

Vexatious Complaints Policy

Ffederasiwn Ysgolion **Llanidloes** Schools Federation



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1. What is a Vexatious Complaint?

1.1 In exceptional circumstances - for example, in the case of repetitive complaints raising the same issue, or cases motivated by ill will - complaints may be treated as vexatious.

1.2 The term vexatious is recognised in law and means '*denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant.*

1.3 Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where previous or current contact with them shows that they meet two or more of the following criteria:

- Persist in pursuing a complaint where the Complaints Procedure has been fully and properly implemented and exhausted;
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. **Care must be taken, however, not to disregard new issues which are so significantly different from the original complaint as they need to be addressed as separate complaints;**
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of 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;
- Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts from the school to help them specify their concerns, and/or where the concerns identified are not within the remit of the school to investigate;
- Regularly 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 a trivial matter is can be subjective, and careful judgement will be used in applying the criteria;
- 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, in the course of addressing a registered complaint, had an excessive number of contacts with the school – placing unreasonable demands on staff. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter or email. Discretion will be in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case;
- 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 or telephone conversations without the prior knowledge and consent of other parties involved;
- Make unreasonable demands on the complainant or complainant relationships 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 school Complaints Procedure or normal recognised practice;
- Have often threatened legal action or “going to the press”. In these situations, close co-ordination and regular strategy meetings are vital, involving support from a legal representative and the Powys Communications Team where applicable.

2 Dealing with Vexatious Complainants

2.1 Before deciding to categorise a complainant as vexatious the relevant Headteacher should be satisfied that:

- the complaint is being or has been investigated properly
- any decision reached on it is the right one

2.2 If the Headteacher is satisfied on these points they should consider whether any further action is necessary before deciding to designate a complainant as vexatious.

2.3 Examples of any further action might be:

- If no meeting has taken place between the complainant and a member of staff, and provided that the school knows nothing about the complainant which would make this unadvisable, consider offering the complainant a meeting with a member of staff of the appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution;
- If more than one member of staff is being contacted by a complainant, consideration should be given to setting up a strategy meeting to agree a joint approach; and designating a key officer to coordinate the school’s response(s);
- If the complainant has special needs, an advocate might be helpful to both parties; consideration should be given to offering to help the complainant find an advocate who is clearly independent of the school.

2.4 When complaints have been identified as vexatious in accordance with the criteria set out in Section 1.1 above, the relevant Headteacher will determine what action to take in consultation with the Chair of the Governing Body.

2.5 If sanctions are applied, the complainant will be advised by the Chair of the Governing Body, or the Headteacher, in writing, of the reasons why their complaint has been classified as vexatious and the action that will be taken.

2.6 A record will be kept for future reference of the reasons why a complaint has been classified as vexatious.

2.7 The Chair of the Governing Body or Headteacher may decide to deal with vexatious complaints in one or more of the following ways:

a. In a letter, setting out a code of commitment and responsibilities for the parties involved if the school is to continue processing the complaint. If the terms are contravened, consideration will then be given to implementing other actions as indicated below:

- Placing time limits on telephone conversations and personal contacts;
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning or afternoon of any week);
- Limiting the complainant to one medium of contact (telephone, letter, e-mail etc.);
- Requiring the complainant to communicate only with a named employee;
- If a complainant is currently going through the school Complaints Procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed;
- Requiring any personal contacts to take place in the presence of a witness;
- Banning a complainant from some or all of the school's premises;
- Involving the police in cases where we believe that the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave school premises.

b. Notify the complainant, in writing, that the school has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and continuing contact on the matter will serve no useful purpose.

The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a vexatious complainant and as such the school does not intend to engage in further correspondence dealing with the complaint.

c. Inform the complainant that in extreme circumstances the school reserves the right to seek legal advice on vexatious complaints.

2.8 If at any time during the complaint procedure it becomes evident that the complainant will remain dissatisfied with the school's response and, in the opinion of the Headteacher and Chair of the Governing Body, nothing is to be gained by continual

investigation or re-investigation of the complaint, then the complainant should be advised:

- to take their complaint to the Local Authority;
- to seek independent legal advice if they think they may be able to seek a remedy through the courts;
- that there is no merit in taking the investigation of their complaint forward and that the matter is closed. No further correspondence will be entered into unless a fresh complaint that is not related to one that has been through the procedure (or could not have been raised with the original complaint) is raised.

3 Reviews and Appeals

3.1 The decision to enforce restrictions will be reviewed no later than six months from the date upon which they became effective.

3.2 If restrictions imposed upon a person previously categorised as vexatious are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision recommences.

3.3 A complainant can appeal a decision to restrict contact. A senior member of staff or governor who was not involved in the original decision may consider the appeal. They will advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

3.4 If the complainant is unhappy with this decision, they can appeal to the Local Authority.