Highams Park Academy Trust

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# Policy and Procedure for dealing with Vexatious Complaints and the Parental Code of Conduct

| Date of Review | SLMT Lead | Trustee Approval |
|---|---|---|
| 10 February 2022 | Tim Morris | 10 February 2022 |
| 1 February 2024 | Tim Morris | 1 February 2024 |
| 12 June 2025 | James Lampshire | 3 July 2025 |

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**INTRODUCTION**

The Principal and staff deal with specific complaints in accordance with the School's Complaints Procedure.

The majority of complaints lodged 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, on the overall wellbeing of the children or staff in the school. In these exceptional circumstances, the school may act in accordance with this policy.

1. AIMS OF POLICY

1.1 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 parents;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff of the school while ensuring that other stakeholders suffer no detriment.

2. **PARENTS' EXPECTATIONS OF THE SCHOOL**

2.1 Parents and carers who raise either informal concerns or formal complaints with the school can expect the school to:

a) communicate to parents/carers verbally or in writing:

(i) how and when problems can be raised with the school;

(ii) the existence of the school's Complaints Procedure, and as necessary

(iii) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment;

b) respond within a reasonable time, bearing in mind the priorities of school staff towards meeting the needs of pupils within the school;

c) be available for consultation within reasonable time limits, bearing in mind the priorities of school staff towards meeting the needs of pupils within the school and the nature of the complaint;

d) respond with courtesy and respect;

e) attempt to resolve problems using reasonable means in line with the school's complaints procedure, other policies and practice and, in line with advice as appropriate, from the school's legal advisor, inform complainants of progress towards a resolution of the issues raised.

**3. THE SCHOOL'S EXPECTATIONS OF PARENTS AND CARERS**

3.1 The school can expect parents and carers who wish to raise possible problems with the school to:

a) treat all school staff with courtesy and respect;

b) respect the needs, well-being and rights of pupils, staff and parents in the school and within school hours;

c) respect the needs, well-being and rights of pupils, staff and parents beyond school hours;

d) avoid any use, or threatened use, of violence to people or property;

e) avoid any intimidation, aggression, verbal or written abuse in any form (including use of electronic or social media);

f) recognise the time constraints under which members of staff in schools work, and allow the school a reasonable time to respond;

g) recognise that resolving a specific problem can sometimes take time;

h) follow the school's Complaints Procedure in the case of a complaint;

i) respect the time allowance for dealing with a complaint by avoiding:

- seeking to involve* other persons linked to the school with the matter, or indirect matters, under review through the Complaints Procedure.

- seeking to involve* other persons in order to affect, or which can be perceived as intending to affect, the outcome of the Complaints Procedure.

* 'involving other persons, for the purpose of this policy, refers to seeking to contact other persons through direct or written contact, electronic and /or social media

j) Under no circumstances is the recording of phone conversations/face-to-face meetings/online meetings between the school and parents/carers permitted. If the school becomes aware and/or suspects of this taking place all communication will cease, and the school will take appropriate actions as detailed in Section 5 of this policy.

**4. WHAT IS A VEXATIOUS COMPLAINANT?**

4.1 For the purpose of this policy, a vexatious complainant is a parent or carer who complains about issues, either formally or informally, or who 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 one or more of the following:

a) actions which are obsessive, persistent, harassing, prolific, repetitious;

b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;

c) requests for information which are excessive and unreasonable;

d) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;

e) an insistence upon pursuing complaints in an unreasonable manner;

f) an insistence on only dealing with the Principal, on all occasions, irrespective of the issue and the level of delegation in the school to deal with such matters;

g) a repeated failure, even upon being asked, to follow the school's complaints policy

h) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but which cannot be changed: for example, if the desired outcome is beyond the remit of the school because it is unlawful.

4.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (h) above in such a way that they:

appear to be targeted, over a significant period of time, on one or more members of school staff and/or

a) cause ongoing distress to individual member(s) of school staff and/or

b) have a significant adverse effect on the whole or parts of the school community and / or

c) 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 significantly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

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

5.1 In the first instance the school or its representative will verbally inform the complainant that their behaviour is considered to be becoming, or has become, unreasonable or unacceptable and that action may be taken in accordance with this policy. The complainant will be advised to acquaint themselves with the policy.

5.2 The information given in 5.1 (the verbal information) will be confirmed by letter;

5.3 If the behaviour persists, or the behaviour requires immediate action, the school will 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 and in line with **Department for Education Guidance, 27 November 2018: Controlling access to school premises:**

a) inform the complainant by letter that their behaviour is now considered by the school to be persistently unreasonable and /or unacceptable and therefore falls under the terms of this policy;

b) inform the complainant that all further meetings with a member of staff will be conducted with a second person present, and that notes of meetings may be taken by each party, in the interests of all parties;

b) inform the complainant that, except in exceptional circumstances, all routine communication with the complainant to the school will be by letter only;

c) In the case of physical or verbal intimidation or aggression, advice will be sought from

professional or legal services, the Principal and Trustee Body informed, and the complainant warned that a ban from the school site may or will be imposed;

e) In the case of physical or verbal aggression, or the communication of unfounded /false allegations to members of the school community (including other parents), or the wider community, advice will be sought on pursuing a case under Anti-Harassment legislation;

f) Advice will be sought from the legal advisor regarding specific procedures for dealing with further complaints from the complainant, i.e. the complainant will deal directly with a third person, identified by the Principal or Trustees, who will investigate in liaison with appropriate school staff and determine whether, or not, the new concern / complaint is reasonable or vexatious. The third person will advise the Principal accordingly.

Thus, based on 5.3f, legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment. The school may be advised by its legal advisor.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed, at a later date but 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 the legal advisor.

If the child or young person related to the complainant, has been placed in the school by a Local Authority through an Education, Health and Care Plan (EHC Plan), then the procedure and actions given above will be shared with the Local Authority SEN Case Officer.

5.4 Some cases of persistent or vexatious complaints or harassment may impact on the effective education of the child or young person and / or with the effective education of other pupils within the school. In such cases, discussion will be sought with parents and a third party. If the child or young person has an EHC Plan, discussion will take the form of written /verbal communication, early review or emergency meeting with the LA.

**6 REVIEW**

6.1 The school will review as appropriate, and at a minimum every two years, any sanctions applied in the context of this policy.