



Unreasonable, Persistent and/ or Vexatious Complaints Policy

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| Created by: | Kate Vincent | Date: Jan 2025 |
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Contents

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|---|---|
| 1. Mission Statement | 2 |
| 2. Banister Primary Aims | 2 |
| 3. Introduction | 2 |
| 4. Aims of the policy | 3 |
| 5. Parents' Expectation of the School | 3 |
| 6. The School's expectations of carers/parents/ members of the public | 3 |
| 7. Persistent complaint | 4 |
| 8. Unreasonable behaviour | 4 |
| 9. What is a vexatious complaint? | 5 |
| 10. The School's actions in case of persistent, unreasonable and/ or vexatious complaints or harassment | 6 |
| 11. Reviewing | 6 |
| MODEL LETTER 1: I | 7 |
| MODEL LETTER 2: | 8 |

1. Mission Statement

Banister Primary School endeavours to provide a happy, safe, caring and stimulating learning environment, based on our principles and ethos in which all members of the school community are valued as individuals and are encouraged to reach their full potential.

2. Banister Primary Aims

At Banister we value every member of our school community and our aims are for every child, whatever their background or circumstances, is to have the support they need to:

- Develop their understanding of the value of leading a healthy lifestyle
- Work and play in a secure and safe environment in which they are encouraged to develop moral values and mutual respect
- Experience an exciting curriculum which fosters their enthusiasm, develops an enquiring mind and enables every child to achieve his/her full potential
- Access an education for life which promotes British Values that enable all learners to become effective and reliable members of the wider community
- Foster ambition and expectation to carry through to adult life
- To achieve these aims all learners, staff, parents and governors will work together.

3. Introduction

Banister Primary is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Head teacher and SLT (Senior Leadership Team) deal with specific complaints as part of their day-to-day management of the school, in accordance with the School's Complaints Policy.

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 wellbeing of the children or staff in the school.

In these exceptional circumstances, the school may act in accordance with this policy.

4. Aims of the 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;
- 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.

5. Parents' Expectation of the School

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

- Ensure that the Complaints policy and this policy are available on the school's website.
- Respond within a reasonable time;
- Be available for consultation within reasonable time limits bearing in mind the nature of the complaint;
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the school's complaints policy, other policies and practice.

6. The School's expectations of carers/parents/ members of the public

Banister Primary can expect parents/carers/members of the public who wish to raise concerns with the school to:

- Treat all staff with courtesy and respect;
- Respect the needs and well-being of pupils and staff in the school;
- Avoid any use, or threatened use, of violence to people or property;
- Avoid any aggression, verbal abuse, verbal threats or other intimidating behaviour;
- Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant, aggressive or accusatory language;
- Recognise the time constraints under which members of staff in school's work and allow the school a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take time;
- (In the case of a complaint) follow the School's Complaints Policy

- 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.

7. Persistent complaint

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 school, and whose behaviour is unreasonable.

Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive e-mail 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 only dealing with the Head teacher 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.

8. Unreasonable behaviour

Banister Primary defines unreasonable behaviour as 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 co-operate 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

- 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.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions above, in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of school staff / governors and/or;
- Cause on-going distress to individual member(s) of school staff and/or;
- Have a significant adverse effect on the whole/parts of the school community and/or;
- 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.

9. What is a vexatious complaint?

In accordance with the DFE guidance, Banister Primary defines a vexatious complaint as one which;

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| <ul style="list-style-type: none">• is obsessive, persistent, harassing, prolific, repetitious;• insists upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;• insists upon pursuing meritorious complaints in an unreasonable manner;• is designed to cause disruption or annoyance;• demands redress that lacks any serious purpose or value. |
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Banister Primary will take steps to protect its staff from members of the public/ parents or carers who are behaving in a way which is considered abusive and/or vexatious. This may include physical, written or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking to the member of staff in a derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards school staff which provokes fear whether verbally or in written format.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed
- Is repetitious and lacks substantive new information;
- Contains unsubstantiated allegations or the use of inflammatory and accusatory language;
- Seeks to disrupt or harass rather than resolve a genuine issue;
- Often pursues unfounded complaints and/or unrealistic outcomes beyond all reasons

- Is made to cause disruption or annoyance.

10. The School's actions in case of persistent, unreasonable and/ or vexatious complaints or harassment

In the first instance the school will:

Communicate either in writing or verbally (confirmed with a letter) to 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.

If the behaviour is not modified Banister 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 school community:

- Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy;
- 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;
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be addressed to 1 point of contact within the school whether email, phone call or face-to-face;
- In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- Consider taking appropriate advice on pursuing a case under Anti-Harassment legislation;
- Consider taking advice from the 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 Head teacher but only with a third person, to be identified by the Chair of Governors, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Head teacher accordingly.

In the event of extreme situations or events, the school may take the decision to implement one of the above steps immediately. In this situation the complainant will be informed in writing.

The Head and SLT will keep the Chair of Governors informed at all times.

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 and/or Harassment. However, the school will be advised by the HR / Legal Services.

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. In these circumstances, advice may be sought from the HR/Legal Services.

11. Reviewing

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

Guidance used in creation of this policy:

DFE Model policy for managing serial and unreasonable complaints
Honeyguide School Leader Support for managing vexatious complaints
Stone King Solicitors dealing with and managing vexatious complaints
Best Practice guidance for school complaints procedures DFE

MODEL LETTER 1: I

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

Dear XXX

This letter is to inform you that the school considers your actions in [describe actions, dates, behaviour] on when you to be unreasonable/unacceptable [delete as appropriate].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to students, staff and parents/carers [delete if behaviour complained of did not occur on school site e.g. persistent use of e- mail, verbally abusive telephone calls].

We are aware that you have raised some concerns and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure.

At the moment we are dealing with these issues by [describe actions being taken to resolve concern]. Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School.

These include:

- Behaving reasonably.
- Treating others with courtesy and respect.
- Resolving complaints using the School's Complaints Procedure.
- Avoiding physical and verbal aggression at all times.

The Policy also indicates the steps that we may take if these standards are breached. These include:

- Making special arrangements for meetings and communication with the school.
- Considering a ban from the school premises.
- Considering legal action.

I would ask that you allow school time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

MODEL LETTER 2:

INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/ HARASSMENT

Dear xxx

You will recall that I wrote to you on [insert date] telling you that I felt your behaviour was unreasonable. I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the School's Policy for Dealing with Persistent or Vexatious

Complaints/Harassment Policy will apply from the date of this letter. In the circumstances I have made the following arrangements for your future contact with the school: [*Delete A or B as applicable]

*A For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- All routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to.
- An appointment will be arranged and confirmed in writing as soon as possible.
- A third party from the school will be present.
- In the interests of all parties, formal notes of this meeting may be made.
- *B For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by representing the school. I would ask you to note:
 - All routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to at the school address; email correspondence will not be responded to.
 - An appointment will be arranged and confirmed in writing as soon as possible
 - A third party will be present.
 - In the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of student] – in which case you should contact the school in the usual way. While these arrangements are in place, with respect to normal access to information available on parents’ evenings, this will be provided in a summary written report. These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter].

If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case. I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely