



St. James' Church of England Primary School

'Building One Faith, One Family, Our Future'

Vexatious Complainants Policy

Written by SLT - Summer 2025
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Foundation, Vision and Intent

St James' Lower Darwen

Church of England Primary School



"Building One Faith, One Family, Our Future."

"We offer a holistic curriculum that champions our community and is aspirational."

PERSONAL DEVELOPMENT

through

ENRICHMENT

THE NATIONAL CURRICULUM

SKATS

FORGIVENESS

COMPASSION

LOVE

TRUTH

JUSTICE

Jeremiah 29:11

John 10:10

For I know the plans I have for you,
declares the Lord, plans to prosper you
and not to harm you, plans to give you
hope and a future.

Jeremiah 29:11

John 10:10

*I came that they may have life, and may
have it abundantly.*

We want our children to know that **God has a plan for them** that means **they live their best life possible**.

Each **policy** and procedure within school, alongside the ongoing **curriculum** delivery, our **SKATS** programme, **enrichment** and the **spiritual development** offered to our families through Worship, RE and our links with Church, work towards making this happen.

INTRODUCTION

St James' CE Primary is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. All staff deal with specific complaints as part of their day-to-day management of the school in accordance with the school's complaints procedure. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children and/or staff in the school. In these exceptional circumstances, the school may take action in accordance with this policy.

This policy applies to all complainants, and identifies situations where the complainant(s), either individually or as part of a group, might be considered to be 'unreasonable, vexatious, abusive, persistent or habitual', and outlines ways of responding to these situations. In this policy the term habitual means 'done constantly or as a habit'. The term vexatious is recognised in law and denotes an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests place disproportionate and/or repeated demands on the school staff and/or governors by their pursuit of an unreasonable course of conduct.

In addition to anyone raising a matter under the school's complaints process, the term complainant in this policy may also include anyone making a request under the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004, and reference to the complaints procedure is, where relevant, to be interpreted as including requests made under those Acts.

Persistent, habitual, abusive, unreasonable and/or vexatious complainants can be a problem for school staff and governors. The difficulty in handling such complainants can place a strain on time and resources. While the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

AIMS OF THIS POLICY

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school 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 school, including governors and parents/carers
- 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.

SCOPE OF POLICY

The school will take all reasonable measures to try to resolve complaints under the school's complaints procedures, but in a minority of cases complainants behave or pursue their case in ways that impede the investigation of their complaint and/or which present significant implications for the school (in terms of resources, staff wellbeing, etc). It is not necessary for a complaint to have progressed through all the stages of the complaints policy before this policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential unreasonable, vexatious, abusive, persistent or habitual complainants and in deciding on the appropriate action to be taken in a case.

EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

School staff are not expected or required to tolerate unacceptable behaviour by complainants or by members of the school/wider community. The school expects parents/carers/members of the public who wish to raise problems with the school to:

- treat all school staff with courtesy and respect
- respect the needs and well-being of pupils, governors and staff in the school
- avoid any use, or threatened use, of violence to people or property
- avoid any aggression or verbal abuse
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond
- recognise that resolving a specific problem can often take some time
- (in the case of a complaint) follow the school's complaints procedure

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

UNACCEPTABLE BEHAVIOUR

Unacceptable behaviour includes behaviour which is abusive, offensive, threatening or harassing, and may include:

- using or threatening any physical violence towards staff at any time and/or using language that implies threats
- acting in a way that is deliberately damaging to the school, its staff or staff wellbeing.
- using abusive or harassing language or being verbally aggressive towards school staff. (All instances of harassment, abusive and/or aggressive behaviour will be documented).
- focusing over a significant period of time on one or more members of school staff
- causing ongoing distress to individual member(s) of school staff or acting in a way which has a significant adverse effect on the whole/parts of the school community
- pursuing a course of conduct which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, while not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health
- unnecessarily taking up an inordinate amount of staff time, detracting from staff members' ability to undertake legitimate school business
- recording meetings or telephone conversations with members of the school community and/or circulating such records to third parties without the prior knowledge and consent of all other parties involved

The school will take action to protect staff from such behaviour under relevant school policies (including this one) and may also seek appropriate legal advice as necessary.

DEFINITIONS

Vexatious/Unreasonable/Abusive Complainant

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be unreasonable, vexatious or abusive complainant if previous or current contact with them shows that they may meet any or all of the following criteria.

Such complainants may:

- refuse to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuse to cooperate with the complaints' investigation process

- continue to seek to pursue a complaint where the concerns identified are not within the scope of the complaints procedure and/or the remit of the governing body to investigate
- change the substance of a complaint as the investigation proceeds or seek to raise new/additional issues or prolong the course of the investigation by 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 might need to be addressed as separate complaints)
- be unwilling to accept documented evidence of action
- deny receiving an adequate response in spite of correspondence specifically answering their questions
- focus on a trivial matter to an extent 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 judgements must be used in applying this criterion)
- hinder consideration of their complaint because of the frequency or nature of their contact with the school, placing unreasonable demands on staff time. Such contact may be in person or by telephone, letter/email or electronic means. (Discretion will be used to determine when the nature or frequency of the contact is excessive, using judgement based on the specific circumstances of each individual case)
- make unjustified complaints about staff trying to deal with the matter/the person investigating the complaint, seeking to have them replaced
- insist on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters
- insist on the complaint being dealt with in ways which are unreasonable, incompatible with the complaints procedure or with good practice (and refuse to accept that they are unreasonable) – for example, insisting on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice
- be unwilling to accept that the governing body has reached a final decision on a chosen course of action
- refuse to accept the findings of the investigation into the complaint and the final decision made, where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education (DfE)

A complaint may also be considered abusive or unreasonable if the person making the complaint does so, whether face to face, by telephone, in writing or electronically (Arbor, Class dojo, email, etc)

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false

- Using falsified information
- Whilst also publishing unacceptable information in a variety of media (including social media websites and newspapers).

