



Vexatious Complainant Policy

Policy adopted by Governors on 14th December 2017 to be revised as necessary

Ethos & Values:

At Queen Elizabeth's Grammar School, we endeavour to provide the nurturing and caring environment essential to the inspiration and success of all members of the school's community. Our policies support both British and universal values.

1.0 Introduction

Queen Elizabeth's Grammar School will always seek to work with parents, staff and the local community with a legitimate complaint in an attempt to resolve the issue. Sometimes, however, those pursuing complaints or other issues treat staff and others in a way that is unacceptable and/or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

2.0 Purpose

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 students, staff and everyone else who has legitimate interest in the work of the school, including governors and parents
- deal fairly, honestly and properly with unreasonable or persistent complainants and those who harass members of school staff while ensuring that other stakeholders suffer no detriment

Definitions

3.1 Unreasonable Complainant

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include students, parents, staff and the local community who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school.

Unreasonable behaviour may include but is not limited to:

Actions which are:

- Out of proportion to the nature of the complaint, or
- Persistent – even when the complaints procedure has been exhausted, or

- Personally harassing, or
- Unjustifiably repetitious, or
- Obsessive, harassing, prolific or
- Acting in a way not in line with the aim of reaching a resolution and working with the school

An insistence on:

- Pursuing justifiable complaints in an unreasonable manner e.g. being aggressive, using abusive or threatening language
- Making complaints in public; or
- Refusing to attend appointments to discuss the complaint
- Refusing to specify the grounds of a complaint, despite offers of assistance from school staff. Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Insisting on complaints being dealt with in ways which are incompatible with the school's complaints policy and procedure, such as an immediate escalation to senior level
- Changing the basis of the complaint as the investigation proceeds, and/or denying statements he or she made at an earlier stage
- Electronically recording meetings and conversations without the prior knowledge and consent of the other participants

3.2 Persistent Complainant

A persistent complainant may be someone who demonstrates a combination of some or all of the actions or behaviours listed below, which may lead to the school invoking the procedure.

Persistent behaviour may include but is not limited to:

- Prolific correspondence or excessive email or telephone contact about a concern or complaint
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint
- Refusing to accept that issues are not within the remit of the school's complaints procedure despite having been provided with information about the procedure's scope
- Making unsubstantiated and/or groundless complaints about the staff dealing with their complaint

An insistence on:

- Pursuing unjustified or unmeritorious complaints and/or unrealistic outcomes to unjustified complaints
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered
- Adopting a 'scattergun' approach; pursuing the same or similar complaint or complaints with different bodies at the same time e.g. the Local authority/Member of Parliament/Local Councillors/Police

- Making unnecessarily excessive demands on the time and resources of staff and/or Governors whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous people, writing frequent lengthy and/or complex letters and expecting immediate responses
- Submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions or variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure again
- The aforementioned behaviours may be displayed in a variety of ways including in person, in writing delivered either by hand, post or email, by means of social networking websites and other e-based communications

3.3 Harassment

Queen Elizabeth's Grammar School regards harassment as the unreasonable and/or persistent pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over a significant period of time at one or more members of the school staff or others
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others
- It has a significant and disproportionate adverse effect on the school and its staff
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution

Expectations

4.1 Expectations of Queen Elizabeth's Grammar School

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow Queen Elizabeth's Grammar School's Complaints Policy;
- Respond within a reasonable time
- Be available for consultation within a reasonable time limit, bearing in mind the needs of children at the school and the nature of the complaint
- Respond with courtesy and respect
- Attempt to resolve problems using reasonable means in line with the school's Complaints Procedure and other policies
- Keep those involved informed of progress towards a resolution

4.2 Expectations of Complainants

The school expects anyone who wishes to raise concerns with the school to:

- Treat all staff with courtesy and respect
- Respect the needs of students and staff within the school

- Never use violence (including threats of violence) towards people or property
- Recognise the time constraints under which members of staff and governors work and allow the school a reasonable time to respond to a complaint
- Recognise that some problems may not be resolved in a short time
- Follow the school's Complaints Policy
- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling
- Raise concerns or complaints in an appropriate place and at an appropriate time (for example not in front of other parents or students and not in an open public space and not on social media platforms)
- Be prepared to work towards a resolution and in partnership with the school. Negative statements or comments about members of the school or wider school community (including but not limited to staff, governors, children and parents) should not be made on social networking websites. Such statements can be offensive and distressing for those concerned and are also potentially libellous. Legal advice may be sought where the school considers an incident falls into this area

All stakeholders are reminded that should they have any issue, the school's Complaints Policy should be used.

