



POLICY ON MANAGING PERSISTENT AND VEXATIOUS COMPLAINTS

ST MARY'S COLLEGE

Context

The Principal and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure. Most 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 St Mary's College and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may act in accordance with this policy.

Raising legitimate concerns or criticisms of a complaints procedure as it progresses (for example in relation to timescales) does not make a complainant vexatious, and neither does a person seeking to challenge the outcome of a complaint that they are unhappy with. The overwhelming majority of complaints, even those which are not upheld by the school, will not be defined as being vexatious.

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 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.

We expect parents/carers/members of the public who wish to raise concerns with the school to:

- treat all school staff and governors with courtesy and respect;
- respect the needs and well-being of children, staff and governors in the school;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- recognise that resolving a specific problem can sometimes take some time;
- follow the School's Complaints Procedure where appropriate.

Who is a persistent complainant?

For the purpose of this policy, a persistent complainant is a parent/carer/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:

- frequently complaining about a variety of different things, or the same issue, through several different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- repeatedly challenging a historical decision/action which cannot be changed;
- contacting the school frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school and/or individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contact with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or persistently sending communications which demand responses, or making telephone calls seeking interviews with staff, after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

- uses Freedom of Information requests excessively and unreasonably;
- insistent on only dealing with the Principal and/or any single member of staff on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- insistent upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.
- making personal comments or references about staff, children or governors

For the purpose of this policy, harassment is the unreasonable pursuit of such actions outlined in the points above in such a way that they:

- appear to be targeted over a significant period on one or more members of school staff/governors and/or cause ongoing distress to individual member(s) of school staff/governors 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.

Strategy for dealing with persistent or vexatious complainants

On receipt of a complaint that the Principal considers may be vexatious, the complainant will be advised within 3-5 days of receipt of the complaint that their behaviour is considered to be becoming unreasonable and/or unacceptable. This may be done verbally but must be followed up in writing as soon as reasonably practicable, and the Chair of Governors must also be informed. The complainant should be informed as to the reason that we are considering implementing the vexatious complaints procedure and be supplied with a copy of such. The complainant will be offered the chance to withdraw or amend their complaint.

Where complainants have been identified as persistent or vexatious under the scope of this policy, the Principal and Chair of Governors or, if unavailable the Vice Chair of Governors, will determine what action to take. This should be reasonable and proportionate, and may include, but is not limited to the following actions:

- Requesting the complainant to withdraw the vexatious complaint
- Refusal to consider the complaint

The chair/vice chair of governors will implement such action and will notify complainants, in writing, of the reasons why they have been classified as persistent or vexatious and what action will be taken. The complainant is entitled to ask for a review of the decision to classify a complaint as vexatious. This shall be carried out by a subcommittee within 10 days and the complainant notified of the decision in writing. If the review decides that the complaint was not vexatious, it shall be dealt with under the normal complaints procedure. If the review

decides that the complaint is vexatious, there shall be no further review permitted and the complaint will be dealt with under this procedure.

A record will be kept, for future reference, of the reasons why a complainant has been classified as persistent or vexatious. If the school considers the behaviour of the complainant 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:

- Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times. This statement will be agreed with the Principal and the Chair/Vice Chair of Governors.
- To restrict contact to liaison through a designated member of staff/governor.
- Notify the complainant in writing that the Board of Governors has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose.
- The complainant will be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.
- Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Board of Governors shall not, without the consent of the EA/CCMS, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

The complainant concerned will also be given an opportunity to modify their behaviour before closing correspondence. If the complainant does not comply with the request to change their conduct then a letter should be sent making clear that future correspondence will not be responded to, but that the school will note any new concerns being raised and will appropriately investigate any that are considered to be of merit. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further conversations referring to the matter.

Reviewing decisions and withdrawing 'Persistent or Vexatious' status

Once a complainant has been determined, as persistent or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of three governors will review their decisions to categorise a complainant as persistent or vexatious every six months. The panel, on review, may either withdraw the categorisation of a person as persistent or vexatious or amend the strategy being applied to

that person. If the panel considers it appropriate to withdraw the status of persistent or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.

Threats to involve the media

Threats involving the media and/or legal action will be treated respectfully; the school will respond to any letters or approaches from the media or solicitors. The Principal will contact CCMS/EA for advice when concerned about statements being made to the media, or if they are contacted by the media or solicitors.