Habitual/Persistent Complainant

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

Such a complainant's behaviour may be characterised by:

- actions which are persistent, prolific and/or repetitious
- excessive demands on school time by frequent, lengthy and/or complicated correspondence and/or contact with staff in person, by telephone, in writing or electronically (email, Arbor, class dojos etc) about a concern or complaint while the matter is being dealt with.
- excessive and/or unreasonable Freedom of Information requests
- introducing trivial or irrelevant information which the complainant expects to be taken into account and commented upon
- raising a large number of detailed but unimportant questions insisting that they are answered fully, often immediately and to their own timescales
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner
- seeking to have a complaint reconsidered (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school or because it is unlawful.

IMPOSING RESTRICTIONS

Whenever possible and if appropriate, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally explaining why their behaviour is causing concern and asking them to change it. This may be done by telephone, writing or email.

If the behaviour continues, the Headteacher/Chair of Governors will normally issue a warning to the complainant explaining that their behaviour is causing concern and asking them to change it (although more urgent action may be taken under this policy if it is considered appropriate – see below). This letter may explain the actions that the school can take under this policy if the behaviour does not change.

If the disruptive behaviour continues, the decision to invoke the policy may be made in consultation with a panel of 3 governors. In an emergency the Chair of Governors or, if unavailable, the Vice-Chair may give authorisation pending ratification by the panel of 3 governors. (A decision to invoke this policy must be reported to the full governing body). No individual may undertake a role in authorisation in this procedure if he/she has had an involvement with the complaint.

Restrictions will be appropriate to the circumstances of the individual(s) concerned and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/Councillor/friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all school employees or Governors and/or using digital platforms and only permitting the complainant to communicate with school by letter
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that we will not reply or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)

If appropriate, a complainant may also be barred from entering the school premises or only permitted to access specific building by prior appointment (see Appendix A for full details)

Where restrictions are applied to a complainant, the Head Teacher will send a letter (on behalf of the Governors) confirming

- Why the decision has been taken
- The specific restrictions the school is imposing
- The duration of these restrictions
- The review process under this policy, and
- The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as an unreasonable/vexatious/persistent complainant.

(A copy of this policy will be enclosed with the letter)

If the complainant continues to behave in a way that is unacceptable, the Head Teacher in consultation with the Governors Panel may decide that it is necessary to cease all contact with the complainant (and stop any investigation into their complaints). In cases of extreme behaviour or threats to the immediate

safety and welfare of staff, the school may report the matter to the police and/or take legal action, without prior warning to the complainant.

REVIEWING RESTRICTIONS AND OTHER ACTIONS

Where restrictions have been imposed under this policy, they will be reviewed by the Headteacher after three months and at the end of every three months within the period during which the restrictions are applied. (School holidays are excluded from the calculation of these time periods).

The complainant will be informed of the result of the review.

A record will be retained of the name and address of any complainant to whom this policy is applied, along with details of the restrictions applied, when they came into force and when they were ended.

Appendix A – Barring from the school premises

The following information applies to anyone who behaves in an inappropriate manner (as set out below) irrespective of whether they are also a complainant.

Schools are private places and general visitors/members of the public have no automatic right of entry. Parents of current pupils do have an implied licence to enter school premises, but that licence may be revoked by the school where necessary on behalf of pupils, staff and other members of the community.

To maintain a peaceful and safe school environment the school cannot tolerate parents, carers and visitors who:

- Behave in a disruptive manner which interferes or threatens to interfere with the operation of a classroom, an employer's office, office area or any other area of the school grounds including team matches
- Use loud / or offensive language, swearing, cursing, using profane language or displaying temper
- Threaten to do actual bodily harm to a members of school staff, Governor, visitor, fellow parent / guardian or student regardless of whether or not the behaviour constitutes a criminal offence.
- Damage or destroying school property
- Transmit abusive or threatening messages to a members of school staff / Governor / fellow parent / guardian or student via e-mails or text / voicemail / phone messages or any other form of written communication.
- Make defamatory, offensive or derogatory comments regarding the school or any of the students / parents / staff at the school via social media. Any concerns a person has about the school must be raised with us in accordance with the

school's complaints policy, so they can be dealt with fairly, appropriately and effectively for all concerned.

- Smoke on the school premises or consume alcohol or take drugs whilst on school property.
- Act in a manner, which is deemed inappropriate, and a result of inebriation or intoxication.

Should any of the above behaviour occur on school premises parents, carers or visitors will be asked to leave the premises.

The Headteacher and/or Governors will then decide whether the parent/carer's implied licence to be on school premises should be revoked. Where possible, the Headteacher/Governors will give the parent/carer the opportunity to formally express their views on the decision to bar in writing before making the decision. In urgent cases, the implied licence may be immediately revoked and a temporary bar imposed, subject to any representations that the parent/carer may wish to make. In such cases, the decision to bar will then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted.

If the decision is confirmed the parent/carer will be notified in writing, explaining how long the bar will be in place.

Any parent/carer wishing to complain about being barred from school premises can do so, by letter or email, to the Headteacher/Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the courts. The school cannot advise or discuss this with a parent/carer who can seek independent legal advice instead.