



## PERSISTENT, UNREASONABLE, HABITUAL OR VEXATIOUS COMPLAINANTS POLICY

*(To be read in conjunction with the Complaints Policy and Behaviour Policy)*

### 1. INTRODUCTION

St James the Great and St John's Catholic Primary Schools ("the Federation") are committed to handling complaints fairly, impartially and in a timely manner. We aim to resolve concerns quickly and sensitively in accordance with our Complaints Policy.

Most complaints are resolved through constructive dialogue. However, in a small minority of cases, the behaviour of a complainant (or a person acting on their behalf) may become unreasonable, persistent, abusive, or disproportionate. Where such behaviour impacts the safe and effective running of the schools, or the wellbeing of pupils and staff, the Federation may take proportionate action under this policy.

This policy applies to all individuals raising concerns or complaints, including parents, carers, members of the public and representatives acting on their behalf.

Nothing in this policy limits or overrides statutory rights under:

- The Freedom of Information Act 2000
- The Data Protection Act 2018 and UK GDPR
- The Environmental Information Regulations 2004
- The Equality Act 2010

Statutory requests will continue to be handled in accordance with the relevant legislation.

### 2. PURPOSE OF THE POLICY

This policy aims to:

- Protect the wellbeing of pupils, staff and governors.
- Ensure complaints are handled fairly and proportionately.
- Maintain respectful communication between the Federation and complainants.
- Prevent disproportionate use of school time and resources.
- Ensure restrictions are lawful, reasonable and time-limited.

### 3. EXPECTATIONS OF CONDUCT

The Federation expects that individuals raising concerns will:

- Treat staff, governors and pupils with courtesy and respect.
- Avoid aggressive, abusive, threatening or discriminatory language.
- Avoid use or threat of violence.
- Allow reasonable time for responses.
- Follow the Federation's published Complaints Procedure.

The Federation, in turn, will:

- Treat all complainants with respect.
- Consider complaints objectively.
- Communicate clearly and proportionately.
- Make reasonable adjustments where required.

## 4. EQUALITY AND REASONABLE ADJUSTMENTS

Before applying this policy, the Federation will consider whether the behaviour in question may be linked to:

- Disability (including mental health conditions)
- Special educational needs
- Communication barriers (including language or literacy)
- Cultural factors
- Safeguarding concerns

In accordance with the **Equality Act 2010**, reasonable adjustments will be considered where appropriate.

No complainant will be disadvantaged because of a protected characteristic.

## 5. DEFINITIONS

Each case will be considered individually. A complainant may be regarded as persistent, unreasonable, habitual or vexatious where their behaviour (rather than the complaint itself) involves one or more of the following:

### 5.1 Persistent Behaviour

- Repeatedly pursuing a complaint after the complaints process has been properly completed.
- Excessive contact (in person, by telephone, email or letter) placing disproportionate demands on staff time.
- Repeatedly raising the same issue without new evidence.
- Refusing to accept a final decision after escalation through all appropriate stages.

### 5.2 Unreasonable Behaviour

- Refusing to clearly articulate the complaint despite reasonable support.
- Refusing to cooperate with the investigation process.
- Insisting on outcomes which are unlawful or outside the Federation's powers.
- Imposing unrealistic timescales.
- Introducing excessive, irrelevant or disproportionate material.

### 5.3 Vexatious Behaviour

Behaviour may be deemed vexatious where it appears to be intended to:

- Cause disruption or distress.
- Harass individual staff members.
- Undermine confidence in staff through repeated unfounded allegations.
- Use complaints mechanisms for purposes other than genuine resolution.

### 5.4 Abusive or Aggressive Behaviour

- Use or threat of violence.
- Harassment or intimidation.
- Offensive, discriminatory or abusive language.
- Publishing defamatory, confidential or knowingly false information.

The Federation recognises that if agreed, individuals may record meetings they are party to for personal use. However sharing recordings or using them beyond personal record-keeping or, covert recording, publication of confidential material, or use of recordings to harass or intimidate will be considered under this policy.

## **6. PROCEDURE FOR INVOKING THIS POLICY**

This policy will only be invoked after:

1. Reasonable attempts have been made to resolve the complaint.
2. The complainant has been warned (where appropriate) that their behaviour is becoming unreasonable.
3. Equality considerations have been reviewed.
4. Proportionality has been assessed.

Authorisation must be made by:

- The Co-Heads and Chair of Governors,
- Following consultation with a panel of three governors.

In urgent circumstances, the Chair (or Vice-Chair) may authorise interim action, subject to ratification by the panel.

No governor or senior leader involved in the original complaint investigation will participate in authorising restrictions.

The decision will be recorded and reported to the full governing body.

The complainant will be informed in writing of:

- The reasons for the decision.
- The restrictions imposed.
- The review process.
- The duration of the measures.

## **7. POSSIBLE ACTIONS**

Any measures imposed will be proportionate, time-limited and the least restrictive necessary.

Actions may include:

a) Restricting contact to a single point of contact. b) Limiting the frequency or method of communication. c) Requiring communication in writing only. d) Conducting meetings with a second staff member present. e) Issuing a formal warning regarding conduct. f) Temporarily suspending contact for a specified period. g) Withdrawing implied licence to enter school premises (in accordance with safeguarding and equality duties). h) Seeking advice from HR or Legal Services. i) Considering action under relevant harassment legislation.

The Federation will not withdraw access to education or statutory entitlements.

### **7a. SAFEGUARDING AND STAFF WELLBEING**

The Federation will continue to take seriously any safeguarding concerns raised, regardless of any restrictions in place under this policy. Such concerns will be handled in accordance with the Federation's Safeguarding and Child Protection Policy.

The Federation is committed to supporting the wellbeing of staff who are subject to unreasonable complainant behaviour and will provide appropriate support, including access to HR advice and occupational health services where needed.

## **8. STATUTORY REQUESTS (FOI / SAR / EIR)**

Requests made under statutory information rights will be handled in accordance with relevant legislation.

Where requests are manifestly unfounded or excessive under data protection legislation, the Federation may rely on statutory exemptions as permitted by law.

## **9. DUPLICATE COMPLAINTS**

Where a complaint has been fully addressed and a duplicate complaint is received from another individual on the same matter, the Federation will:

- Assess whether new material information is presented.
- If not, inform the complainant that the local process is complete.
- Provide information about escalation routes where appropriate.

## **10. COMPLAINT CAMPAIGNS**

Where a large volume of complaints is received on the same issue, particularly from individuals not directly connected to the schools, the Federation may:

- Publish a single response on its website.
- Issue a standard response.

Individual matters raising safeguarding, SEND or personal issues will be considered separately.

## **11. REVIEW OF RESTRICTIONS**

Any restrictions imposed will normally be reviewed within six months, or sooner if circumstances change. The complainant may request a review in writing after three months. The review will be conducted by governors not involved in the original decision.

## **12. POLICY REVIEW**

This policy will be reviewed annually by the Governing Body or sooner if required by changes in legislation or guidance.