

Vexatious Complaints Policy

APPROVING BODY	TRUST EXECUTIVE BOARD
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VERSION	3
SUPERSEDES VERSION	2
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FURTHER INFORMATION / GUIDANCE	

1. Introduction

- 1.1. The Headteacher and staff deal with specific 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 students or staff. In these exceptional circumstances, the Academy may take action in accordance with this policy.
- 1.2. Raising legitimate concerns or criticisms of a complaints procedure as it progresses (for example in relation to timescales) does **not** make a complainant vexatious, and neither does a person seeking to challenge the outcome of a complaint that they are unhappy with. The vast majority of complaints, even those which are not upheld by the Academy, will **not** be defined as being vexatious.

2. Aims of Policy

- 2.1. The aims of this policy are to:
 - 2.1.1. uphold the 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;
 - 2.1.2. support the well-being of students, staff and everyone else who has legitimate interest in the work of the Academy, including governors and parents;
 - 2.1.3. deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in Academy while ensuring that other stakeholders suffer no detriment.

3. The Academy's Expectation of Parents / Carers / Members of the Public

- 3.1. The Academy expects parents/carers/members of the public who wish to raise problems with the Academy to:
 - 3.1.1. treat all Academy staff with courtesy and respect;
 - 3.1.2. respect the needs and well-being of pupils and staff in the Academy;
 - 3.1.3. avoid any use, or threatened use, of violence to people or property;
 - 3.1.4. avoid any aggression or verbal abuse;
 - 3.1.5. recognise the time constraints under which members of staff in Academy's work and allow the Academy a reasonable time to respond;
 - 3.1.6. recognise that resolving a specific problem can sometimes take some time;

3.1.7. (in the case of a complaint) follow the Academy'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 Academy, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- 4.1.1. frequently complaining about a variety of different things, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and /or repetitious manner;
- 4.1.2. seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- 4.1.3. insisting upon pursuing valid complaints in an unreasonable manner;
- 4.1.4. persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- 4.1.5. challenging a historical decision/action which cannot be changed;
- 4.1.6. contacting the Academy frequently in a lengthy and/or complicated way;
- 4.1.7. behaving aggressively and provocatively towards the Academy and individual members of staff;
- 4.1.8. changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- 4.1.9. refusing to co-operate with the investigation process;
- 4.1.10. insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- 4.1.11. making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- 4.1.12. refusing to accept information provided, for no justifiable reason;
- 4.1.13. making statements the complainant knows are not true or persuading others to do so;
- 4.1.14. supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- 4.1.15. raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- 4.1.16. lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- 4.1.17. pressing for further investigation of matters that have already been addressed;

- 4.1.18. electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
 - 4.1.19. using obscene, racist, offensive or threatening language in written or verbal communications;
 - 4.1.20. threatening or aggressive or abusive behaviour in direct personal contact with staff;
 - 4.1.21. using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or persistently sending communications which demand responses, or making telephone calls seeking interviews with staff, after the Academy has closed the investigation into a complaint and all rights of review and appeal have been exhausted;
 - 4.1.22. uses Freedom of Information requests excessively and unreasonably;
 - 4.1.23. insistent on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the Academy to deal with such matters;
 - 4.1.24. insistent upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.
- 4.2. For the purpose of this policy, harassment is the unreasonable pursuit of such actions outlined in the points above in such a way that they:
- 4.2.1. appear to be targeted over a significant period of time on one or more members of Academy staff and/or
 - 4.2.2. cause ongoing distress to individual member(s) of Academy staff and/or
 - 4.2.3. have a significant adverse effect on the whole/parts of the Academy community and/or
 - 4.2.4. 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.

5. The Academy's Strategy for Dealing with Persistent or Vexatious Complainants

- 5.1. 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.
- 5.2. Where complainants have been identified as persistent or vexatious under the scope of this policy, the Headteacher and Chair of Governors or, if unavailable the Vice Chair of Governors, will determine what action to take. The Headteacher, or a delegated senior member of staff, will implement such action and will notify complainants, in writing, of the reasons why they have been classified as

- persistent or vexatious and what action will be taken. They will also be notified of the review procedure.
- 5.3. This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record will be kept, for future reference, of the reasons why a complainant has been classified as persistent or vexatious.
 - 5.4. If the behaviour of the complainant 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:
 - 5.4.1. 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. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
 - 5.4.2. To restrict contact to liaison through a designated member of staff.
 - 5.4.3. Notify the complainant in writing that the Board of Governors 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.
 - 5.5. The complainant will 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.
 - 5.5.1. Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Board of Governors 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.
 - 5.6. The complainant concerned will also be given an opportunity to modify their behaviour before closing correspondence. For example, a person who writes regularly to the Academy but refuses to meet with staff could be invited to a meeting with the Governors to discuss their concerns. If the complainant does not comply with the request to change their conduct then a letter should be sent making clear that future correspondence will not be responded to, but that the Academy will note any new concerns being raised and will appropriately investigate any that are considered to be of merit.
 - 5.7. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further conversations referring to the matter.

6. Review Decisions and Withdrawing 'Persistent or Vexatious' Status

- 6.1. Once a complainant has been determined, as persistent or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.
- 6.2. A panel of 3 governors will review their decisions to categorise a complainant as persistent or vexatious every six months.
- 6.3. The panel on review may either withdraw the categorisation of a person as persistent or vexatious or amend the strategy being applied to that person.
- 6.4. If the panel considers it appropriate to withdraw the status of persistent or vexatious complainant, normal contact with the complainant and application of the Academy's complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.
- 6.5. Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.