



## DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT AND UNREASONABLE CONDUCT

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**DEALING WITH PERSISTENT OR VEXATIOUS**  
**COMPLAINTS/HARASSMENT AND UNREASONABLE CONDUCT**

## **INTRODUCTION**

Our staff deal with specific complaints as part of their day-to-day management of the Trust/Academy in accordance with the **Trust'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 both formally and informally or are otherwise unreasonable in their conduct towards and contact with staff. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the Trust/Academy and directly or indirectly the overall well-being of the staff and children in the Trust/Academy community. In these exceptional circumstances the Trust/Academy may take action in accordance with this policy.

Please note that this policy applies to unreasonable conduct and contact with staff outside the complaints procedure as well as that related to the complaints procedure. The term "complainant" is used in this policy in this general sense.

## **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 Trust/Academy and persons, including those 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 Trust/Academy, including governors and parents;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in the Trust/Academy while seeking to minimise the detriment to other stakeholders.

## **2. PARENTS' EXPECTATIONS OF THE TRUST/ACADEMY**

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

- a) regularly communicate to them in writing:
  - (i) how and when problems can be raised with the Trust/Academy;
  - (ii) the existence of the Trust's complaints procedure, and
  - (iii) the existence of the Trust's Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment and Unreasonable Conduct;
- b) respond within a reasonable time;
- c) be available for consultation within reasonable time limits bearing in mind the needs of the pupils, demands on staff and the nature of the complaint;
- d) respond with courtesy and respect;

- e) attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with advice from the Trust;
- f) permit complainants to progress a complaint through all stages of the complaints procedure;
- g) keep complainants informed of progress towards a resolution of the issues raised.

### **3. THE TRUST'S/ACADEMY'S EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC**

3.1 The Trust/Academy can expect parents/carers/members of the public who wish to raise problems with the Trust/Academy to:

- a) treat all Trust/Academy staff with courtesy and respect;
- b) respect the needs and well-being of pupils and staff in the Trust/Academy;
- c) avoid any use, or threatened use, of violence to people or property;
- d) avoid any aggression or verbal abuse
- e) avoid using aggressive, threatening or harassing language about staff online including in public and group forums, on social media and websites;
- f) recognise the time constraints under which members of staff work and allow the Trust/Academy a reasonable time to respond;
- g) recognise that resolving a specific problem can sometimes take some time;
- h) (in the case of a complaint) follow the Trust's Complaints Procedure.

### **4. WHAT IS UNREASONABLE CONDUCT?**

4.1 For the purpose of this policy, the Trust defines unreasonable conduct as that which hinders our consideration of complaints and/or the effective running of the Trust / our Academies because of the frequency or nature of the complainant's contact with the Trust or Academies. Such conduct may be characterised by:

- a) refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- b) refuses to co-operate with the complaints investigation process;
- c) refuses to accept that certain issues are not within the scope of the complaints procedure;
- d) an insistence on only dealing with the CEO, headteacher or a governor on all occasions irrespective of the issue and the level of delegation in the Trust/Academy to deal with such matters;
- e) insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- f) introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- g) raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- h) makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- i) changes the basis of the complaint as the investigation proceeds;
- j) repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed) – complaints may however be progressed to the next stage of the complaints procedure until that procedure is exhausted;

- k) refuses to accept the findings of the investigation into that complaint where the complaints procedure has been fully and properly implemented and completed including referral to the Department for Education;
- l) seeks an unrealistic outcome;
- m) makes excessive demands on 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;
- n) raises complaints which are designed to cause disruption or annoyance;
- o) uses threats to intimidate;
- p) uses harassing, abusive, offensive or discriminatory language or physical conduct;
- q) knowingly provides falsified information;
- r) publishes harassing, abusive, offensive or discriminatory language or false, confidential or sensitive information about Trust/Academy staff, governors, other parents or pupils on social media or other public or group forums;
- s) engages in conduct and contact which is obsessive, persistent, harassing, prolific, repetitious.

4.2 For the purpose of this policy, harassment is conduct such as that listed at (a) to (s) above in such a way that it:

- a) appears to be targeted over a significant period of time on one or more members of Trust/ Academy staff and/or
- b) causes ongoing distress to individual member(s) of Trust/Academy staff and/or
- c) has a significant adverse effect on the whole/parts of the Trust/Academy community and/or
- d) is 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.

