

# **Willow Bank Infant School**

## **Policy for Managing Serial and Unreasonable Complaints**

<b>Approved by</b>	<b>School Development</b>
<b>Review Period</b>	<b>Four Yearly</b>
<b>Approved</b>	<b>January 2021</b>
<b>Next Review</b>	<b>January 2025</b>

Previously called "Habitual and Vexatious Complaints Policy"

## **MODEL POLICY FOR MANAGING SERIAL AND UNREASONABLE COMPLAINTS**

### **Introduction**

We are 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 our school. However, 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.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 co-operate with the complaints investigation process.
- refuses to accept that certain issues are not within the scope of the complaints procedure.
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- introduces trivial or irrelevant information which they expect to be taken into account and commented on.
- 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- seeks an unrealistic outcome.
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- make unreasonable demands 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.
- are known to have recorded meetings or telephone conversations or circulated such records to third parties without the prior knowledge and consent of other parties involved.
- uses threats to intimidate.
- uses abusive, offensive or discriminatory language or violence.
- knowingly provides falsified information.
- publishes unacceptable information on social media or other public forums.

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.

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.

### **Strategy for Dealing with an ‘unreasonable’ complainant.**

Where complainants actions have been identified as ‘unreasonable’ under the scope of this policy, taking account of the above criteria, the head teacher and Chair of Governors or if unavailable the Vice Chair of Governors will determine what action to take. The Clerk will implement such action and will notify complainants, in writing, of the reasons why their actions have been classified as ‘unreasonable’ and what action will be taken. They will also be notified of the review procedure.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. LA officers, staff, Members of Parliament, Members of WBC. A record must be kept, for future reference, of the reasons why a complainant has been classified as “unreasonable”.

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

- (a) 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.
- (b) To restrict contact to liaison through a designated member of staff.
- (c) 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.
- (d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing body shall not, without the consent of the LA, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

Such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. 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.

A panel of three governors should review their decisions every six months.

The panel on review may either withdraw the categorisation of a person’s actions as an ‘unreasonable’ or amend the strategy being applied to that person.

If the panel considers it appropriate to withdraw the marking of 'unreasonable', normal contact with the complainant and application of the school's complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.

Copies of all decisions relating to the marking of a person as an 'unreasonable' complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

Statistical information will be presented annually to the Governing Body with details of complainants who are categorised as serial, persistent or 'unreasonable'.

### **General**

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

The school processes any personal data collected during this process in accordance with its data protection policy. Further details can be found in the Privacy Notice on the school's website. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the complaints procedure.