

	<p>Policy for managing serial and unreasonable complaints and unreasonable, vexatious or persistent contact not directly associated with, or resulting from, formal complaints.</p>	
<p>First Published</p>	<p>Written January 2023 based on guidance from the Department for Education.</p>	
<p>Reviewed</p>		
<p>The school's intent</p>		
<p>Molescroft Primary School and Woodmansey CE Primary School are 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.</p> <p>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.</p>		
<p>Definitions of unreasonable behaviour and examples of vexatious or unreasonable persistent complaints</p>		
<p>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.</p> <p>This policy will ensure that all complainants are dealt with fairly, honestly and consistently. However, the governors and senior leaders recognise that some complaints may not be settled to the complainant's satisfaction. In such cases, the governors and senior leaders have a right to expect that they will not receive further discussion/written responses to complaints that have been closed.</p> <p>The schools also define 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:</p>		

- 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
- 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.
- 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.

Reasonable communication

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.

Declaring behaviour as unreasonable

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the unreasonable behaviour continues

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 East Riding Local Authority. 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.

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Aggression or 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/or the East Riding Local Authority (as appropriate).

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.

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 East Riding Local Authority]

If you wish to appeal against this decision, you should write formally to the Chair of Governors 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 text 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: "Complaints Policy".

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 East Riding of Yorkshire Local Authority.
- We will inform the complainant how they can appeal the decision.
- We will inform the complainant how long the restriction will be in place.

To whom this policy applies

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.