## 5. THE TRUST'S/ACADEMY'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT AND UNREASONABLE CONDUCT

- 5.1 The Trust or academy will not normally limit the contact complainants have with our staff. However, we do not expect our staff to tolerate unacceptable conduct or contact and we will take action to protect staff from that conduct, including that which is abusive, offensive or threatening.
- 5.2 If a complainant tries to re-open the same concern after all stages of the complaints procedure have been followed, they will be informed that the procedure has been completed and that the matter is now closed. Further communication on the same issue may not be responded to.
- 5.3 In the first instance, the Trust/Academy will verbally inform the complainant that his / her conduct is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.
- 5.4 This will be confirmed in writing (Model Letter 1).
- 5.5 If the conduct is not modified the Trust/Academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's conduct and the effect of this on the Trust/Academy community:

- a) inform the complainant in writing that his/her conduct is now considered by the Trust/Academy to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2);
- b) 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);
- c) put in place a bespoke Communications Plan to limit the ways in which the complainant can contact staff;
- d) inform the complainant that, except in emergencies, all routine communication from the complainant to the Trust/Academy should be by letter only (see Model Letter 2);
- e) (in the case of physical, or verbal aggression) take advice from the Trust's HR / Legal Services and consider warning the complainant about being banned from the academy site; or proceed straight to a temporary ban allowing the complainant the opportunity to make submissions before confirming or lifting the ban;
- f) consider taking advice from the Trust's Legal Services on pursuing a case under Anti-Harassment legislation;
- g) consider taking advice from the Trust's HR / 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 CEO/headteacher but only with a third person to be identified by the local governing board of the Trust/Academy, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the CEO/headteacher accordingly;
- h) In response to any serious incident of aggression, intimidation or violence, we will immediately inform the police.

5.6 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 and Unreasonable Conduct. However, the Trust/Academy will be advised by the Trust's HR / Legal Services.

5.7 If a complainant's persistent conduct is modified and is then resumed at a later date within a reasonable period of time, the Trust/Academy may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Trust's HR/Legal services.

## **7. REVIEW**

7.1 The Trust/Academy will review as appropriate, and at a minimum once in a school year, any steps taken in the context of this policy.

**MODEL LETTER 1:**

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

**RECORDED DELIVERY**

Dear

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

We would ask you to bear in mind the fact that such conduct on a school site can be disruptive and distressing to pupils, staff and parents/carers *[delete if conduct 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 Trust's Complaints Procedure.

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

Please note that the Trust's Policy for Dealing with Persistent or Vexatious Complaints/Harassment and Unreasonable Conduct sets out standards of conduct expected of all people in their dealings with the School. These include:

- behaving reasonably;
- treating others with courtesy and respect;
- resolving complaints using the School's Complaints Procedure;
- avoiding physical and verbal aggression at all times.

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.

Please be assured that we will continue to act in the best interests of your child and other children at the school.

Yours sincerely

Headteacher

**MODEL LETTER 2:**

**INFORMING A COMPLAINANT THAT HIS/HER CONDUCT IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/ HARASSMENT AND UNREASONABLE CONDUCT (RECORDED DELIVERY)**

Dear

You will recall that I wrote to you on *[insert date]* telling you that I felt your conduct was unreasonable.

I am now writing to inform you that in view of your conduct on *[date]*, when you *[describe actions/conduct]* it has been decided that the Trust's Policy for Dealing with Persistent or Vexatious Complaints/Harassment and Unreasonable Conduct 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; email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party from the school will be present;
- (c) 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; email correspondence will not be responded to;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a third party will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, 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 **[ADD EMERGENCY CONTACT DETAILS HERE]**. **[ADD CONTACT DETAILS IN RELATION TO ANY ABSENCE REPORTING / SAFEGUARDING CONCERN OR SIMILAR]**

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, you will be

informed of the timescale for review of this arrangement. I will inform you if, in light of your representations or other circumstances, I consider that the arrangements outlined above should cease.

I do hope that the difficulties we are currently experiencing can soon be resolved. Please be assured that we will continue to act in the best interests of your child and other children at the school.

Yours sincerely

Headteacher