

**GUIDANCE ON DEALING WITH SCHOOL VEXATIOUS AND
PERSISTENT COMPLAINTS**

AND A

MODEL VEXATIOUS AND PERSISTENT COMPLAINTS POLICY

Governor Services

February 2017

VEXATIOUS AND PERSISTENT COMPLAINTS POLICY

This policy is designed to support schools when the Handling Complaints Positively Policy does not meet the needs of the school because the complaint that they are dealing with is unreasonable/abusive and persistent.

This policy applies to all complainants, either individually or as part of a group who might be considered to be 'habitual, unreasonably persistent or vexatious'.

The term 'complainant' in this policy includes those who make requests under the Freedom of Information Act 2000, and the Data Protection Act 1998. Reference to the complaints procedure relates, where relevant, to requests under those Acts.

Unreasonably persistent and vexatious complainants are a problem for school staff and governors. Managing these complaints place a strain on time and resources. The school will always try to respond sympathetically to anyone with a concern or issue regarding the school but there will be times when nothing further can be reasonably done to resolve matters.

Examples of unreasonable behaviour liable to invoke this policy are: making excessive demands on time and resources e.g. excessive telephone calls; sending excessive emails; writing complex and lengthy letters – to which a quick response is expected; threatening behaviour/conduct and physical violence; not allowing adequate time to manage an initial complaint; demonstrating non-acceptance of a final decision by continuing to demand

further responses to the same or similar issues. This policy will ensure that all complainants are dealt with fairly, honestly and consistently. However, the governors recognise that some complaints may not be settled to the complainant's satisfaction. In such cases, the governors have a right to expect that they will not receive further discussion/written responses to complaints that have been closed.

Aggressive/abusive behaviour – the expectation is that staff/students/visitors/volunteers feel safe whilst on our school site. The school recognises that under certain circumstances people can become angered or upset by a decision or action taken by the school. However it is never acceptable for this to be escalated to verbal or physical abuse (this would include written threats of violence) if threats of violence/abuse/inflammatory statements / unsubstantiated allegations are made in person, the governing body can decide that any further communication between the complainant and school may only be in writing. The incidence of abuse will be reported to the Police and the Royal Borough of Greenwich (as appropriate).

Unreasonable demands – complaints can cause stress and strain on the school by: the amount of information sought; unreasonable detail; unachievable timescales; or the number of requests made. These demands could include continually: telephoning; sending letters; sending emails; or making subtle changes to the nature of the requests previously made in the anticipation that the outcome may be more in line with the complainant's expectations. These demands will be deemed to be unreasonable if: they appear to be trivial or made without a serious purpose; they impact on the work of the school by taking up excessive amounts of staff time; they impact on the effective running of the school; cause stress and anxiety to the staff concerned in the issue.

Repetitive/persistent requests – the governors of the school recognise that complainants can, in some circumstances, fail to accept that the school is unable to help them further or provide additional information/support. They might continue to pursue the complaint if they do not agree with the outcome or the action that has been taken by writing, telephoning or sending emails without providing any new information. If the complainant

continues to contact the school, repeating the same complaint that has already been responded to or which is still under investigation, the school may decide to only take telephone calls on a restricted basis e.g. only one nominated member of staff will respond. If the same written material/documents are sent to the school the Headteacher may decide to return these without response.

In a case where the school has agreed that the complainant is vexatious the governing body will have agreed that contact can be restricted. The decision to restrict communication will need to be agreed by the Headteacher and Chair of Governors with advice if necessary from the Royal Borough of Greenwich. The complainant must be notified in writing and the letter will clearly identify: the reason why the decision to apply this policy has been taken; what impact this will have on their contact with the school; the duration of the restriction; and how and to whom the complainant can appeal the decision.

The restrictions can include all or some of the following: placing time limits on telephone calls/personal contact; limiting the number of telephone calls/personal contacts; restricting the complainant to only one form of communication and with one named member of staff; and refusing all communication regarding an identified subject.

The restriction would not include emergency contact regarding the complainant's child/children or information which would be essential to their child/children's learning and achievement.

Appendix 1 – examples of vexatious or unreasonable persistent complaints (this list is not exhaustive):

- Refusing to give school staff details of their complaint which would enable them to investigate and resolve the concern.
- Refusing to co-operate and comply with the school's complaints process.
- Continuing to pursue complaints about a member of the school community which are unsubstantiated and are, evidently, a personal vendetta.
- Making constant and excessive demands on staff which impacts on the school's time and resources.
- Inappropriately and subtly changing the complaint when an outcome has not met their expectations.
- Trying to "swamp" the procedure with copious amounts of unnecessary and irrelevant paperwork, questions or data and overloading the school systems with emails, letters and telephone calls.
- Making a number of linked complaints across an extended period of time, which extends and muddles the investigation process.
- Demanding that the school makes judgements/decisions outside of the complaints policy's remit – e.g. overturning a court decision re contact with a child, or a legislative requirement.
- Threatening or intimidation of staff/students/visitors/volunteers through written, oral or personal contact.
- Continually submitting the same complaint which has been investigated, considered and concluded.

Appendix 2

Model letter response to vexatious complaint;

Dear.....

Thank you for your recent communication. After careful consideration the Chair of Governors and I have agreed that the concerns you have raised cannot be dealt with under the Schools Complaints Policy because:

[Delete as necessary:]

- There is no clear indication about what your complaint is.
- The concerns you have raised have already been dealt with and you have received a full response of the findings.
- The complaint is not an issue which the school or governing body is able to provide a response to.
- Your letter contains inflammatory/ abusive/threatening language. **[and has been referred to the police or legal department at the Royal Borough of Greenwich]**

If you wish to appeal against this decision you should write formally to the clerk to the Governing Body within 7 working days of the date of this letter explaining why you think our decision is incorrect. **[Or in the case of the final point you may wish to offer the opportunity to the complainant to re-issue the letter in an acceptable format and with and an apology]**

Yours sincerely

Information leaflet which could be sent to the person who has sent a vexatious or abusive complaint.

Our aim is for our school to be a safe and happy environment for our staff to work in and for our students to learn in. The Headteacher and governing body are absolutely committed to this statement.

We welcome constructive comments regarding our working practices, environment or policies and procedures, which we will always try to resolve quickly and positively through our policy: "Handling Complaints Positively".

The school will not accept approaches which have a negative effect on the running of the school or place an unacceptable strain on the time and resources of school staff. The governing body will not accept threatening or abusive behaviour towards any members of the school community.

We would like to explain what we consider to be vexatious or abusive:

- Continuous communication despite the complaint having been considered and concluded through the school's policies.
- Harassing a member of staff either in person, by telephone, constant emails or letters.
- Unreasonable expectations of the school – e.g. to overturn a court decision or legislation.
- Pursuing complaints in an unreasonable manner including using abusive or threatening language.
- Targeting the complaint at one member of staff without good cause or evidence.
- Causing upset or distress to a member of staff.
- Having a disproportionate impact on the running the school.

The school will always try to work with parents/carers but will take the following actions if the vexatious or abusive complaint does not cease:

- We will write to the complainant to inform them formally that their behaviour is considered to be unreasonable and unacceptable and to request a change to the behaviour.
- Restrict the complainant's ability to communicate with the school.
- Report the communication to the Police and/or the Royal Borough of Greenwich.
- We will inform the complainant how they can appeal the decision.
- We will inform the complainant how long the restriction will be in place.