



Vexatious Complaints Policy

Updated Oct 2019

POLICY FOR HANDLING UNREASONABLY PERSISTENT, HARASSING, VEXATIOUS, UNREASONABLE OR ABUSIVE COMPLAINTS

Introduction

The Headteacher and governing body are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible.

There is a procedure for parents/carers to use if they wish to raise an informal concern or make a formal complaint. 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 take action in accordance with this policy

The aim of this policy is to clarify the process for dealing with unreasonable complainants or parents who do not act appropriately. It has been created with guidance from the DfE (Department for Education).

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
- 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

What do we mean by 'an unreasonable complainant'?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

Woodside Primary School 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 complaint's investigation process
- Refuses to accept that certain issues are not within the scope of the complaint's procedure

- Insists on the complaint being dealt with in ways which are incompatible with the complaint's 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
- Repetitious complaints (despite previous investigations or responses concluding that the complaint is groundless or has been addressed) where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint
- 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 or Ofsted
- 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

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution. Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of school staff or others
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others
- It has a significant and disproportionate adverse effect on the school community
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution

What can you expect from the school?

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow the School's complaints procedure
- Respond within a reasonable timeframe
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school, the nature of the complaint and the availability of teachers, the Head or school governors
- 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 from the local authority
- Keep those involved informed of progress towards a resolution

What the school expects of you

The school expects anyone who wishes to raise concerns with the school to:

- Treat all staff with courtesy and respect
- Respect the needs of pupils and staff within the school
- Never use violence (including threats of violence) towards people or property
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint
- Recognise that some problems may not be resolved in a short time
- Follow the school's complaints procedure
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling or personal attacks
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space)
- To be prepared to work towards a resolution and in partnership with the school

Unreasonably persistent complaints, vexatious complainants, unreasonable complaints or harassment

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution. However, in cases of unreasonably persistent complaints or harassment, the school may take any or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Vexatious Complaints Policy
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings will be taken or a Dictaphone used to record meetings
- Inform the complainant that, except in emergencies, the school will respond only to written communication
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable
- Place restrictions on the individual's access to school and/or school staff
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school
- Involve officers of the local authority

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

Physical or verbal aggression

The school, governing body and Gloucestershire County Council will not tolerate any form of physical or verbal aggression or personal harassment against school staff. If staff are subject to this type of aggression the school may:

- Prohibit the individual from entering the school site, with immediate effect
- Inform the individual that communication with them will cease other than in an emergency
- Prosecute under Anti-Harassment legislation

Time frame and Review

If a complainant's harassing/persistent 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.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Schools complaints policy, the School will use its discretion and may resume the investigation of the complaint.

The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered, even if the person making them is (or has been) subject to the vexatious or persistent complaints policy.

The school, nevertheless, reserves the right not to respond to communications from individuals subject to this policy.