5.1 Procedure for addressing unreasonable, persistent or harassing complainants

- **Stage 1**
If it is considered that any actions of an individual constitute unreasonable, persistent or harassing behaviour, the Headteacher, in consultation with the Chair of the Governors, will inform the individual informally that his/her behaviour is considered by the school to be unreasonable or unacceptable, and request a changed approach
- **Stage 2**
If the unacceptable behaviour is not modified after Stage 1 has been followed, then the school may take some or all of the actions listed below as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community

A copy of this Policy must be sent to the individual with a letter from the Chair of Governors giving details of any restrictions which will apply, which may include some or all of the following:

- All future meetings will be conducted with a third person present
- Notes of meetings will be taken
- Restrictions on the number and specified times for telephone calls (except in cases of emergency)
- Specifying who the complainant is to communicate with
- The school will respond only to written communication from the individual
- Informing the complainant that future correspondence will be read by the Headteacher or his/her designated representative and placed on file but not acknowledged unless it contains any relevant new information or information which in the school's opinion requires a response
- The individual may be banned from entering the school site
- That the Police may be informed

- That legal advice may be sought
- The letter should also state the length of time the restrictions are to apply and that any legitimate new complaint will always be considered

If the complainant is unhappy with the decision of the Chair of Governors, the concerns may be raised with the Department for Education.

6.0 Review

If a complainant's unreasonable, persistent and/or harassing behaviour is modified but is then resumed at a later date, the school may continue the process identified above.

If a complainant's unreasonable, persistent and/or harassing behaviour is modified and the complaint still lies within the time limit specified within the school's Complaints Policy, the school will use its discretion and may resume the investigation of the complaint.

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

Legitimate new complaints, if not pursued in an unreasonable, persistent and/or harassing manner, will still be considered, even if the person making them is (or has been) subject to the Procedure under this Policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the Policy.

7.0 Monitoring

The Governing Body, or delegated authority will receive a report of the number of times this policy is invoked and the stage reached on a termly basis produced by the Headteacher.

**APPENDIX A:
INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS
CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD**

By RECORDED DELIVERY

Dear

This letter is to inform you that the school considers your actions in *[describe actions, dates, behaviour]* on when you to be unreasonable/unacceptable *[delete as appropriate]*.

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to children, staff and parents/carers *[delete if behaviour complained of did not occur on school site e.g. persistent use of email, verbally abusive telephone calls]*.

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the school's Complaints Policy.

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

Please note that the school's Vexatious Complainant Policy sets out standards of behaviour expected of all people in their dealings with the School. These include:

- Behaving reasonably;
- Treating others with courtesy and respect;
- Resolving complaints using the School's Complaints Procedure;
- Avoiding physical and verbal aggression at all times.

The policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the school;
- considering a ban from the 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 forward as quickly as possible.

Yours sincerely

Headteacher

**APPENDIX B:
INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW
CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING
WITH PERSISTENT OR VEXATIOUS COMPLAINTS/ HARASSMENT**

By RECORDED DELIVERY

Dear

You will recall that I wrote to you on *[insert date]* telling you that I felt your behaviour was unreasonable.

I am now writing to inform you that in view of your behaviour on *[date]*, when you *[describe actions/behaviour]* it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints 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]*

*A For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

- a) 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 at the school address; email correspondence will not be responded to;
- b) an appointment will be arranged and confirmed in writing as soon as possible;
- c) a third party from the school will be present;
- d) in the interests of all parties, formal notes of this meeting may be made.

*B 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 representing the school. I would ask you to note:

- a) 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 at the school address; email correspondence will not be responded to;
- b) an appointment will be arranged and confirmed in writing as soon as possible;
- c) a third party will be present;
- d) in the interests of all parties, formal notes of this meeting may be made.

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

While 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 straightaway. 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

Headteacher

Signed _____
(Chair of Governors)

Date _____