



Upper Nidderdale Primary Federation

Unreasonable, Persistent and Vexatious Communications Policy

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| Policy: | Unreasonable, Persistent and Vexatious Communications Policy |
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| Governor committee responsibility: | Headteacher |

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1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- The Education (Pupil Information) (England) Regulations 2005
- The School Information (England) (Amendment) Regulations 2016

This policy has also due regard to guidance including, but not limited to, the following:

- DfE (2021) 'Best practice guidance for school complaints procedures 2020'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

This policy operates in conjunction with the following school policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy

2. Definitions

For the purpose of this policy, "**unreasonable complaints**" include:

- **Vexatious complaints**, which:
 - Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- **Serial or persistent complaints**, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

3. Statement of Intent

The Upper Nidderdale Primary Federation 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 the school. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns and complaints. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the federation and directly or indirectly on the overall well-being of the children or staff in our organisation. 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 or threatening, malicious or persistent either once investigations have been concluded and fully exhausted or whilst they are ongoing. In these exceptional circumstances, we may take action in accordance with this policy.

We recognise that sometimes people may not be happy with the service that we might provide, for whatever reason that might be. To carry out our work to educate all children at our schools we need to make sure we are using our resources in the best way. This might mean we can't respond to every issue in a way an individual may want if it means using a disproportionate amount of time and resource on a single case. We understand that, in times of trouble or distress, people may act out of character, and, in a very small number of cases, may behave in an unacceptable way despite our best efforts to help. This makes it difficult for us to deal with queries or complaints effectively. We also have a duty to protect the welfare and safety of our staff. They should be able to come to work without fear of violence, abuse, harassment, or discrimination.

4. Unreasonable Complainants

We define unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the federation, hinder our consideration of their or other people's complaints and which distract the workforce in an unreasonable way'

We will:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the federation 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 federation
- 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.

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 cooperate 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 adopted complaints procedure 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 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).
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure 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.

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

- Maliciously.

- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.

Complainants should limit the numbers 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.

Whenever possible, the Headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

5. Vexatious Complainants

Actions in cases of persistent or vexatious complaints or harassment;

- Whenever possible, the Headteacher will discuss any concerns with the complainant informally before applying any sanctions.
- If the undesirable behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable/unacceptable, and which may be considered to fall under the terms of this policy. For complainants who excessively contact the federation, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan.

This may result in informing the complainant that:

- all meetings with a member of staff will be conducted with a second person being present and notes of the meeting may be taken in the interest of all parties
- except in emergencies, all communication to the federation must be in writing
- advice may be sought from our legal advisors under anti-harassment legislation.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our premises.

6. Barring from the premises

School premises are private property and therefore any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the headteacher or chair of governors will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the governing board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

Monitoring and review

The complaints procedure will be reviewed **annually**, taking into account any legislative changes and the latest guidance issued by the DfE. The next scheduled review date for this policy is March 2026.