

St Thomas Becket Catholic Primary School

Date	Review Date	Drawn up by	Committee Approving
Spring 18	Summer 2021	NC	Main GB

Policy and Procedure for Persistent and Vexatious Complainants

The majority of complaints are resolved through the school's complaints procedure. However, there are occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue, the Chair of Governors may write informing them that all stages of the procedure have been exhausted and the matter is considered closed. Concerns about Parent/Carers/third parties who behave in an unreasonable manner when raising and/or pursuing concerns, may be dealt with in accordance with our procedure for persistent and vexatious complainants.

Introduction

Complaints are dealt with in accordance with the school's complaint procedure. The majority of complaints are in an informal manner and are resolved quickly and to the satisfaction of the complainant. A very small minority of complainants make complaints which can be classified as vexatious or persistent. This means complainants that are unreasonably persistent with their complaints and contact that their actions begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. This can involve making serial complaints about different matters, or continuing to raise the same or similar matters repeatedly.

In considering when to use this policy it is important to firstly consider and ensure that the complainant's circumstances are understood i.e. how and why they feel as they do and what it is that would resolve the matter for them. The school must ensure that the complainant has been given the right opportunity to express their views and opinions and that they have been listened to and given appropriate thought and effort to resolving and explaining the position and the school's actions.

It is important that staff keep records to clearly document and evidence behaviour which may lead to the decision to restrict contact with the school. Copies of this will be forwarded to the head and deputy head.

Before a final decision is taken as to whether this policy should be applied the Governors should be satisfied that:

The complaint is being or has been investigated properly:

- Any decision reached has been reviewed and is found to be appropriate
- Communications with the complainant have been adequate; and
- The complainant is not now providing any significant new information that might affect the school's view on the complaint.
- The complainant does not have a mental health problem (as identified by the individual and verified by an appropriate professional body) and the use of an advocate has been fully and appropriately explored.

- Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints.

1. Aims of the Policy

- 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.
- Deal fairly, honestly and properly with those who make persistent or vexatious complaints.
- Ensure that School's use their resources most effectively whilst making sure they understand and consider the view of parents and persons raising concerns equitably.

2. Parents expectation of the School

Parents/carers/ third parties who raise either informal or formal issues or complaints with the School can expect the School to:

- Regularly communicate to parents/carers in writing:
 - a) how and when concerns can be raised with the School,
 - b) the existence of the School's complaints procedure, and
 - c) the existence of the Policy for Dealing with Persistent or Vexatious Complaints
- Respond within a reasonable time (ideally the complaint policy specifies a precise number of days with a note that if the matter will take longer than the complainant will be informed and given a new timeframe).
- Be available for consultation within reasonable time limits bearing in mind the needs of the children within the school and the nature of the complaint.
- Respond with courtesy and respect.
- Attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority/Department for Education/Ofsted.
- Keep complainants informed of progress towards a resolution of the issues raised.

3. The School's expectations of parents/carers/ third parties

The School can expect parents/carers/members of the public who wish to raise complaints/issues with the school to:

- Treat school staff with courtesy and respect.
- Respect the needs and well-being of learners and staff in the School.
- Not use or threaten to use violence to people or property.
- Refrain from any aggressive behaviour and verbal abuse.
- Recognise that schools are busy places and to be patient and allow the school a reasonable time to respond and to understand that some concerns can take longer time to resolve.

4. Examples of persistent and vexatious complainants

A vexatious complainant is someone who contentiously raises a complaint, without grounds, in order to cause annoyance or disruption.

A persistent complainant is someone who contacts the School and raises the same complaint or similar complaints many times. Many times is defined as **3 or more occasions**.

Examples of persistent and vexatious behaviour are as follows:

- Persistently approaching the School through different routes about the same issue.
- Persistently seeking an outcome which the School has already explained is unrealistic for policy, legal, or other valid reasons.
- Actions which are obsessive, persistent, harassing, prolific, repetitious.
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
- Making persistent and unreasonable demands or expectations of school staff and/or the complaint process after the unreasonableness has been explained to the complainant (for example insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- Refusing to specify the grounds of a complaint despite offers of assistance.
- Refusing to co-operate with the complaint investigation process while still wishing their complaint to be resolved.
- Insisting on the complaint being dealt with in ways in which are incompatible with the School's complaint policy or with good practice (e.g. insisting that there must be no written record of the complaint).
- Electronically recording meetings and conversations without the prior knowledge or consent of the person involved.
- Refusing to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given or that the desired outcome is beyond the remit of the school for legal reasons.
- Making the same complaint repeatedly, perhaps with minor differences, after the complaint procedure has been concluded and insisting that these minor differences make these 'new' complaints which should be put through the School complaint procedure.
- Combination of some or all of the above features.

5. Actions that could be taken by the School to restrict access and contact

- Requesting that, except in emergencies, all communications with the complainant to the School should be by letter only.
- Restricting complainant from sending emails to some or all school staff and to correspond by letter or a designated email contact.
- Placing restrictions on telephone calls to specific times and days of the week.
- Requesting that the complainant enters into and signs a contract agreement for their future contact with the School.

- Where relationships have broken down, requesting that the complainant uses an appropriate advocate to act and contact the School on their behalf.
- Restricting access to school site except by appointment (other than to bring the child/ren to school and collect them, if appropriate).
- Requiring contact to take place with one named member of staff.
- Requiring any face to face contact to take place in the presence of an appropriate witness.
- Letting the complainant know that the School will not reply to or acknowledge any further contact from them on the specific topic of that complaint.
- In the case of physical or verbal abuse the School may warn the complainant about being banned from the School site, or proceed straight to a temporary ban. (see **St Thomas Becket School Policy for Removing or Restricting Access of 3rd parties to the School Premises**).

6. How the procedure works

In the first instance the School will write to the complainant to clearly explain the actions that the School may take if his/her unreasonable/unacceptable behaviour does not change (provide copy of School policy).

If the behaviour is not modified the School to make a decision of the action to be taken, having regard to the nature of the complainant's behaviour and the effect of this on the school community.

A letter is then sent to the complainant to include:

- Why the School has taken the decision it has;
- What specific action the School is taking;
- The duration of that action;
- The complainant's right to make representations/appeal against the decision to apply this policy (Governing body need to decide how appeals are to be considered remembering that the appeal must be heard by an impartial person/s).

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 School may resume the process identified above at an appropriate level.

7. Harassment and bullying

Persistent and vexatious complainant behaviour may constitute bullying or harassment. All school staff have the right to be treated with dignity and respect in the workplace. Policies and HR procedures within School should be implemented to protect staff.

Legal advice may be sought on pursuing a case under Anti- harassment legislation

In the Equality Act 2010 **harassment** is defined as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

