



*Nurturing potential within a Christian ethos*

## **St John's Church of England Primary School Persistent and Vexatious Complaints Policy**

Version Number	1
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Where published	School Website
Statutory or Optional	Optional
Date Ratified	November 2022
Date Reviewed	
Next Review Due	
Responsible Committee	Resources

## **Introduction:**

This policy supports the work of the school in promoting its vision and values. The school expects all members of the school community to always uphold and demonstrate the school's values.

## **Vision:**

*Nurturing potential within a Christian ethos*

Together we will work to enable all our children to achieve their full potential within our Christian family. Through the teachings and examples of Jesus, we nurture individuality - providing challenge, developing self-esteem and promoting care and respect for each other and God's world.

*'I can do all things through Christ who strengthens me' Philippians 4:13.*

## **School aims:**

To achieve the vision, we:

- Enable the children to understand and follow the teachings and examples of Jesus as an outline for Christian living
- Ensure a broad and balanced curriculum for every child in a safe and stimulating environment which challenges and celebrates each child
- Equip children with the skills, knowledge and attitudes which will help them to develop into self-respecting, self-motivated adults
- Enable pupils to learn and appreciate the scale and scope of human achievement and develop their own individual creative talents
- Encourage the development of social, moral, spiritual and cultural values as well as British Values
- Strengthen children's understanding of care for the environment and develop a supportive partnership within our community Experience an exciting curriculum which fosters their enthusiasm, develops an enquiring mind and enables every child to achieve his/her full potential
- Access an education for life which promotes British Values that enable all learners to become effective and reliable members of the wider community
- Foster ambition and expectation to carry through to adult life

## **1. Introduction**

The head teacher and SLT deal with specific complaints as part of their day-to-day management of the school, in accordance with the School's Complaints Policy. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall wellbeing of the children or staff in the school. In these exceptional circumstances, the school may take action in accordance with this policy.

## **2. Aims of the 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 children, staff and everyone else who has legitimate interest in the work of the school, including governors and parents;
- Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

## **3. Parents expectations of the school**

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

- Ensure that the Complaints policy and this policy are available on the school's website.
- Respond within a reasonable time;
- Be available for consultation within reasonable time limits bearing in mind the nature of the complaint;
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the school's complaints policy, other policies and practice.

#### **4. The schools' 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:

- Treat all school staff with courtesy and respect;
- Respect the needs and well-being of pupils and staff in the school;
- Avoid any use, or threatened use, of violence to people or property;
- Avoid any aggression, verbal abuse or other intimidating behaviour;
- Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take some time;
- (In the case of a complaint) follow the School's Complaints Policy.

#### **5. Who is a persistent complainant?**

A 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.

Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitive;
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- Uses Freedom of Information requests excessively and unreasonably;
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with the head teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- 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.
- Repetitious criticism of the school's curriculum and teaching philosophy

Harassment is the unreasonable pursuit of such actions 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 on-going 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.

#### **6. The schools' actions in cases of persistent or vexatious complaints or harassment**

In the first instance the school will communicate either in writing or verbally (confirmed with a letter) to 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:

- 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;
- 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;
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- Consider taking appropriate advice on pursuing a case under Anti-Harassment legislation;
- Consider taking advice from the HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the head teacher but only with a third person, to be identified by the governing body of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the head teacher accordingly.

In the event of extreme situations or events, the school may take the decision to implement one of the above steps immediately. In this situation the complainant will be informed in writing.

The Head and SLT will keep the Chair of Governors informed at all times.

Legitimate new 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. However, the school will be advised by the HR / Legal Services.

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 HR/Legal Services.

## **7. Review**

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

## Appendix 1 – examples of vexatious or unreasonable persistent complaints (this list is not exhaustive)

- Refusing to give school staff details of their complaint which would enable them to investigate and resolve the concern.
- Refusing to co-operate and comply with the school's complaints process.
- Continuing to pursue complaints about a member of the school community which are unsubstantiated and are, evidently, a personal vendetta.
- Making constant and excessive demands on staff which impacts on the school's time and resources.
- Inappropriately and subtly changing the complaint when an outcome has not met their expectations.
- Trying to "swamp" the procedure with copious amounts of unnecessary and irrelevant paperwork, questions or data and overloading the school systems with emails, letters and telephone calls.
- Making a number of linked complaints across an extended period of time, which extends and muddles the investigation process.
- Demanding that the school makes judgements/decisions outside of the complaints policy's remit – e.g. overturning a court decision re contact with a child, or a legislative requirement.
- Threatening or intimidation of staff/students/visitors/volunteers through written, oral or personal contact.
- Continually submitting the same complaint which has been investigated considered and concluded.
- Complaints that are designed to influence curriculum and teaching methodology

Appendix 2 Model letter response to vexatious complaint.

Dear.....

Thank you for your recent communication. After careful consideration the Chair of Governors and I have agreed that the concerns you have raised cannot be dealt with under the Schools Complaints Policy because: [Delete as necessary:]

- There is no clear indication about what your complaint is.
- The concerns you have raised have already been dealt with and you have received a full response of the findings.
- The complaint is not an issue which the school or governing body is able to provide a response to.
- Your letter contains inflammatory/ abusive/threatening language. [and has been referred to the police or legal department at the Oxford Diocesan Buckinghamshire School's Trust.]

If you wish to appeal against this decision you should write formally to the clerk to the Governing Body within 7 working days of the date of this letter explaining why you think our decision is incorrect. [Or in the case of the final point you may wish to offer the opportunity to the complainant to reissue the letter in an acceptable format and with an apology]

Yours sincerely

### Appendix 3 - Information which could be sent to the person who has sent a vexatious or abusive complaint.

Our aim is for our school to be a safe and happy environment for our staff to work in and for our students to learn in. The Headteacher and governing body are absolutely committed to this statement. We welcome constructive comments regarding our working practices, environment or policies and procedures, which we will always try to resolve quickly and positively through our complaints policy. The school will not accept approaches which have a negative effect on the running of the school or place an unacceptable strain on the time and resources of school staff. The governing body will not accept threatening or abusive behaviour towards any members of the school community. We would like to explain what we consider to be vexatious or abusive:

- Continuous communication despite the complaint having been considered and concluded through the school's policies.
- Harassing a member of staff either in person, by telephone, constant emails or letters.
- Unreasonable expectations of the school – e.g. to overturn a court decision or legislation.
- Pursuing complaints in an unreasonable manner including using abusive or threatening language.
- Targeting the complaint at one member of staff without good cause or evidence.
- Causing upset or distress to a member of staff.
- Having a disproportionate impact on the running the school. The school will always try to work with parents/carers but will take the following actions if the vexatious or abusive complaint does not cease:
  - We will write to the complainant to inform them formally that their behaviour is considered to be unreasonable and unacceptable and to request a change to the behaviour.
  - Restrict the complainant's ability to communicate with the school.
  - Report the communication to the Police and/or the legal representative at the Oxford Diocesan Buckinghamshire School's Trust.
- We will inform the complainant how they can appeal the decision.
- We will inform the complainant how long the restriction will be in place.