



<b>Policy:</b>	Unreasonable Behaviour and Vexatious Complaints
<b>Owner:</b>	
<b>Approval Date:</b>	February 2022
<b>Review Frequency:</b>	2 years
<b>Review Date:</b>	February 2024
<b>Signed:</b>	
<b>Notes:</b>	Human Rights In implementing this policy, the school will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it, in order to protect the Human Rights of both persistent complainants and all other stakeholders.

*As a Rights Respecting School we recognise Article 5 'parental guidance and a child's evolving capacities' and Article 18 'parental responsibilities and state assistance' from the UN Convention of the Rights of the Child.*

The Headteacher and Governing Body are fully committed to the improvement of our School. They welcome feedback from parents/carers and the local community and will always try to resolve any concerns as quickly as possible. The procedure for people to use if they wish to make a formal complaint is detailed in our complaints policy.

However, anyone pursuing complaints or other issues, must do so in an acceptable and constructive manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community and nor will we accept behaviour which amounts to persistent and vexatious complaints.

## **Vexatious Complaints**

Vexatious complaints may include:

- continuing to pursue complaints which have been fully processed under the school's complaints procedures;
- making excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- Regularly raising complaints which are spurious;
- Regular and continued communication with an individual or individuals within the school regarding unjustified complaints, such as those without a reasonable time period.

## **Unreasonable Behaviour**

A parent's behaviour may be regarded as unreasonable in any facet of their interaction with school staff. In the case of parental behaviour when making a complaint, their behaviour will be deemed to be unreasonable when they:-



- 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 co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuse to accept that certain issues are not within the scope of a complaints procedure;
- insist on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with best practice;
- introduce trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- make unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- change the basis of the complaint as the investigation proceeds;
- refuse 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;
- seek an unrealistic outcome;

At any time, a parent's behaviour will be deemed to be unreasonable if it:

- is malicious, aggressive, personally harassing, or likely to cause personal distress;
- includes the use of abusive, offensive or discriminatory language;
- includes the use of falsified information;
- appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- is focussed on causing distress to a targeted individual or individuals rather than to bring about a resolution;
- is pursued in such a way as to cause undue distress to school staff or others;
- includes the use of any media to disseminate unacceptable views or information;
- is such that it has an adverse effect on the school community.



## **Expected Reasonable Behaviour**

The school expects anyone who wishes to raise concerns with the school to:

- follow the school's complaints procedure;
- treat all members of the school community with courtesy and respect, both in their actions and in written and spoken words;
- respect the needs of pupils and staff within the school;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- to engage/meet with the school in a reasonable manner in order to resolve the complaint in a satisfactory way for all and in a timely fashion.
- Limit the number of communications with the school whilst a complaint is being progressed.

### Schools' Responses to Unreasonable Behaviour and/or Vexatious Complaints

In cases of unreasonable behaviour and/or vexatious complaints, the school may take some or all of the following steps:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonable Behaviour And Vexatious Complaints Policy;
- require any meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- specify methods by which the parent will be required to communicate with the school;
- specify individuals within the school through which all communication must be conducted;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a third party chosen by the school, for example the Local Authority or County Solicitor;
- inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only;
- prosecute under Anti-Harassment legislation.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to actions under this policy document. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.



## **Physical or Verbal Aggression**

The Governing Body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

## **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can 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.

Schools should always give the parent the opportunity to express their written views on the decision to bar. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or 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; independent legal advice must therefore be sought.