



The Cornovii Trust

Vexatious or Persistent Complaints Policy

Effective from 8th November 2023

**The Trustees of The Cornovii Trust (TCT) adopted this policy on:
7th November 2023**

Shared with TCT Local Governing Boards

Chair of TCT Trustees: Janet Furber

Vexatious or persistent complaints Policy

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1. INTRODUCTION

- 1.1 The Cornovii Trust welcomes the opportunity to hear from Parents/Carers and others when services are appreciated, but also wants to know when things go wrong. We are committed to dealing with complaints and provide a high-quality service to those who make them. (See our Complaints Procedure). As part of this service, the trust's schools do not normally limit the contact that parents/carers have with its staff. However, a very small minority of parents/carers make complaints that are vexatious or unreasonably persistent in order to make life difficult for a school/trust rather than genuinely to resolve a grievance.

Examples include:

- Making excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- Expecting immediate responses or resolutions to communication (staff do have teaching commitments and we have a 48 hour 'turnaround' time)
- Being abusive to staff,
- Refusing to accept the decision - repeatedly arguing the point and complaining about the decision

Dealing with Persistent and Unreasonable Requests

Although the policy is written in the context of dealing with vexatious or unreasonable persistent complaints it also provides a framework to be used when concerns relating to persistent and unreasonable requests are brought to the attention of a school/the trust (please refer to Appendix B).

- 1.2 This policy addresses these issues and covers parents/carers who make enquiries as well as complaints. The trust does, however, recognise its duties under the Freedom of Information Act, the Data Protection Act and related legislation, to provide information to requesters.
- 1.3 This policy applies to trust staff and school governors, However, it should be made clear that, where a school/the trust decides to invoke the policy, this does not automatically apply to a member of staff's involvement in a particular case. Staff, however, reserve the right to follow the policy in line with the action taken by a school/the trust. Staff also have the right to ask for the policy to be invoked, irrespective of whether the school/the trust has applied the policy (please refer to section 5).

2. PURPOSE OF THE POLICY

- 2.1 To make it clear to all complainants, both at initial contact and throughout their dealings with the school/trust, what the school/trust can or cannot do in relation to their complaint, in accordance with the trust's Complaints Procedure. In doing so, the school/trust aims to be open and not raise hopes or expectations that it cannot meet.
- 2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. The trust believes that all parents/carers, employees and staff have the right to be heard, understood and respected.

2.3 To provide a service that is accessible to all complainants. However, we retain the right, where we consider complainant's actions to be unacceptable, to restrict or change access to our service.

2.4 To give the school/trust a framework to implement and take appropriate action against those parents/carers who are deemed to be raising vexatious complaints or are being unreasonably persistent in raising complaints.

3. DEFINING UNACCEPTABLE ACTIONS BY COMPLAINANTS

3.1 The office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

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

3.2 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to a school. The school/trust does not view behaviour as unacceptable just because a complainant is forceful or determined. However, the actions of complainants who are angry, demanding or unreasonably persistent may result in unacceptable demands or behaviour towards trust employees. It is these actions that the school/trust considers unacceptable and aims to manage under this policy. The trust has grouped these actions under three broad headings:

3.2.1 Aggressive or Abusive Behaviour

- a. We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Quite often complainants are angered by decisions made by the school/trust. However, it is not acceptable when anger escalates into aggression directed towards school staff.
- b. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written or on social media) that may cause staff to feel afraid, threatened or abused.
- c. Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- d. Where physical violence has been used or threatened towards staff or their families or associates at any time, this will, in itself, cause personal contact to be discontinued. Thereafter, only one form of contact may be used such as correspondence in writing.

3.2.2 Unreasonable Demands

- a. Complainants may make what we consider unreasonable demands on the school/trust for example through:
 - the amount of information they seek
 - the nature and scale of service they expect
 - the number of approaches they make
 - the speed of response from school/trust they expect

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised in the complaint. A complainant could seek help with this from an advice agency.

