



## Vexatious Complaints Policy

This Church of England Aided Academy aims to serve its community by providing an excellent education for pupils of all abilities and backgrounds in the context of Christian belief and practice.

It encourages an understanding of the meaning and significance of faith and requires the valuing of other faiths.

It promotes Christian values and spiritual development through the experience it offers to all its pupils.

These values are implicit in this policy.

### Status

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N.B The intended audience for this policy is any stakeholder of Christ Church CE Academy that may be or has become involved in the complaints process. The school appreciates all feedback including suggestions, concerns, complaints and compliments. Such feedback is invaluable so that we know when the school is doing well and when the school needs to improve.

## **Introduction**

Members of staff deal with specific complaints as part of the daily management of the school and adhere to the Complaint's Procedure. The majority of these complaints are handled in an informal manner and are thereby resolved quickly, efficiently and sensitively thus leading to the satisfaction of the complainant.

However, there are occasions when complainants behave in an inappropriate and unreasonable manner when raising and / or pursuing their concerns. Consequently, the actions of these complainants can begin to negatively impact on the daily running of the school which can in turn impact the general wellbeing of the children and staff within Christ Church CE Academy. **In these exceptional circumstances the school may take action in accordance with this policy.**

## **Aims of the Policy**

The aims of this policy are to:

- i. uphold and maintain the standards of courtesy, respect and reasonableness that should characterise **all** communication between the school and the complainant;
- ii. support the wellbeing of all stakeholders including children, staff, governors and parents;
- iii. deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints, and those who harass members of staff, whilst ensuring that this is not detrimental to any other stakeholders.

**This policy WILL NOT address complaints relating to safeguarding, child protection or staff discipline. There are specific procedures in place for these.**

## **Parental Expectations of Christ Church CE Academy**

Any parents, carers or members of the public who raise an informal concern or a formal complaint can expect Christ Church CE Academy to:

- a) regularly communicate with the complainant in writing explaining when and how problems can be raised with the school, the existence of the complaints procedure and the existence of this policy (Vexatious Complaints);
- b) respond with courtesy and respect within a reasonable time frame;
- c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils are paramount – consultation time frames will therefore be determined by the nature of the complaint and parents can expect to be given an allocated time for consultation accordingly;

- d) attempt to resolve problems using reasonable means in line with the complaints procedure, other relevant policies and practice, and in line with advice from the Local Authority (LA);
- e) keep complainants informed of progress towards the resolution of the concern, problem or complaint raised.

### **Christ Church CE Academy Expectations of Parents and Carers**

As a school we understand that raising a concern or complaint can be a stressful time and we are sympathetic to that. However, whilst we firmly believe that all complainants have the right to be heard, understood and respected, we also firmly believe that this extends to all staff within school.

**We therefore expect a complainant to be polite, courteous and respectful. We will not tolerate aggressive, abusive, intimidating or unreasonable behaviour. We will also not tolerate any unreasonable demands placed on the school or persistent harassment or vexatious complaining.**

Christ Church CE Academy can expect complainants to:

- a) treat all staff with courtesy and respect;
- b) respect the needs and wellbeing of pupils and staff;
- c) avoid any use, or threatened use, of violence to people or property;
- d) avoid any aggression, intimidation or verbal abuse;
- e) recognise time constraints and therefore be reasonable in allowing the staff and school time to respond;
- f) recognise that some complaints can be more complex so will take longer to resolve;
- g) follow the complaints procedure already in place.

### **Defining a Persistent Complainant**

For the purpose of this policy a persistent complainant can be defined as a parent, carer or member of the public who continually complains about issues, both formally and informally or frequently raises issues deemed by the complainant to be within the remit of the school and behaves in an unreasonable manner. Such behaviour can be characterised by:

- a) actions that are obsessive, persistent, harassing, prolific and repetitious;
- b) prolific correspondence, excessive email or telephone contact regarding the complaint;
- c) uses Freedom of Information requests excessively and unreasonably;
- d) threatens unrealistic action to be taken on the school or member of staff;
- e) an unrelenting insistence upon pursuing unsubstantiated complaints and expecting an unrealistic outcome;

- f) an insistence on pursuing complaints in an unreasonable manner;
- g) an insistence on only dealing with the head teacher on all occasions irrespective of the nature of the complaint and the level of delegation in the school to deal with such matters (see Complaints Procedure);
- h) an insistence upon repeatedly pursuing a complaint when the outcome is deemed unsatisfactory but cannot be changed, for example if the desired outcome is beyond the remit of the school because it is unlawful.

