

PROCEDURES FOR DEALING WITH VEXATIOUS OR HABITUAL COMPLAINANTS

1. Scope of Procedures

These procedures should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the School's complaints procedures. However, it is not necessary for a complaint to have completed the normal complaint process before this procedure is invoked. Judgment and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

These procedures should only be invoked following careful consideration by the Headteacher and after authorisation has been provided by the Chair of Governors. If the complaint is principally or to a reasonable degree against the Chair then authorisation will be from a panel from the governing body, such as the complaints committee. The decision must be reported to the full governing body;

No individual may undertake a role in authorisation in this procedure if he or she was an object of the complaint.

2. Definition of Habitual or Vexatious Complainant.

Each case will be viewed individually and decided on its merits. However, a complainant (and / or anyone acting on his or her behalf) may be deemed to be habitual or vexatious if previous or current contact shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

- Persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided);
- Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These may need to be addressed as separate complaints;
- Are unwilling to accept proper and reasonably documented evidence of action;
- Are unwilling to accept that the Governing body has reached a final decision on a chosen course of action;
- Deny receiving an adequate response in spite of correspondence specifically answering their questions;
- Persist in pursuing a matter when they have already exhausted other statutory routes of appeal;
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns;
- Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing body to investigate;
- Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgments must be used in applying this criterion;

- Have, in the course of addressing a complaint, had an excessive number of contacts with the School placing unreasonable demands on staff time. A contact may be in person or by telephone, letter, e-mail or fax. Discretion must be used in determining the precise number of “excessive contacts” applicable under this section, using judgment based on the specific circumstances of each individual case;
- Have threatened or used physical violence towards staff at any time – this will, in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented;
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour;
- Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved;
- Make unreasonable demands on the complaint procedure and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Complaints procedure or normal recognised practice.

3. Strategy for Dealing with Habitual or Vexatious Complainants.

Where complainants have been identified as habitual or vexatious under these procedures, taking account of the above criteria, the Headteacher and Chair will determine what action to take. The complainant will be notified, in writing, of the reasons why he or she has been classified as habitual or vexatious and what action will be taken and of the review procedure under section 5 below.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record must be kept, of the reasons why a complainant has been classified as habitual or vexatious.

It may be decided to decide to deal with complainants in one or more of the following ways:

- 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;
- To restrict contact to liaison through a designated officer;
- Notify the complainant in writing that the Governing body 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 should 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 Governing body shall not, withdraw or fail to provide any services which the complainant or his / her family are entitled to receive;
- In extreme circumstances inform the complainant that unreasonable or vexatious behaviour may result in legal action against the complainant.

4. Review Decisions and Withdrawing ‘Habitual or Vexatious’ Status.

Once a complainant has been determined, as habitual or vexatious such status shall be reviewed regularly (as provided below) or by discretion of the Complaints Committee, Chair or Headteacher, and,

when and if, appropriate, withdrawn. 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

The Head, and Chair (or panel) will review their decisions to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months.

If the person categorised as habitual or vexatious is not satisfied with the decision reached he may request that the decision be reviewed by the Governing body, which will appoint an appeal panel of three governors to review the decision. Such a request for a review may only be received once in any six-month period. Notice of that decision will be given, as far as is practical, within 15 working days of receipt of the request.

The panel on review may either confirm or withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

5. Repetitive communications

If an individual is so persistent and vexatious against the school for example with repetitive communications, they should be invited to make a complaint in respect of any issue they are raising to bring them within the complaints policy. Should, following the outcome of that complaints investigation or if they choose not to follow the complaints process they remain vexatious then the outlined process in Paragraph 4 may be applied.

If communication is so substantial that it becomes unreasonable all communication will be directed to a Member of the Senior Leadership Team or LA Borough Solicitor who will review all communication to decide how the school should respond in line with this policy.

Presence of students at meetings:

- It is unlikely that the resolution of a complaint would be assisted by the presence of students at any meeting between the Headteacher, other staff and the complainant;
- In the exceptional circumstance of it being necessary for a student to attend a meeting related to a parental complaint, to clarify facts, there would need to be an undertaking from all parties that confidential matters relating to named members of staff would not be discussed;
- The Headteacher would consult with parents before any meeting where their child is being asked to clarify facts concerning a parental complaint, and would ensure that students do not participate in any discussion where they might witness confrontation between adults.

6. Monitoring complaints

All complaints will be monitored by the handling and outcomes at the formal stage, by:

- The numbers of complaints and their categories;
- Whether complaints are dealt with within agreed timescales;
- The stages at which complaints were ended satisfactorily;

- The effectiveness of the school's overall policy;
- The various types of redress used and their frequency;
- The impact upon the schools home-school links.

7. Publicity and communication

There is a legal requirement for the school to publicise its complaints policy and procedures.

Reference to this policy will be included in: •

- Information given to new parents when their children join the school;
- School newsletters (from time to time);
- The school website;
- Documents supplied to community users including letting agreements.

All staff and members of the Governing Body will be made aware of the complaints procedure and the various stages involved.

8. Confidentiality

All conversations and correspondence will be treated with discretion. Personal information will only be shared between staff on a 'need to know' basis.

9. Equality

Appropriate steps will be taken to ensure that any individual has the opportunity to raise concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussion and hearing and/or to submit formal complaints that have been written by another individual on their behalf. It is an expectation that equal respect will be granted to each person involved with the process and that differences between people will be respected and understood.

10. Responsibilities of other bodies

The LA has a statutory responsibility to protect the rights and entitlements of children and parents. In relation to complaints it should:

- Provide guidance and advice to schools on good practice;
- Provide procedures for all maintained schools for parental complaints against the curriculum and matters relating to it;
- Provide advice to complainants on how to complain

11. Monitoring Arrangements

Statistical information will be presented annually to the Governing body by the Headteacher with details of complainants who are categorised as habitual and / or vexatious.

12. General

Nothing in this policy affects an individual's statutory rights.