



Cheshire Academies Trust  
*Inspiring hearts and minds*

# **Policy for Managing Serial and Vexatious Complaints and for Managing Unreasonable and Persistent Contact**

Next Update: Autumn 2023

Cheshire Academies Trust ("the Trust") is committed to dealing with all complaints impartially and fairly and to providing a high quality service to those who complain. The Trust's Complaints Policy can be accessed via the link below.

<http://cheshireacademiestrust.co.uk/page/statutory-policies/13921>

The Trust will not normally limit the contact complainants have with the academies in the Trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including behaviour which is abusive, offensive or threatening.

This policy also covers unreasonable or persistent contact not directly associated with, or resulting from, formal complaints. All complaints will be dealt with in accordance with the Trust's Complaints Policy.

### **Vexatious Complaints**

The Trust defines vexatious behaviour as that which hinders consideration of complaints due to the frequency or nature of the complainant's contact with the academy, such as, if the complainant:

- refuses to articulate the nature of their complaint or specify the grounds of their complaint or the outcomes sought, despite offers of assistance
- refuses to co-operate with the Trust's complaints process as set out in the Trust's Complaints Policy
- refuses to accept that certain issues are not within the scope of the Trust's complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the Trust's complaints procedure, as set out in the Trust's Complaints Policy, or with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed but questions over time, insisting that they are fully answered often immediately and to their own timescales, often which are not necessarily related to the original concern or complaint.
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have those staff replaced or for their child(ren) to work with alternative staff members
- changes the basis or substance 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 the complaint where the Trust's Complaints Procedure has been fully and properly implemented and completed
- seeks an unrealistic outcome
- makes excessive demands on academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone whilst the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information or makes false/unsubstantiated accusations
- publishes unacceptable information on social media or other public forums
- is known to have secretly recorded meetings or conversations without the consent of the other parties involved
- sets unreasonable response deadlines and fails to accept that these may be unreasonable

Complainants should try to limit their communication with the academy to that which relates to their complaint whilst the complaint is being progressed. It is unhelpful if repeated correspondence is sent (by letter, phone, email, text), as it could delay the outcome of the complaint.

Wherever possible, the Headteacher or Chair of the Local Governing Board will discuss any concerns with the complainant informally before applying a "vexatious" marking in accordance with this policy.

### **Unreasonable or Persistent Contact**

The Trust defines unreasonable or persistent contact as contact with the academy which:

- raises large numbers of detailed questions, insisting that they are fully answered often immediately and to their own timescales, often which are not necessarily related to the original concern or complaint.
- makes unjustified comments about staff, and seeks to have those staff replaced or for their child(ren) to work with alternative staff members
- repeatedly asks the same questions/raises the same issues, despite having received a response to those questions/issues on previous occasions
- seeks an unrealistic response to questions or issues raised that school does not have the capacity to provide
- makes excessive demands on academy time by frequent, lengthy and complicated contact with staff in person, in writing, by email and by telephone
- uses threats to intimidate
- uses abusive, offensive, or discriminatory language or violence
- knowingly provides falsified information or makes false or unsubstantiated accusations
- publishes unacceptable or offensive information on social media or other public forums that might relate to individual staff members
- is known to have secretly recorded meetings or conversations without the consent of the other parties involved
- sets unreasonable response deadlines and fails to accept that these may be unreasonable

**In the case of a serial and vexatious complaint or of unreasonable or persistent contact,** if the behaviour continues, the Chair of the Local Governing Board will write to the complainant/individual explaining that their behaviour is vexatious/unreasonable and ask them to change it. The complainant/individual will be advised that if their behaviour does not change, the Trust will deem the complaint serial or vexatious/their contact persistent or unreasonable, in accordance with this policy, and that a person's right to communicate with the academy will be restricted (**Stage 1**). The following restrictions will be put in place if the behaviour continues (**Stage 2**):

- email contact via a specific email address only or communication in writing only
- meetings with two members of staff
- calls to a specific person
- no requirement to acknowledge letters, emails, texts, phone messages etc

As long as parents/carers still receive necessary information about the child, in accordance with The Education (Pupil Information) (England) Regulations 2005, the other restrictions are within the academy's discretion. If the communication becomes threatening or harassing, then police involvement/action under the Protection from Harassment Act 1997, would have to be considered.

For complainants/individuals who excessively contact the academy causing a significant level of disruption, the academy may specify methods of communication (as set out above) and limit the number of contacts in a communication plan. This will be reviewed after 6 months.

In response to any serious incident of aggression or violence, the academy will immediately inform the police and communicate the action taken in writing. This may include barring an individual from the academy specified.