

Seghill First School

Policy for managing serial and unreasonable complaints

Introduction

Seghill First School staff will do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider our position after a decision is made, the school would need to take the appropriate actions.

Once the school has done everything we can in response to a complaint, then any complainant will need to be informed by the Chair of Governors that the procedure has been completed and the matter now closed. Should a complainant contact the school again on the same issue then the correspondence may be viewed as serial or persistent and the school may choose not to respond. The school will always ensure that the complainant has completed the school's complaints procedure before such a decision is taken.

Seghill First School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Definition of unreasonable behaviour

Seghill First School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 co-operate 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 but unimportant 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;
- 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.

With respect to the recognised term “vexatious”; in the context of Freedom of Information (FOI); this can be defined as “... manifestly unjustified, inappropriate or improper use of a formal procedure.” An exemption therefore exists in section 14(1) of the Freedom of Information Act 2000 - this to be applied to the requests themselves and not the individuals.

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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an ‘*unreasonable*’ marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Seghill First School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Seghill First School.

The school will take the decision to stop responding only when all of the following apply:

- The school has taken every reasonable step to address the complainant’s needs;
- The complainant has been given a clear statement of the school’s position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

Additional weight is added if any of the following also apply:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience;
- The communications are often or always abusive or aggressive; or
- The individual makes insulting, personal comments about or threats towards staff.
- Further advice and guidance will be sought, at need, from the Governance Support Team at the County Council.

Communication strategy for persistent correspondents

A communication plan or strategy will be formulated following the DfE Guidance “Best practice guidance for school complaints procedures 2019”.

“If an individual’s behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address;*
- limit the number of times they can make contact, such as a fixed number of contacts per term.*

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the Information Commissioner’s Office for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably. If you find it difficult to deal with a person who is behaving unreasonably and other strategies are not working, you can approach your local governor services team to ask for assistance.

You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen’s Advice.

If an individual persists to the point that may constitute harassment, you should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting schools direct.

Once you’ve decided that it’s appropriate to stop responding, you will need to inform the Individual.”

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 formally express their views on the decision to bar in writing.

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.

Document Record

Version	Reason for Amendments/Update/Review	Date of Adoption by Seghill First School	Date of next review
1.0	Model policy provided by DfE personalised for our school	12.10.2020	12.10.2022
2.0	Version 1 policy reviewed and updated	04.10.2022	04.10.2023