Headlands School

Policy Statement for Managing Serial, Unreasonably Persistent or Vexatious Complaints

(to be read alongside Persistent and Vexatious Complaints Policy)

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This Policy should be read in conjunction with the Headlands School Complaints policy, Parent Staff Communication Policy and Persistent and Vexatious Complaints Harassment in Schools Policy.

1. Introduction

Headlands School is committed to dealing with all complaints fairly and impartially, according to our Complaints Policy, and to providing a high-quality service to those who find it necessary to make a complaint. This Policy supports this and ensures that all complainants are dealt with fairly, honestly and consistently.

The Governors and school Senior Leaders recognise that some complaints may not be resolved to the complainant's satisfaction. However, in such cases, the Governors and Senior Leaders have a right to expect that they will not receive further communications about complaints that have been closed.

A complainant will not be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

2. Look at the complaint not the complainant

Schools should not refuse to accept further correspondence or complaints from an individual outside of, or linked to the matters relating to the complaint, that they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant. However, certain types of behaviour, as outlined below (threats, aggression etc) would necessarily prompt a reconsideration of the status of communication and contact.

3. Serial, unreasonably persistent and vexatious complainants

These can be a significant issue for School Staff and Governors. Managing these complaints can place inordinate strain on time, resources and staff well-being.

School will always try to respond sympathetically to anyone with a concern or issue regarding the school but there may be times when the Complaints Policy and procedures have been exhausted and nothing further can be reasonably done by the school to resolve matters in relation to a specific complaint.

We will not normally limit the contact that complainants have with our school. However, it is likely that a limit will be applied to any further or ongoing discussion of a complaint that has progressed through the Complaints procedure.

At Headlands School we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from any such behaviour, including that which is abusive, offensive or threatening.

Examples of unreasonable behaviour, vexatious or unreasonably persistent complaints liable to invoke this policy are:

- making excessive demands on time and resources e.g. excessive telephone calls, sending excessive (cumulative) 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

The school also defines 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:

- 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 and comply with the school's complaints process.
- 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 and / or uses abusive, offensive or discriminatory language or violence threatens directed at staff/students/visitors/volunteers through written, oral or personal contact
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.
- refuses to give school staff details of their complaint which would enable them to investigate and resolve the concern
- continues to pursue complaints about a member of the school community which are unsubstantiated and are, evidently, a personal vendetta
- inappropriately and subtly changes the complaint when an outcome has not met their expectations
- attempts to "swamp" the procedure with copious amounts of unnecessary and irrelevant paperwork, questions or data thus overloading the school systems with emails, letters and telephone calls
- makes a number of linked complaints across an extended period of time, which extends and confuses the investigation process
- demands that the school makes judgements/decisions outside of the Complaints Policy's remit – e.g. overturning a court decision re contact which a child, or a legislative requirement

4. Reasonable communication

As the complaint is being progressed, complainants are asked to to limit any communication with school relating to the complaint. It is not helpful if there is repeated communication (either by letter, phone, email or text), as it could delay the resolution of the complaint.

5. Declaring behaviour as unreasonable

This is not a decision that will be taken lightly and without careful consideration. Whenever possible and before applying an 'unreasonable' marking, the Headteacher or Chair of Governors will discuss any concerns with the complainant in an attempt to informally resolve concerns relating to the conduct of the complainant.

Decisions will be made on a case by case basis, with every effort made to fashion positive outcomes and defuse any potential deterioration in the situation and communication.

We would look for the following to be evidenced when evaluating the reasonableness or otherwise of behaviour:

- every reasonable step has been taken to address the complainant's concerns,
- the complainant has been given a clear statement of our position and their options,
- the complainant makes continued contact making substantially the same points each time

The case to stop or carefully manage any ongoing communication and response is stronger and will be informed by consideration of:

- if letters, emails, or telephone calls are often or always abusive or aggressive,
- if communication contains insulting personal comments about or threats towards staff,
- there is reason to believe the individual is contacting school staff with the intention of causing disruption or inconvenience

6. 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 who with as a designated contact point and limit the number of contacts in a communication plan. This will be subject to review at agreed, stated intervals.

7. 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

As outlined above, these demands could include continually telephoning, sending letters and / or 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
- impact on the effective running of the school
- cause stress and anxiety to the staff concerned in the issue.

8. 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 additional external advice as appropriate to the setting.

The complainant will 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
- 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.

9. Aggressive 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.

Appendix 1 – Additional Information

https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#managing-serial-and-persistent-complaints

https://assets.publishing.service.gov.uk/media/5c38b69ce5274a70ca3c3ced/Model_policy_for_managing_serial_and_unreasonable_complaints.odt

Appendix 2 - Summary of Key points - Best practice guidance for school complaints procedures 2020

DfE Guidance - DfE Best practice guidance for school complaints procedures 2020

When is a complaint considered serial or persistent?
Once your school has followed all the stages of its complaints procedure, the Chair of Governors can tell the complainant that the matter is closed.
If the complainant tries to re-open the same issue, this can be classed as a persistent or 'serial' complaint. This classification makes it easier for you to justify closing a complaint, and to stop responding to it.

Close serial or persistent complaints, and stop responding
You should only take this decision when:

- You have taken every reasonable step to address the complainant's needs
- The complainant has been given a clear statement of your school's position and what their options are
- The complainant is contacting you repeatedly, but making the same points each time

You shouldn't stop responding just because a complaint is complex or demanding.
Your case to stop responding will also be stronger if:

- The complainant's communications are abusive or aggressive, or involve making personal comments or threats towards staff members
- You have reason to believe they are continuing to contact you with the intention of causing disruption

Once you have decided it's appropriate to stop responding, you must let the complainant know in writing. This can be a hard copy letter or an email.
If you close a persistent complaint, you may also choose to limit the complainant's access to your school to keep raising the issue. For example, you could:

- Restrict them to a single point of contact with your school via an email address
- Set a fixed number of times they can contact your school per term

However, if the complainant raises a new issue, you must begin the complaints procedure again.

Manage aggressive behaviour separately
Try and separate the complaint and the complainant.
If the complainant is behaving aggressively or with other unacceptable conduct, send any communication about their conduct separately to any communication about the complaint.

Follow your code of conduct
Schools have a duty of care towards their employees. This means that staff (including the headteacher) shouldn't be:

- Placed in upsetting or dangerous situations
- Expected to respond to abusive communications, or to attend meetings where someone is behaving aggressively

Make it clear that meetings will be stopped or cancelled if any visitors, including parents/carers, don't follow the code of conduct outlined in your complaints procedure.

Remove aggressive complainants
It's a criminal offence to cause or permit "a nuisance or disturbance" on school premises. This means that complainants can be legally removed from the site if they're acting in an abusive or threatening way at meetings. If you have a school policy on abusive visitors, make sure to follow it.
This is set out in section 547 of The Education Act 1996.

Don't allow group complaints
Group complaints can make it more difficult to manage abusive complainants or declare complaints closed. Instead, you should deal with complaints separately and hold individual meetings.
This is particularly true for groups of parents, who may discuss the school on social media or in the playground.
Make it clear to parents and carers that:

- Their right to complain rests on their position as the parent/carer of an individual pupil

- They cannot raise a complaint on behalf of other pupils or a group of pupils
- They can raise group concerns more constructively in other ways – e.g. through your PTA

In some cases, you may find it helpful to send a template response to all complaints or publish a single response to an issue on your school's website. However, you should limit your formal complaints procedure to individual complaints.