For the purpose of this policy harassment is the unreasonable pursuit of such actions outlined above (a-h) and in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of staff;
- b) cause ongoing distress to individual or collective members of staff;
- c) have a significant adverse effect on the school community, or parts of the school community;
- d) are pursued in a manner that can be perceived as intimidating, oppressive and disrespectful by the recipient of the complaint including situations where persistent demands and criticisms (whilst not necessarily serious when viewed in isolation) have a cumulative effect of undermining confidence, wellbeing and health.

### **Christ Church CE Academy's Actions in Cases of Vexatious Complaints**

In the first instance the school will verbally inform the complainant that his or her behaviour is considered to be unacceptable and unreasonable. If said behaviour is not modified, action will be taken in accordance with this policy. If this is to be the case the complainant will be informed in writing (see Appendix 1.1).

If the complainants behaviour is not modified the school will take some, or all, of the following actions as necessary:

- a) inform the complainant in writing that the behaviour demonstrated is now considered by the school to be unacceptable and therefore falls under the terms of this policy (see Appendix 1.2);
- b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that minutes will be taken in the interests of all parties;
- c) inform the complainant that, except in emergencies or exceptional circumstances, all routine communication will be by letter only;
- d) in the case of physical or verbal aggression, advice will be taken from the LA, HR and Legal Services and the complainant will be forewarned of a potential imposed ban from the school premises - permanent or temporary;
- e) consider taking advice on pursuing a case under the Protection from Harassment Act 1997;

- f) consider taking advice about putting into place a specific procedure for dealing with complaints from the complainant – for example the complainant will not be permitted to deal with the head teacher directly but only via a third party (identified by the governing body of the school) who will investigate the complaint, determine whether it is reasonable or vexatious and then advise the head teacher accordingly.

Based on 'f' any legitimate new complaint **may** still be considered even if the complainant is, or has been, subject to the actions outlined above. However the school will be advised accordingly.

If a complainant's persistent complaining and / or harassing behaviour is modified but then resumed again after a period of time the school will resume the process identified above and at the level deemed appropriate.

### **Review**

Christ Church CE Academy will review this policy as appropriate.

## **Appendix 1.1 – Model Letter 1**

**Initial letter informing a complainant that his/her behaviour is considered to fall below a reasonable, or acceptable, standard. Recorded delivery.**

Dear [parent/carer/member of public]

This letter is to inform you that the school considers your actions on [date and time] when you [describe event] to be wholly unreasonable and unacceptable.

We would ask that you bear in mind the fact that such behaviour on a school premise can be disruptive and distressing to pupils, staff and other parents or carers [delete if complainants behaviour is not on the school site but rather persistent email or telephone].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the schools complaints procedure.

At the moment we are dealing with these issues by [describe actions being taken to resolve issues or complaints].

Please note that the school's policy for dealing with vexatious complaints (see the school website) sets out standards of behaviour expected of **all** people in their dealings with school. These include:

- behaving reasonably;
- treating others with respect and courtesy;
- resolving complaints using the complaints procedure and hierarchy therein;
- avoiding physical and verbal aggression at all times.

The policy also indicates the steps that may be taken should these standards be breached. These include:

- making special arrangements for meetings and communication with school;
- considering a ban from school premises;
- considering legal action.

I would ask that you allow school time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forwards as quickly as possible.

Yours sincerely,

Mrs L J Walton-Thorpe

Head Teacher

## **Appendix 1.2 – Model Letter 2**

**Letter informing a complainant that his/her behaviour is now considered to fall under the terms and conditions of the policy for dealing with vexatious complaints. Recorded delivery.**

Dear [parent/carer/member of the public]

You will recall that I wrote to you on [insert date and time of initial letter] telling you that I felt your behaviour as a complainant was unreasonable and unacceptable.

I am now writing to you to inform you that in view of your behaviour on [insert date], when you [describe actions/behaviour] it has been decided that the school's Vexatious Complaints Policy will apply from the date of this letter.

In the circumstances I have made the following arrangements for your future contact with the school [delete A or B as applicable]:

- 1) For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:
  1. all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to [insert name] and posted to the school address – email correspondence will not be addressed or responded to;
  2. an appointment will be arranged and confirmed in writing as soon as possible;
  3. a third party from the school will be present;
  4. in the interests of all parties minutes will be taken.
  
- 2) For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by [insert name] representing the school. I would ask you to note:
  1. all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to [insert name] and posted to the school address – email correspondence will not be addressed or responded to;
  2. an appointment will be arranged and confirmed in writing as soon as possible;
  3. a third party will be present;
  4. in the interests of all parties minutes will be taken.

Exceptionally these arrangements do not apply to any emergency involving [insert name of pupil] – in which case you should the school in the usual way.

Whilst these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report.

These arrangements take effect immediately. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely,

Mrs L J Walton-Thorpe

Head Teacher