



## **Vexatious Complaints (including unreasonable behaviour) Policy**

Fairholme Primary School

At Fairholme Primary School, 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, 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, intimidating or threatening, either in person or online. Our school is based on our core values of **respect, responsibility, honesty, kindness, aspiration** and **self-belief** and we expect everyone to communicate in ways which uphold these values, even when there may be differences of opinion. We recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. We will document all instances of harassment, intimidation, abusive or verbally aggressive behaviour.

We will:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- support the well-being of children, staff and everyone else who has legitimate interest in the work of the school, including governors and parents.

### **Purpose**

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 outlines the ways in which school may respond to these situations. This policy also aims to outline acceptable conduct for parents, carers, and guardians, including when using social media regarding the school. It aligns with Department for Education (DfE) guidance, including the "Best Practice Advice for School Complaints Procedures 2020," to maintain a respectful, constructive environment that promotes the wellbeing of students, staff, and the wider school community.

This policy may also be used to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints. We expect all members of our school community – children, staff, parents, carers, governors and visitors - to abide by our school Code of Conduct which is widely available on our school web site and from the school office.

### **Scope**

This policy applies to parents, carers, guardians and visitors at Fairholme Primary School and supplements the school's complaints procedure, available on the school web site.

This policy will only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school's complaints procedure. However, it is not necessary for a complaint to have followed all the stages in our complaints procedure before this policy can be invoked. This policy will also be used in response to exceptional and unreasonable behaviour, examples of which are identified below.

## 1. Relevant Legal and Policy Frameworks

This policy is in accordance with the following frameworks and guidelines:

- **DfE's "Best Practice Advice for School Complaints Procedures 2020"**: Provides guidance on establishing a fair, accessible, and effective complaints process in schools.
- **DfE's "Controlling Access To School Premises"** guidance.
- **Education Act 2002**: Establishes the requirement for schools to have a complaints procedure.
- **The Equality Act 2010**: Ensures that all individuals are treated fairly and with respect, prohibiting discrimination, harassment, and victimization.
- **General Data Protection Regulation (GDPR) and Data Protection Act 2018**: Guides the handling and sharing of data within the school community, including image sharing on social media.
- **Protection from Harassment Act 1997**: Prevents behaviours that are likely to cause distress, harassment, or fear, including persistent or abusive communication.

## 2. Definitions

### Vexatious complaints

Complaints are considered vexatious or habitual if they are persistent, repetitive, unreasonable, or intended to intimidate, harass or disrupt the normal operation of the school.

This may include:

- Submitting repeated complaints about issues that have been resolved.
- Presenting complaints based on misleading information or for malicious purposes.
- Using aggressive, hostile, or offensive language in communication with or about staff or the school.

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitive
- 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

### Persistent or vexatious complainant

A persistent or vexatious complainant is 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. A vexatious complainant is one who makes complaints when there are insufficient grounds for a complaint, and/or appears to be doing so with malicious intent.

### Unreasonable behaviour

Unreasonable behaviour is that which hinders communication, intimidates or impedes our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, 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;

- 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, intimidating or discriminatory language or violence;
- knowingly provides falsified information;
- records meetings or telephone conversations without first obtaining the consent of all participants;
- circulates any such recordings to third parties without the prior knowledge and consent of all participants involved;
- publishes negative or unacceptable information about the school, school staff, complaints or concerns on social media or other public forums;
- uses Freedom of Information requests excessively or unreasonably.

### **Harassment**

For the purpose of this policy, harassment is the unreasonable pursuit of such actions outlined in the points above 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.

### **Social media**

Platforms including Facebook, X (formerly Twitter), Instagram, TikTok, WhatsApp, online review sites, and any other public or private online communication platforms.

### 3. Complaints process

#### Procedure for raising a concern

Parents and carers are encouraged to address any concerns directly with school staff in the first instance. If concerns continue, a complaint may be made following the school complaints procedure, which is published on the school website. The process is designed to ensure that all concerns are handled fairly, thoroughly, and respectfully.

#### Escalation of vexatious complaints

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before categorising communication or behaviour unreasonable or identifying a complaint as vexatious.

If behaviour is unreasonable or a complaint is identified as vexatious, the school may take one or more of the following actions:

- **Write** to the complainant explaining that their behaviour is unreasonable and ask them to change it.
- **Limit communication:** Restrict communication to specific formats (e.g., email only) or designate a specific contact person.
- **Decline re-investigation:** Avoid reopening cases on issues that have already been resolved through the complaints process.
- **Implement contact restrictions:** Temporarily or permanently restrict contact with the complainant. This may include barring an individual from the school site. This action will be taken if aggressive, abusive, harassing, intimidating or insulting behaviour or language is deemed a risk to staff or pupils – it is enough for a member of staff or child to feel threatened. In this situation, the Governing body will not withdraw or fail to provide any services which the complainant or his/her family are entitled to receive.
- **Inform the police,** particularly in response to any serious incident of intimidation, aggression or violence, or in response to any behaviour which negatively impacts the wellbeing or safety of children or school staff.
- **Pursue legal action:** In serious cases, the school may consider legal action, in line with the Protection from Harassment Act 1997 and relevant guidance from the DfE.

### 4. Social media guidelines

#### Appropriate conduct on social media

Parents and carers are expected to adhere to respectful and constructive use of social media when referencing the school, following the guidance of the DfE's "Cyberbullying: Advice for Headteachers and School Staff" and "Respectful School Communities" toolkit. Derogatory or inflammatory comments about staff, students, or parents on social media can damage the school community and may result in restriction from school premises or further action. The school has guidance on parent/carers use of social media which is available from the school office.

#### Addressing concerns outside social media

We encourage parents and carers to address concerns through the formal complaints process, which allows for a fair and systematic investigation. Social media is not an appropriate platform for raising or discussing school grievances and may impede a constructive resolution.

### **Data protection and privacy**

Parents and carers are reminded that sharing images, videos, or other information about children, staff, or school events without consent on social media may breach the Data Protection Act 2018 and GDPR. Unauthorised sharing of personal data may lead to school sanctions or legal consequences.

### **6. Appeals process**

If a parent or carer feels that restrictions have been applied unfairly or disagrees with the handling of their complaint, they may submit an appeal to the Chair of Governors in writing. The appeal will be reviewed by the school's governing body according to the guidelines in DfE's "Best Practice Advice for School Complaints Procedures 2020".

### **7. Approval and review**

Date for review: September 2027

This policy may also be reviewed alongside the school's complaints procedure, or as necessary in response to updates in DfE guidance or legal requirements.