



# **RICKMANSWORTH SCHOOL**

## **Unreasonable, Repetitious and Vexatious Complaints Policy**

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Version Author:	Matt Fletcher
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**Table of Contents**

<b>OVERVIEW</b>	<b>1</b>
Purpose	1
Review Process	1
<b>Introduction</b>	<b>2</b>
<b>Definitions</b>	<b>2</b>
<b>Options for dealing with unreasonable, repetitious or vexatious complainants</b>	<b>4</b>
<b>Withdrawing 'Unreasonable, Repetitious or Vexatious' Status</b>	<b>5</b>
<b>Barring from the School Premises</b>	<b>5</b>

## OVERVIEW

### Purpose

This policy governs the process of dealing with repetitious, unreasonable or vexatious complaints made by students, parents, staff, governors or members of the public.

A reference copy of this policy is kept on the shared drive and it will be brought to the attention of all members of staff.

### Review Process

This document will be reviewed in accordance with our policy review process on a yearly basis or on the introduction of new or amended relevant legislation.



**Tony Walker**  
**CHAIR OF GOVERNORS**



**Matt Fletcher**  
**HEADTEACHER**

## Introduction

All complaints should be processed in accordance with the School's complaints procedure. However, during this process, staff may have contact with a very small number of complainants who absorb an unreasonable and disproportionate amount of resources in dealing with their complaints.

In determining how to identify situations where the complaint might be considered to be unreasonable, repetitious or vexatious, how to respond to these situations and how to appropriately manage such complaints, the following must be considered:

- That the School's complaints procedure has been correctly implemented so far as is possible and that no material element of a complaint has been overlooked. It must be appreciated that even unreasonable, repetitious or vexatious complaints may have aspects that contain genuine substance; and
- That an equitable approach has been followed.

## Definitions

Complainants may be deemed to be unreasonable, repetitious or vexatious, where previous or current contact with them shows that they meet two or more of the following criteria:

- Persist in pursuing a complaint when the School's complaints procedure has been fully and properly implemented and exhausted;
- 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 whilst the complaint is being addressed;
- Are unwilling to accept documented evidence of treatment given as being factual, or deny receipt of an adequate response despite correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- Do not clearly identify the precise issues they wish to be investigated despite reasonable efforts of staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the school to investigate;
- Focus on a trivial matter to an extent that it is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is 'trivial' can be subjective and careful judgement must be used in applying this criterion;
- Had an excessive number of contacts with the school in the course of addressing a registered complaint or placing unreasonable demands on staff. A contact may be in person or by telephone, letter or email and discretion must be used in determining the precise number of 'excessive contacts'. This would include repeatedly contacting the School about an issue before the School has had the chance/time to respond within the timeframe denoted in the School's Communications Protocol;

- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint. However, it must be recognised that complainants may sometimes act out of character at times of stress, anxiety or distress and reasonable allowances for this. All incidents of harassment must be documented and logged;
- Have threatened or used actual 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 pursued through written communication. All such incidents must be documented and logged;
- Known to have recorded meetings, face-to-face or telephone conversations without the prior knowledge and consent of the other parties involved; or
- Display unreasonable demands or expectations 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 usual recognised practice.

A complaint may also be considered unreasonable if the person making the complaint acts either face-to-face, by telephone or in writing or electronically in a manner which :-

- is malicious;
- is aggressive;
- uses threats, intimidation or violence;
- uses abusive, offensive or discriminatory language;
- uses falsified information;
- publishes unacceptable information in a variety of media such as in 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.

## **Options for dealing with unreasonable, repetitious or vexatious complainants**

Where complainants have been identified as being unreasonable, repetitious or vexatious in accordance with the above criteria, the Headteacher, or an appropriate member of SLT in their absence, will determine what action to take. The Headteacher will implement such action and will notify complainants in writing of the reasons why they have been classified as an unreasonable, repetitious or vexatious complainant and the action to be taken.

This notification may be copied for information of others already involved with the complaint. A record must be kept, for future reference, of the reasons why a complainant has been classified as unreasonable, repetitious or vexatious.

The Headteacher may decide to deal with unreasonable, repetitious or vexatious complaints in one or more of the following ways:

- Try to resolve matters, before invoking this procedure, by drawing up a signed agreement or communication protocol with the complainant, which sets out a code of behaviour for the parties involved if the school is to process the complaint. If these terms are contravened, consideration would then be given to implementing other actions as indicated in this section;
- Once it is clear that the complainants meet any one of the criteria above, they should be informed in writing that they may be classed as unreasonable, repetitious or vexatious complainants, the policy should be copied to them and they should be advised to take account of the criteria in any further dealings with the school. In some cases, it may be appropriate, at this point, to suggest that complainants seek advice in processing their complaint, such as through an advocacy service;
- Decline any contact with the complainants either in person, by telephone, by email, by letter or any combination of these, provided that one form of contact is maintained or alternatively to restrict contact to liaison through a third party (whilst ensuring that avenues for raising safeguarding concerns remain fully open);
- Notify the complainant in writing that the school has responded fully to the points raised and has tried to resolve the complaint. However, there is nothing more to add and continuing contact will serve no useful purpose. The complainants should also be notified that correspondence is at an end and that further letters received will be acknowledged but not answered;
- Inform the complainants that in extreme circumstances the school reserves the right to pass unreasonable or vexatious complainants to the school's solicitors, or to the police, if physical violence is threatened; or
- Temporarily suspend all contact with the complainants or investigation of a complaint whilst seeking legal advice or guidance from the local authority, or other relevant agencies.

## **Withdrawing ‘Unreasonable, Repetitious or Vexatious’ Status**

Once complainants have been determined as ‘unreasonable, repetitious or vexatious’, there needs to be a mechanism for withdrawing this status at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further complaint for which normal complaints procedures would appear appropriate. Each complaint must be reviewed objectively and assessed on merit and the unreasonable, repetitious or vexatious status would usually be reviewed after 6 months.

Staff should previously have used discretion in recommending ‘unreasonable, repetitious or vexatious’ status at the outset and discretion should similarly be used in recommending that this status be withdrawn when appropriate. Where this appears to be the case, discussion will be held with the Headteacher, or their deputy. Subject to their approval, normal contact with the complainant and application of the school’s complaints procedures will then be resumed.

## **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Rickmansworth School will therefore act to ensure that the School remains a safe place for students, staff and other members of the community.

If a parent’s behaviour is a cause for concern, they will be asked to leave the School grounds. In serious cases, the Headteacher or Chair of Governors will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The parent will have the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed by the Headteacher, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to appeal about being barred can do so, by letter or email, to the Chair of Governors. Once the School’s own complaints procedure has been exhausted with respect to barring, independent legal advice should be sought by the barred individual.