



MANAGING VEXATIOUS AND PERSISTENT COMPLAINTS POLICY

Blessed Edward Bamber Catholic Multi Academy Trust

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This is a Trust-Wide Policy which applies to all academies within the Trust

James 1:19

*Know this, my beloved brothers: let every person be quick to hear,
slow to speak, slow to anger;*

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1. INTRODUCTION

The Blessed Edward Bamber Catholic Multi Academy Trust (BEBCMAT) is committed to dealing with all complaints fairly, impartially and with transparency. We always aim to respond promptly and provide a high-quality experience to anyone who has a complaint with a school or the Trust.

In dealing with complaints, the Trust/school will ensure that they are dealt with effectively and with fairness to all parties.

The majority of complaints or concerns 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 complainant begin to impact negatively on the day-to-day running of BEBCMAT schools or Trust and directly or indirectly on the overall well-being of the children or staff in the school.

BEBCMAT will not tolerate or excuse any unreasonable behaviour from complainants and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In these exceptional circumstances, leaders may take action in accordance with this policy.

2. AIMS AND SCOPE

On receiving a complaint, the Trust or school will always aim to follow the procedures set out in the Trust's Complaints Policy which can be found on the Trust or school website or available on request from the school office.

The aims of this policy are to:

- Deal with any complaint by following the correct procedure to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant;
- Support Headteachers, members, trustees, governors, staff and parents to strengthen their home-school links and to reaffirm the partnership between Headteachers, members, directors, governors, staff and parents as they work together for the good of the pupils in the school;
- Protect staff from unacceptable or unreasonable behaviour or harassment.

This policy provides guidance for the rare circumstances where we may deviate from the Complaints Policy when staff encounter unreasonable behaviour from the complainant or related parties.

3. UNREASONABLE BEHAVIOUR (COMPLAINTS)

Unreasonable behaviour includes, but is not limited to:

- Where the complainant's behaviour towards another person is unacceptable, for example, is abusive, offensive or threatening;
- Where, because of the frequency of their contact with the Trust/school, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/school;

- Where the complainant's complaint is vexatious and/or has patently insufficient grounds;
- Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the Trust/school within the last calendar year.

Other examples of unreasonable behaviour include where 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 cooperate 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.

4. PERSISTENT COMPLAINTS

For the purpose of this policy, a persistent complaint is when 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:

- i. Actions which are obsessive, persistent, harassing, prolific or repetitious;
- ii. Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- iii. Uses Freedom of Information requests excessively or unreasonably;

- iv. An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- v. An insistence upon pursuing complaints in an unreasonable manner;
- vi. An insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- vii. An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant.

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.

5. HARASSMENT

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

- Appear to be targeted over a significant period of time on one or more members of school staff and/or
- Cause ongoing 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. This could also include breaching BEBCMAT's Expected Behaviour of Parents and Visitors to a School Policy.

6. ACTIONS IN CASES OF UNREASONABLE, PERSISTENT COMPLAINTS OR HARASSMENT

Leaders will inform the complainant that their behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified, the school and/or Trust 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 only;
- In the case of physical, or verbal aggression, leaders will follow BEBCMAT's Expected Behaviour of Parents and Visitors to School Policy;
- Consider pursuing a case under Anti-Harassment legislation;

- Put 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 Headteacher but only with a third person to be identified by the Trust, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly;
- Legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Managing Vexatious or Persistent Complaints. However, the school will be advised by its 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 as appropriate.

7. COMPLAINT CAMPAIGNS

If a BEBCMAT school or the Trust become the focus of a complaint campaign and receives large volumes of complaints all based on the same subject or from complainants unconnected with the school, the Trust may make the decision to:

- Send a template response to all complainants;
- Publish a single response on the school/Trust website.