



Unreasonable and Vexatious Complaints Policy

1. Introduction

Sherdley Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with School. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive, threatening or harassing.

2. Definition

2.1 Sherdley Primary defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'. This may include serial and persistent complaints, or vexatious or frivolous complaints as defined by the Office of the Independent Adjudicator.

2.2 A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the School's Complaints Policy or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues raised in the complaint, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed) including as defined as serial and persistent by the Department for Education;
- refuses to accept the findings of the investigation into that complaint where the School's Complaints Policy has been fully and properly implemented and completed;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with, including as defined as serial and persistent by the Department for Education;
- makes a vexatious or frivolous complaint as defined by the Office of the Independent Adjudicator.¹

2.3 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;

¹Defined as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

3. Contacts whilst a complaint is being investigated

Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email, or text) as it could delay the outcome being reached.

4. Steps taken before marking a complaint “unreasonable”

4.1 Our School takes all complaints seriously and follows the School’s Complaints Policy in order to seek an agreed and amicable resolution and reconciliation. We will always treat complaints reasonably and nothing in this Policy prevents a parent/carer raising a genuine new concern or complaint.

Whenever possible, the Headteacher or the Chair of the Governing Body (CoG) will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking to any complaint and may propose mechanisms to assist the complainant with contacting the School with respect to the complaint.

4.2 If the behaviour continues, the Head of School (or CoG) will write to the complainant explaining that their behaviour with respect to complaints is unreasonable and asking them to change it.

4.3 For complainants who excessively contact our School causing a significant level of disruption with one or more unreasonable complaints, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed regularly and at least termly.

4.4 In response to any serious incident of aggression or violence or behaviour giving rise to cause for concern, the School will put its concerns and actions in writing immediately and the police may be informed.

A School may decide to bar an individual from School premises: however, before any decision to ban an individual is made, the individual will always have the right to express their views on any such proposal to bar an individual formally from School premises. This decision will be reviewed at regular intervals, and at least every term, in consultation with the LA legal team.

4.5 If an individual continues to make or pursue unreasonable complaints, the School reserves the right to seek further legal advice and take such steps as are appropriate in all the circumstances, including for example seeking court orders to limit the individual’s contact with or presence in or near to School premises, any students, staff, parents/carers or other third parties as set out in the court order.