

St Osburg's Catholic Primary School



Vexatious Complaints Policy

POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT

The Headteacher and governing body 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. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

AIMS OF POLICY

The aims of this policy are to:

- 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 students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents/ carers,
- deal fairly, honestly and appropriately with those who make persistent or vexatious complaints and those who harass members of staff in school, outside school and including on-line, while ensuring that other stakeholders also suffer no detriment.

HUMAN RIGHTS

In implementing this policy the School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

EXPECTATIONS OF THE SCHOOL:

Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to:

- a) regularly communicate to parents/carers in writing:
 - (i) clarify how and when problems can be raised with the School,
 - (ii) provide access to the School's complaints procedure, and
 - (iii) the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools

- b) respond within a reasonable time and manner
- c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint
- d) respond with courtesy and respect
- e) attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority
- f) keep complainants informed of progress towards a resolution of the issues raised

THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

The School can expect parents/carers/members of the public who wish to raise concerns with the School to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff in the School
- c) avoid any aggression, verbal abuse and/or online abuse
- d) recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond. This includes not attempting to contact staff with complaints during the evening, at weekends or in holiday periods.
- e) recognise that resolving a specific problem can sometimes take time
- f) not to share the complaint on social media platforms such as but not limited to Facebook and WhatsApp and to follow the School's Complaints Procedure/Policy and Social Media Code of Conduct

This school will not tolerate any use, or threatened use, of violence to people or property.

Parents/Carers and Members of the Public must not use any aggression, verbal abuse or online abuse when perusing a complaint and/or issue.

WHO IS A PERSISTENT OR VEXATIOUS COMPLAINANT?

For the purpose of this policy, a frequently persistent 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.

Persistent, habitual and/or vexatious complainants can be a problem for school staff and governors. The difficulty in handling such complainants can place a strain on time and resources. While the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious,
- b) prolific correspondence or excessive or inappropriate e-mail or telephone contact about a concern or complaint,
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes,
- d) an insistence upon pursuing complaints in an unreasonable manner,
- e) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful,
- f) an insistence on repeatedly pursuing a complaint, even when the school has investigated the complaint to the satisfaction of the governors.
- g) uses Freedom of Information/Subject Access requests excessively and unreasonably

For the purpose of this policy, harassment is the malicious and/or unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of school staff and/or
- b) cause ongoing distress to individual member(s) of school staff and/or
- c) have a significant adverse effect on the whole/parts of the school community
and/or
- d) 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.

THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

In the first instance the School will inform the complainant that his/her behaviour is considered to be becoming unreasonable/ unacceptable and, if it is not modified, action may be taken in accordance with this policy.

If the behaviour is not modified the School 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:

- a) 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
- b) 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
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only
- d) (in the case of physical or verbal aggression) consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban.
- e) consider taking advice from the School's Legal Provider on pursuing a case under current anti-harassment legislation.

The school reserves the right to:

- cease to respond to complaints of a vexatious nature
- bring legal action for harassment against the complainant

Anti- Harassment legislation

Legitimate new complaints, unless linked to previously resolved complaints, will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances, advice may be sought from the School's Legal Provider.

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 at an appropriate level. In these circumstances, advice may be sought from the School's Legal Provider.

This policy should be considered in conjunction with our School Complaints Policy, in particular paragraphs 7, 8, 9 and 11. (see paragraphs quoted below).

Paragraph 7 - Serial and Persistent Complaints

'There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. Where a complainant tries to reopen the same issue, the Chair to the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.'

Paragraph 8 - Duplicate Complaints

'After a complaint has reached the end of the complaints procedure, if a duplicate complaint is then received from a different person regarding the same subject, then the school will not process that as a fresh complaint. The new complainant will be advised to contact the School Complaints Unit (see point 13 below) if they are dissatisfied with the school's handling of the original complaint.'

Paragraph 9 - Complaint Campaigns

'If the school becomes the focus of a campaign and receives a large volume of complaints that are all based on the same subject and/or are from complainants unconnected with the school, then they will be dealt with separately. The school will establish the most appropriate way to deal with these which could include sending a template response to all complainants or publishing a single response on the school's website.'

Paragraph 11- Deviation from following this published procedure

'There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. This could be not doing something that the procedure says that the school will, should or may do. In the event that this is deemed to be necessary the school will document any deviation and reasons for it.'

REVIEW

The policy shall be reviewed every 2 years or as appropriate.