- b. Examples of actions grouped under this heading include:
 - demanding responses within an unreasonable time-scale
 - continually making phone calls or sending letters or email
 - repeatedly changing the substance of the complaint
 - raising unrelated concerns.
- c. We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the school/trust, such as taking up an excessive amount of staff time to the disadvantage of other complainants or functions.

3.2.3 Unreasonably Persistent

- a. We recognise that some complainants will not or cannot accept that the school/trust is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue,
- b. Examples of actions grouped under this heading include:
 - persistent refusal to accept a decision made in relation to a complaint
 - persistent refusal to accept explanations relating to what the school/trust can or cannot do
 - continuing to pursue a complaint without presenting any new information.
- c. We consider the actions of persistent complainants to be unacceptable when they take up what the school/trust regards as being a disproportionate amount of time and resources.

See Appendix A for further examples.

4. **MANAGING UNACCEPTABLE ACTIONS BY COMPLAINANTS**

- 4.1 There are very few complainants whose actions the trust considers unacceptable. How the trust aims to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict complainant contact with the school/trust in order to manage the unacceptable action. The school/trust will aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our complaints procedure. We may restrict contact in person, by telephone, letter or electronically or by any combination of these. However, we try to maintain at least one form of contact.
- 4.2 The threat or use of physical violence, verbal abuse or threatening behaviour towards trust staff is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 We do not deal with correspondence (letter or electronic) that is abusive to employees. When this happens, we tell the complainant that we consider their language to be offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to

be through a third party. The Freedom of Information Act does not require the school/trust to answer vexatious requests. But the tone and language of the request may not in itself render the request vexatious. Please refer to the Freedom of Information policy on the school/trust's website for more information.

- 4.4 Trust staff will end telephone calls if the caller is considered aggressive, abusive, or offensive. The employee taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where a complainant repeatedly contacts the school/trust, sends irrelevant documents, or raises issues that have already been answered, we may decide to:
- only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from the complainant in the future
 - require the complainant to make an appointment to see a named employee before visiting the school or that the complainant contacts the school/trust in writing only
 - return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed:
 - take other action that we consider appropriate. We will, however, always tell the complainant what action we are taking and why.
- 4.6 Where a complainant continues to correspond on a wide range of issues and, this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the school's/trust's decision relating to their complaint. The complainant is told that no future contact will be accepted or interviews granted concerning this complaint. The complainant will be advised to contact the Department of Education. Any future correspondence which does arrive will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to their complaint.

5. **DECIDING TO RESTRICT COMPLAINANT CONTACT**

- 5.1 When a complainant has been deemed vexatious or unreasonably persistent, the relevant member of staff will decide on what action to take, following advice from the Headteacher/CEO. (Staff who wish to invoke the policy should seek advice from the Headteacher/CEO)

The complainant will be notified in writing outlining

- the reason is why the decision to apply the policy was taken;
- what this means for their contacts with the school/trust;
- how long any restrictions will last; and
- what the complainant can do to have the decision reviewed.

- 5.2 This notification must be copied promptly for the information of others already involved, such as senior staff, school governors, Trustees, school advisors etc. Records must be kept on file, for future reference, of the reasons why the decision has been made to classify individuals as vexatious or unreasonably persistent and the action taken. The keeping of

such records is in line with the retention schedules, as covered in the trust's Complaints Procedure, which states that the trust should retain hard copies of complaints documentation for up to 3 years only from the date of the complaint being closed. At the end of the 3-year period, the school will review the relevant case to consider whether it is necessary to retain information specifically relating to an individual classified as vexatious or unreasonably persistent.

5.3 The school/trust may decide to deal with vexatious or unreasonably persistent complaints in one or more of the following ways:

