Prior Weston Primary School and Children's Centre

Vexatious Complaints Policy

Vexatious Complaints Policy		
	Name	**Date**
Head Teacher	Fiona MacCorquodale	May 2024
Governing Body		October 2026
Next review date	October 2027	
Reviewed by	Fiona MacCorquodale	

Note:

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Prior Weston Primary School and Children's Centre 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.

1. Introduction

1.1 This policy applies to all situations where a complainant, either individually or as part of a group, or a group of complainants, may be considered to be 'habitual or vexatious' and to ways of responding to these situations.

1.2 Whilst the term complaint in this policy may include requests made under the Freedom of Information Act 2000, the Data Protection Act 2018, and the Environmental Information Regulations 2004, it should be noted that these legislations have their own procedures in relation to vexatious requests which will likely supersede this policy.

1.3 Habitual and / or vexatious complainants can be a problem for School staff and Governors. The handling of such complaints can place a strain on time and resources. Whilst the School endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done.

2. Scope of Policy

2.1 This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the School's complaints procedures. However it is not necessary for a complaint

to have become a STAGE 3 complaint before this policy can be invoked. Judgment and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

2.2 The policy should only be invoked following careful consideration by the Head and after authorisation has been provided by the Chair of Governors. If the complaint is principally or to a reasonable degree against the Chair then authorisation will be from a 3-person panel of the governing body. The decision must be reported to the full governing body.

2.3 No individual may undertake a role in authorisation in this procedure if he or she was an object of the complaint.

3. Definition of Habitual or Vexatious Complainant.

3.1 Each case will be viewed individually and decided on its merits. However, a complainant (and / or anyone acting on his or her behalf) may be deemed to be habitual or vexatious if previous or current contact shows that they may meet any or all of the following criteria, dependent upon degree.

3.2 On the occasion where complainants:

a) Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided);

b) Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. **Care must be taken not to discard new issues which are significantly different from the original complaints. These may need to be addressed as separate complaints**.

c) Are unwilling to accept proper and reasonably documented evidence of action.

d) Are unwilling to accept that the Governing body has reached a final decision on a chosen course of action.

e) Deny receiving an adequate response in spite of correspondence specifically answering their questions.

f) Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.

g) Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.

h) Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing body to investigate

i) Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that in determining what is a 'trivial' matter can be subjective and careful judgments must be used in applying this criterion.

j) Have, in the course of addressing a complaint, had an excessive number of contacts with the School placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of 'excessive contacts' applicable under this section, using judgment based on the specific circumstances of each individual case.

k) Have threatened or used physical violence towards staff at any time – this will, in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented.

l) Have harassed or been either personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.

m) Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.

n) Make unreasonable demands on the complaint procedure and fail to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable within the complaints procedure or normal recognised practice)

4. Strategy for Dealing with Habitual or Vexatious Complainants

4.1 Where complainants have been identified as habitual or vexatious under this policy, taking account of the above criteria, the Head and Chair will determine what action to take. The complainant will be notified in writing of

the reasons why he or she has been classified as habitual or vexatious, what action will be taken and of the review procedure detailed in the next section.

4.2 This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record must be kept of the reasons why a complainant has been classified as habitual or vexatious.

4.3 It may be decided that complainants will be dealt with in one or more of the following ways:

a) Withdraw contact with the complainant either in person, by telephone, by email, by fax, 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.

b) To restrict contact to liaison through a designated officer (and alternative arrangements in that officer's absence)

c) Notify the complainant in writing that the Governing body 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. The complainant should 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.

d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing body shall not, withdraw or fail to provide any services which the complainant or his / her family are entitled to receive.

e) In extreme circumstances inform the complainant that unreasonable or vexatious behaviour may result in legal action against them, or an individual being barred from the premises.

5. Review Decisions and Withdrawing 'Habitual or Vexatious' Status

5.1 Once a complainant has been determined as habitual or vexatious, such status shall be reviewed regularly (as provided below) and if / when appropriate, withdrawn. 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.

5.2 The Head and Chair (or panel) will review their decisions to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months.

5.3 If the person categorised as habitual or vexatious is not satisfied with the decision reached they may request that the decision be reviewed by the Governing body which will appoint an appeal panel of three governors to review the decision. Such a request for a review may only be received once in any six month period. Notice of that decision will be given, as far as is practical, within 15 working days of receipt of the request.

5.4 The panel on review may either confirm or withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

5.5 If the panel considers it appropriate to withdraw the status of a habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.

5.6 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.

6. Repetitive communications

6.1 If an individual is so persistent and vexatious against the school (e.g. with repetitive communications) they should be invited to make a complaint in respect of any issue they are raising to bring them within the complaints policy. Should they remain vexatious following the outcome of that complaints investigation or if they choose not to follow the complaints process, then the process outlined in Paragraph 4 may be applied.

6.2 If communication is so substantial that it becomes unreasonable, all communication will be directed to a Member of the Senior Leadership Team or LA Borough Solicitor who will review all communication to decide how the school should respond in line with this policy.

7. Monitoring Arrangements

7.1 Statistical information will be presented annually to the Governing body with details of complainants who are categorised as habitual and / or vexatious.

8. General

8.1 Nothing in this policy affects an individual's statutory rights.