

# Clarendon Federation



## Managing serial, Vexatious, Malicious or Unreasonable Complaints Policy

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This document should be read and understood in conjunction with the following policies and procedures:

- Complaints Policy
- Parent Code of Conduct
- Data Protection and GDPR Policy

This policy was written following guidance from:

- Best Practice Guidance for School Complaints Procedures (January 2019)
- 'Dealing with violent and abusive visitors' – National Association of Head Teachers

### **Statement of Purpose**

The Executive Headteacher and governing body of Clarendon Federation 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 make a formal complaint, which is outlined in our Complaints Policy. We 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, sometimes parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and / or behave in an unreasonable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we do not expect our staff to tolerate unacceptable or unreasonable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive, threatening or malicious.

The aim of this policy is to clarify the process for dealing with serial, unreasonable, vexatious or malicious complaints and unacceptable behaviour relating to complaints. In this policy, the word 'complaint' is taken to mean formal complaints, complaints and concerns.

### **Unreasonable or Unacceptable Behaviour**

For the purpose of this policy, we define unreasonable or unacceptable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, for example, 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 as outlined in the school's Complaints Policy;
- 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 comments on social media or other public forums in relation to the complaint.

Complainants should try to limit their communication with the school 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.

### **Serial or Persistent Complaints**

In line with our published Complaints Policy, the school will always do its best to manage concerns, complaints or requests for information. However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the school may inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the procedures in this policy will be followed.

## **Vexatious Complaints**

The characteristics of a vexatious complaint are defined as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

When determining whether a complaint is vexatious, the school will recognise that complainants may often be aggrieved, frustrated or have other reasons for their behaviour; and so the focus must be on careful consideration of the merits of the case rather than the attitude of the complainant. It is the complaint that can be regarded as vexatious – not the complainant.

However, a complaint may be regarded as vexatious where the complainant:

- persists in pursuing a complaint which has already been investigated by another or the same person and provides no new or material information;
- seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed;
- fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts to assist them;
- complains solely about trivial matters to an extent which is out of proportion to their significance;
- makes excessive contact with the school or seek to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary;
- operates a scatter-gun approach by lodging the same complaint in parallel with several bodies for investigation.

## **Malicious Complaints**

A malicious complaint, for the purposes of this Policy, is one that is made with the intention of causing harm, or with reckless disregard as to whether it may do so. For example:

- Deliberately seeking to defame somebody or taking part in conduct which through recklessness results in a person being defamed - and/or and raising a complaint with this intent;
- Through lying about, or otherwise recklessly misrepresenting, an issue or incident in the knowledge or reasonable expectation that this will or is likely to cause harm;
- Through knowingly or recklessly basing a complaint on rumour and gossip with the intention of causing harm.

## **What The School Will Do**

The Complaints Policy is designed to resolve concerns and complaints smoothly, and in most cases, this will be completed in the spirit of respectful partnership. Where this does not happen, whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with a complainant informally before considering their behaviour unreasonable or unacceptable. However, when a complaint or behaviour is considered serial, unreasonable, vexatious or malicious, the school may take one or more of the following actions:

1) Write to the Parent/Carer. The school may inform the Parent/Carer in writing that their behaviour is unacceptable and needs to be changed, in line with this policy.

2) Implement a Communications Plan. If the behaviour of Parents/Carers is vexatious, serial or unreasonable and causing a significant level of disruption, regardless of whether or not they have raised a complaint, the school may implement a tailored Communications Plan. The school will attempt to engage with the parent/carer to discuss the details of the plan, if appropriate, however the school will have discretion to set out the conditions and implement any Communications Plan regardless.

The following actions are examples of what might be contained in a Communications Plan:

- placing limits on the number and duration of contacts with staff per week or month;
- offering a restricted time slot for necessary calls;
- limiting the complainant to one medium of contact (eg. a specified email address, by telephone only);
- requiring the complainant to make contact with only one named member of staff;
- requiring any face-to-face contact to be in the presence of a witness or in a specified location, possibly off site;
- refusing to register or deal with future complaints on the same matter.

The school will write to the Parent/Carer detailing the Communications Plan, and specifying a review date. At all times the school will make sure that it has acted reasonably and will consider any new complaints arising from the Parent/Carer in line with the Complaints Policy.

3) Stop Responding Where a complaint is considered unreasonable, vexatious or malicious, the complainant may be informed in person or in writing that their behaviour is considered unacceptable in line with this policy and that the school will cease correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult in school.

The decision to stop responding to a complainant should never be taken lightly. It will not be taken because the parent is difficult or asks complex questions. It will be based upon the complainant's behaviour, not the complainant themselves.

4) Following Unacceptable, Violent or Abusive Behaviour from Parents, amongst other options, the school may:

- approach the local authorities, including Police, to ask for assistance;
- suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice;
- seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools directly;
- Exclude the parent from entering onto any part of the school premises for a specified period in accordance with section 547, Education Act 1996. If there are any exceptions made to the exclusion e.g. for attending a parents' evening, these will only apply if the Executive Headteacher has given express prior permission.

#### **Time Frame and Review**

- If a complainant's unacceptable behaviour is modified and the complaint still lies within the time limit specified within the School's complaints policy, the School will use its discretion and may resume the investigation of the complaint.
- If a complainant's unacceptable behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the measures identified above.
- The School will review as appropriate, and at a minimum of every six months, any sanctions applied in the context of this policy.
- Legitimate new complaints, if not pursued in an unreasonable way, will still be considered,