the right to:

- cease to respond to complaints of a vexatious nature
- bring legal action for harassment against the complainant
- direct the complainant to the Education and Skills Funding Agency

DUPLICATE COMPLAINTS

If we have resolved a complaint under the complaints procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, 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, and the local process is complete.
- Direct them to the ESFA 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.

Adopted & Agreed by the Governing Body – Autumn 2025