

Policy	**Serial and Persistent Complaints**		
Date for Review	October 2028	**Schedule**	Every 3 Years
Date agreed by staff	October 2025	**Date agreed by GB**	October 2025

Introduction

This policy is designed to support schools when the Complaints Policy does not meet the needs of the school because the complainant that they are dealing with is **unreasonable/abusive and persistent.**

This policy applies to all complainants, either individually or as part of a group who might be considered to be 'habitual, unreasonably persistent or vexatious'.

The term 'complainant' in this policy includes those who make requests under the Freedom of Information Act 2000, the GDPR and the Data Protection Act 2018. Reference to the complaints procedure relates, where relevant, to requests under those Acts.

Waterside & King's Oak Schools are committed to always responding positively to anyone who contacts us with a complaint/concern or a request for information.

However, there will be occasions when despite all the stages of the complaints procedure having been followed the complainant remains dissatisfied. This may include them trying to reissue the same complaint/concern which had been finished; the school will remind the complainant that the process was completed in line with the policy and is now closed.

If they persist the individual school will view the correspondence as serial or persistent; the school may choose to not respond. **The school will only take this action when Stage 2 of the complaints policy has been completed.**

The school will not designate the complainant as serial or persistent for exercising their right to refer their complaint to their MP etc. regardless of which stage the complaint has reached.

The Office of the Independent Adjudicator; (http://www.oiahe.org.uk/about-us/policies/policy-on-frivolous-or vexatious-complaints.aspx) defines the characteristics of a frivolous or vexatious complaint as;

- Complaints which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious complaints and or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value

If the complainant presents further correspondence or complaints which are on a different matter these should be managed through the complaints policy. The application of a serial or persistent designation is regarding the complaint not the complainant.

1. INTRODUCTION

The Executive Headteacher, Head of School and 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 wellbeing of staff, children and parents in the school community. In these exceptional circumstances the school may take action in accordance with this policy.

2. AIMS OF THE 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;
- Deal fairly with those who make persistent or vexatious complaints and those who harass members of staff in school.
- Waterside & King's Oak Schools are committed to dealing with complaints fairly and impartially and providing a high quality and transparent process to anyone

who wishes to raise a complaint or concern. However we do not expect our staff to tolerate unacceptable behaviour and take action to protect our staff from that behaviour, including that which is abusive, offensive or threatening.

3. PARENTS EXPECTATIONS OF THE SCHOOL

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school can expect the school to:

- Communicate to parents/carers in writing:
  - how and when problems can be raised with the school;
  - the existence of the school's complaints procedure, and
  - the existence of this guidance;
- Respond within a reasonable time;
- Be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint;
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the school's Complaints Procedure and other relevant policies.
- Keep complainants informed of progress towards a resolution of the issues raised.

4. THE SCHOOL'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC

The school can expect 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 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 sometimes take some time;
- And in the case of a complaint, follow the School's Complaints Procedure.

5. WHO IS A PERSISTENT COMPLAINANT?

A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable.

Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with a specific member of staff on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed.

Harassment is the unreasonable pursuit of such actions as in a way that they:

- Appear to be targeted over a significant period of time on one or more members of school staff and/or
- Cause ongoing distress to individual member(s) of school staff and/or
- Have a significant adverse effect on the whole/parts of the school community including individuals
- Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

Unreasonable behaviour is behaviour which hinders consideration of complaints because of the frequency and/or nature of the complainant's contact with the school for example;

- 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 cooperate 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 or irrelevant 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 in the process.
- 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.
- 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.

6. THE SCHOOL'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

6.1 In the first instance the school will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken. Whenever possible, the Executive Headteacher, Head of School or Chair of Governors will discuss any concerns with the complainant informally they decide to apply an 'unreasonable' designation.

6.2 This will be confirmed in writing (Model Letter 1).

6.3 If the behaviour is not modified the school may take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- Inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this guidance (see Model Letter 2);
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see Model Letter 2);
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only (see Model Letter 2);
- In the case of physical, or verbal aggression take advice from RBG Legal Services and consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban;
- Consider taking advice from RBG Legal Services on pursuing a case under Anti-Harassment legislation;
- For complainants who excessively contact either Waterside or King's Oak causing a significant level of disruption, the school specify methods of communication and limit the number of contacts in a communication plan. We will consider taking advice from RBG Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the governing board of the school, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Executive/ Headteacher accordingly.

6.4 If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from RBG Legal Services of the LA.

6.5 In response to any serious incident of aggression or violence, the school will immediately inform the police and communicate our actions in writing. This may include barring an individual from either Waterside or King's Oak.

7. REVIEW

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

This policy has been drafted in accordance with the Guidance issued by the Department for Education entitled 'Advice on School Security' issued in December 2012.

If you do not agree with a decision and you wish to further challenge the decision you will need to consider seeking your own independent legal advice.

MODEL LETTER 1: RECORDED DELIVERY

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

Dear

This letter is to inform you that the school considers your actions in [describe actions, dates, behaviour] on ..... when you ..... to be unreasonable/unacceptable [delete as appropriate].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to pupils, staff and parents/carers [delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the School's Complaints Procedure.

At the moment we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the School. This includes [select from list below or from within the policy]:

• Treating others with courtesy and respect;
• Resolving complaints using the School's Complaints Procedure;
• Not pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
• Not behaving obsessively, persistently, harassing or repetitious
• Not behaving in an unreasonable manner
• Not insisting in pursuing a complaint when the outcome is not satisfactory to the complainant

The Policy also indicates the steps that we may take if these standards are breached. These include:

• Making special arrangements for meetings and communication with the school;
• Considering a ban from the school premises;
• Considering legal action.

I would ask that you allow school time to resolve the issues according to the correct procedures, and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

Executive Headteacher

MODEL LETTER 2: RECORDED DELIVERY

INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/ HARASSMENT

Dear

You will recall that I wrote to you on [insert date] telling you that I felt your behaviour was unreasonable. I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the School's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply from the date of this letter.

In the circumstances I have made the following arrangements for your future contact with the school:

[*Delete A or B as applicable]

*A For the foreseeable future, should you wish to meet with any member of staff, I would ask you to note:

(a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to ……. at the school address.
(b) an appointment will be arranged and confirmed in writing as soon as possible;
(c) a third party from the school will be present;
(d) in the interests of all parties, formal notes of this meeting may be made.

*B For the foreseeable future, all meetings arising from any written communication with the school will not be conducted by a member of staff, but will be conducted by …… representing the school. I would ask you to note:

(a) all routine communication, including any request for a meeting between you and the school, will be by letter only. Letters from you need to be addressed to …… at the school address.
(b) an appointment will be arranged and confirmed in writing as soon as possible;
(c) a third party will be present;
(d) in the interests of all parties, formal notes of this meeting may be made.

These arrangements do not apply to any emergency involving [insert name of pupil] – in which case you should contact the school in the usual way.

While these arrangements are in place, with respect to normal access to information available on parents' evenings, this will be provided in a summary written report.

These arrangements take effect straightaway.
If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances that you are prepared to give about your future good conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter].

If on receipt of your comments I consider that the arrangements outlined above should continue, they will be reviewed after a period of [3/6 months].

I hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

Executive Headteacher