ECCLESTON PRIMARY SCHOOL
incorporating
Beechbuds Pre-School

Managing Serial and Unreasonable Complaints Policy

Inspiring independent learners to thrive in a changing world

LANCASHIRE COUNTY COUNCIL

Policy on the management of unreasonable complaint behaviour

1. Introduction

1.1 School employees may come into contact with a minority of complainants who pursue their complaints in ways that are unreasonable and/or who take up an unwarranted amount of school resources or impede the investigation of their complaint. The aim of this policy is to provide guidance on identifying such behaviour and how to deal with it proportionately.

1.2 We should always recognise that complainants may sometimes act out of character at times of anxiety or distress and make reasonable allowances for that.

1.3 The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are consistent, fair and reasonable whilst at the same time protecting school employees from unacceptable behaviour.

1.4 This policy has been written with reference to guidance issued by the Local Government Ombudsman (LGO) on the management of unreasonable complainant behaviour (http://www.lgo.org.uk/)

2 Definition of unreasonable and unreasonably persistent complaint behaviour

2.1 For us, unreasonable and unreasonably persistent complainants are those who, because of the frequency or nature of their contacts with the school, hinder the school's consideration of their own, or other individual's complaints and/or make complaints without sufficient grounds so as to cause annoyance or to waste school time.

3 Examples of unreasonable actions and behaviours

3.1 Features of the types of complaint and of complainants' behaviour that this policy covers can include one or more of the following (the list is not exhaustive and does not imply that if such behaviour is evident that the policy will necessarily be applied):-

• Refusing to specify the grounds of a complaint, despite offers of assistance.

• Refusing to co-operate with the complaints investigation process.

• Refusing to accept that certain issues are not within the scope of a complaints procedure.

• Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice

•Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced.

• Changing the basis of the complaint as the investigation proceeds.

• Denying or changing statements made at an earlier stage.

• Introducing trivial or irrelevant new information at a late stage.

• Raising numerous, detailed but unimportant questions; insisting that they are answered.

• Covertly recording meetings and conversations. (Note – if school employees suspect they are being recorded they are at liberty to end the conversation after explaining why they are doing so and alternative arrangements will be made for communicating with the complainants).

• Submitting falsified documents from themselves or others.

• Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of other organisations or within the school.

• Making excessive demands on the time and resources of employees with lengthy telephone calls, emails to numerous school employees, or detailed letters every few days, and expecting immediate responses.

• Submitting repeat complaints with minor additions/variations that the customer insists make these 'new' complaints.

• Refusing to accept the decision; repeatedly arguing points with no new evidence.

• Harassing or verbally or otherwise seeking to intimidate employees dealing with their complaint including the use of foul, abusive or racist language. (Note – employees are at liberty to end any such conversations immediately and without explanation).

4 Managing contact

4.1 We should ensure that the complaint is being, or has been, investigated properly in accordance with the complaints policy.

4.2 Issuing a warning: The Headteacher, or appropriate member of the senior leadership team, will contact the complainant by telephone or in writing to explain why their behaviour is causing concern, asking them to change this behaviour and explaining what action will be taken if they do not.

4.3 Apply an appropriate restriction: Where inappropriate behaviour persists, the school may apply a restriction which it considers to be proportionate to the nature and frequency of the complainant's current contacts which could include:

• Placing limits on the number and duration of contacts with employees per week or month.

• Offering a restricted time slot for necessary calls.

• Limiting the customer to one medium of contact (telephone, letter, email etc).

• Requiring the customer to communicate only with one named employee.

• Requiring any personal contacts to take place in the presence of a witness and in a suitable location.

• Refusing to register and process further complaints about the same matter.

Where a decision on the complaint has been made, the school can inform the complainant that future correspondence will be read by the Headteacher for the directorate concerned and placed on the file but not acknowledged, unless it contains material new information.

4.4 Operating the policy: If a decision is taken to apply restricted access, the Headteacher, or appropriate member of the senior leadership team, will write to the complainant with a copy of this policy to explain:

• why the decision has been taken

• what it means for his or her contacts with the organisation

• how long any restrictions will last, and

• what the customer can do to have the decision reviewed (see 4.6)

Adequate records will be kept to show:

• when a decision is taken not to apply the policy when a member of staff has asked for this to be done, or

• when a decision is taken to make an exception to the policy once it has been applied, or

• when a decision is taken not to put a further complaint from this complainant through one of our complaints procedures for any reason.

If complaints about new issues are made, these will be treated on their merits but the school may consider whether any restrictions previously applied to the complainant are still appropriate and necessary.

4.5 Review: When imposing a restriction on access, the Headteacher, or appropriate member of the senior leadership team, will specify a review date (normally 3 months).

Restrictions should be lifted and relationships returned to normal unless there are good grounds to extend the restrictions. The complainant will be informed of the outcome of the review and, if restrictions are to continue, given an explanation as to the reasons and informed when the restrictions will next be reviewed (normally a further 3 months).

5 Referring complainants to the Local Government Ombudsman

In some cases, relations between the school and individual complainants may break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory

outcome. In some circumstances, there may be little to be gained from progressing through all stages of the school's complaints procedure. Where this occurs, the Headteacher, in consultation with the Chair of Governors where appropriate, may determine that the complaint has been fully considered and advise the complainant of any further routes of appeal or external review available to them.

6 The school may feel it appropriate to apply this policy when dealing with unreasonable complaint behaviour under any of its complaints procedures or otherwise when dealing with dissatisfied complainants. It may also be applied when dealing with requests for information subject to appropriate provisions within the Freedom of information Act 2000 and/or guidance that may be issued by the Information Commissioner.

Policy review date: September 2027