



# RAINHILL HIGH SCHOOL

## VEXATIOUS COMPLAINTS



LFC ACADEMY  
EDUCATION  
CENTRE  
LFC WOMEN





# RAINHILL HIGH SCHOOL

## Vexatious Complaints and Complainants Policy

<b>Status</b>	STATUTORY
<b>Responsible Governors' Committee</b>	PDBW
<b>Responsible Person</b>	Linsay Munro
<b>Review Date</b>	Nov 2023



SCHOOLS IN PARTNERSHIP  
**STEPHENSON**  
MULTI ACADEMY TRUST

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## 1. Introduction

- 1.1 Dealing with a complaint ought to be a straightforward process, but in a minority of cases, people pursue their complaints in a way, which can either impede the investigation of their complaint or can have significant resource issues for the school. This can happen either while their complaint is being investigated, or once the school has finished dealing with the complaint.
- 1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.
- 1.3 We will not normally limit the contact which complainants have with the school.
- 1.4 We do not expect staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:-
- Using abusive or foul language on the telephone ☒
  - Using abusive or foul language face to face ☒
  - Using abusive or foul language in written correspondence ☒
  - Sending multiple emails ☒
  - Leaving multiple voicemails ☒
  - Entering the school without an appointment and behaving in a threatening and/or abusive manner☒
- 1.5 We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.
- 1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be regarded as vexatious or unreasonably persistent.

## 2. Aim of this policy

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will determine which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, parents/guardians.
- 2.3 In order to ensure that the policy remains flexible for future situations which may occur outside of the current detail, the school retains the right to amend the policy accordingly on a yearly basis.

### 3. Definitions

3.1 We have adopted the Local Government Ombudsman's (LGO) definition of *“unreasonable complainant behaviour”* and *“unreasonable persistent complaints”*

3.2 We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the school, hinder the provision of our services, or our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

3.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

3.4 Features of an unreasonably persistent and/or vexatious complainant are included in **Appendix A**. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

### 4. Imposing restrictions

4.1 We will ensure that the complaint is being, or has been, investigated properly according to the school's complaints procedures, but in circumstances where unreasonable complainant behaviour is present, restrictions may be imposed as set out below.

4.2 In the first instance the member of the staff who is experiencing issues with a complainant will consult with the most appropriate member of the Senior Leadership Team, and this will be dependent on the type of complaint. This information can be found in the school's complaints procedures.

4.3 A member of the Senior Leadership Team will contact the complainant in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. They will explain the actions that the school may take if the behaviour does not change. Restrictions will be tailored to deal with the individual circumstances of the complainant and examples are detailed at **Appendix B**.

4.4 If the unreasonable behaviour continues this will be escalated via the Senior Leadership Team structure.

4.5 Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate. In most cases restrictions will apply for between 3 and 6 months, but may be extended in exceptional cases.

4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, and or other individual, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## 5. Review

1.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed after a period of three months, and at the end of every subsequent three months within the period during which the policy is to apply, in accordance with paragraph 4.5 of this policy.

## 6. Record keeping

6.1 Records will be retained by the Office Manager including:

- The name and address of each complainant who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are

## Appendix A

### Features of an unreasonably persistent and/or vexatious complainant

#### **An unreasonably persistent and/or vexatious complainant may:**

- 1 Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- 2 Refuse to specify the grounds of a complaint despite offers of assistance
- 3 Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- 4 Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- 5 Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- 6 Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints
- 7 Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- 8 Discriminate, harass, victimise, verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language, or by the use of offensive terms and derogatory language (e.g. racist, homophobic, misogynistic, transphobic etc.)
- 9 Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- 10 Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- 11 Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- 12 Deny statements he or she made at an earlier stage in the complaint process
- 15 Electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- 16 Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the school, but at the same time with the council, other

councils, elected councillors the police, solicitors, and the Local Government Ombudsman.

- 17 Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- 18 Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- 19 Persistently approach the school through different routes about the same issue
- 20 Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- 21 Refuse to accept documented evidence as factual
- 22 Complain about or challenge an issue based on a historic and irreversible decision or incident
- 23 Combine some or all of these features

## Appendix B

### Restrictions

#### **An unreasonably persistent and/or vexatious complainant may be:**

1. Advised that contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf, will not be accepted by the school
2. Advised that emails to individual and/or all school will not be responded to, and insisting that all correspondence should be by letter
3. Advised that they will not be allowed access to the school site unless requested to do so.
4. Advised that their contact with the school is to take place with one named member of staff only
5. Advised that telephone calls will be restricted to specified days/times/duration, as is appropriate
6. Advised that any personal contact will take place in the presence of an appropriate witness.
7. Advised we will not reply to, or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)