- Once it is clear that one of the criteria in section 3 (above) has been breached, it may be appropriate to inform the individual/s, in writing, that they are at risk of being classified as vexatious or unreasonably persistent. A copy of this policy should be sent to them, and they should be advised to take account of the criteria in any future dealings with the school/trust and its staff. In some cases, it may be appropriate, at this point, to copy this notification to others involved and suggest that complainants seek advice in taking their complaint further (e.g., via the Citizens Advice Bureau).
- It may be useful to hold a meeting with the complainant to find if there is a more effective way for the correspondence to be dealt with. This may bring to light an underlying, common cause for the various complaints.
- If more than one department is being contacted by an unreasonably persistent complainant, the school/trust will consider a strategy meeting to agree a cross departmental approach; and, where appropriate, designating one Senior Leader to coordinate future school's/trusts responses to the complainant.
- Any new complaints will be considered on their own merits. However, if new complaints relate to same or similar issues previously addressed, it may be appropriate for these issues not to be investigated further under the trust's complaints procedure. This should only be done with the agreement of the Headteacher/CEO and Chair of Governors or and Chair of Trustees. The complainant should be told this, and there is no need to provide any right of appeal. Subsequent complaints should then simply be noted.
- The school/trust can decline further contact either in person, by telephone, letter or electronically, or any combination of these, provided that one form of contact is maintained. Alternatively, any further contact could be restricted to liaison through a third party.
- Notify complainants in writing that the school/trust has fully responded to the points raised and has tried to resolve the issues but there is nothing more to add and continuing contact on the matter will serve no useful purpose. This notification should state that the correspondence is at an end and that further communications will be acknowledged but not answered.
- Inform complainants that in extreme circumstances the school/trust reserves the right to refer vexatious or unreasonably persistent complaints to the police.

6. **RESTRICTING CONTACT**

6.1 Any restrictions will be agreed by the Headteacher/CEO/Chair of Governors/Chair of Trustees and will be appropriate and proportionate to the nature of the complainant's contacts with the school at that time.

The following is a summary of the types of restriction which may be used:

- Placing time limits on telephone conversations and personal contacts

- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week)
- Limiting the complainant to one medium of contact (telephone, letter, e-mail etc)
- Requiring the complainant to communicate only with a named employee
- Requiring any personal contacts to take place in the presence of a witness
- Closing the investigation into a complaint
- Refusing to register and process further complaints providing the complainant with acknowledgements only of further letters, calls, or e-mails received after a particular point
- Banning a complainant from some or all of the school/s/trust's premises
- Involving the police in cases where we believe the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave school/trust premises.

7. WITHDRAWING RESTRICTION

- 7.1 Once an individual has been classified as a vexatious or unreasonably persistent complainant, there is a mechanism for withdrawing this status if, for example, a more reasonable approach is subsequently demonstrated by the complainant.
- 7.2 Staff should have already used careful judgement and discussion with the Headteacher/CEO in recommending or confirming vexatious or unreasonably persistent status and similar judgement / discussion will be necessary when recommending that such status should be withdrawn

This policy works alongside the Complaints Procedure and 'The Parents' Charter' which has been agreed by the Cheshire East Association of Headteachers.

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APPENDIX A

Some examples of vexatious and unreasonably persistent complaints

- Refusal to specify the grounds of a complaint, despite offers of assistance from TCT staff.
- Refusal to co-operate with the complaints investigation process or insistence on the complaint being dealt with in ways which are incompatible with TCT's complaints procedure.
- Making what appears to be groundless complaints about the employees dealing with the complaints or attempting to use the complaints procedure to pursue a personal vendetta against an employee or team.
- Making unnecessarily excessive demands on the time and resources of TCT staff whilst a complaint is being looked into.
- Changing the basis of the complaint as the investigation process goes on and / or denying statements he / she made at an earlier stage,
- Raising at a late stage in the process, significant new information which was in their possession when he or she first submitted a complaint.
- Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure,
- Refusal to accept that issues are not within the remit of a complaints procedure or demanding outcomes which the complaints procedure cannot in itself provide. This could include the overturning of court decisions, dismissal or criminal prosecution of staff.
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved,
- Seeking to coerce, intimidate or threaten staff or other people involved, whether by use of language, tone of voice or behaviour including body language.
- Submitting repeat complaints essentially about the same issues, which have already been addressed under the school complaints procedure.
- Persistence in contacting the school and demanding responses or action long after the school/trust has closed the enquiry / investigation into a complaint and all rights of review and appeal have been exhausted.
- Making abusive, threatening or derogatory remarks about the trust/school/staff either face to face, over the phone, in writing or through social media.