



THE CONSORTIUM
ACADEMY TRUST

Shaping Positive Futures

Dealing with Persistent and Vexatious Complaints

Status:	Live
Policy Owner	Director of People
Statutory / Recommended	Recommended
Date Adopted	16/11/2023
Revision	2.0
Review Period	36 months
Review Date	November 2023
Next Review Date	November 2026
JCNC Consultation Date	11/07/2024
Linked Documents and Policies	<ul style="list-style-type: none">• Grievance Policy and Procedure• Complaints Policy and Procedure• Records Management Policy
Equality Impact Statement	Equality Impact Statement: The Trust uses Equality Impact Assessments to consider policies and processes focussing on fairness, access and inclusion and how different groups might be affected. This includes the requirement to make reasonable consideration and adjustments to account for the individual needs of employees. This is part of our duty under the Equality Act (2010).

This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is referenced. The linked policies can be viewed at www.consortiumtrust.co.uk

CONTENTS

POLICY STATEMENT

- 1.0 Why the Policy is Needed
- 2.0 What the Policy is About
- 3.0 What the Policy Will Achieve

PROCEDURE

- 1.0 TRUST COMPLAINTS POLICY
- 2.0 EXPECTATIONS
 - 2.1 What You Can Expect from the Trust
 - 2.2 What the Trust Expects of You
- 3.0 AN UNREASONABLE COMPLAINANT
 - 3.1 Harassment
 - 3.2 Physical or Verbal Aggression
- 4.0 EMPLOYEES EXPERIENCING UNREASONABLE BEHAVIOUR
- 5.0 IMPOSING RESTRICTIONS
- 6.0 REVIEW
- 7.0 RECORD KEEPING

POLICY STATEMENT

1. Why the Policy Is Needed

Our leaders and managers deal with complaints as part of their day-to-day management of the Trust, in accordance with our published Complaints Policy.

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 their concerns.

In these exceptional circumstances we may act in accordance with this policy and procedure.

We welcome the support of all our stakeholders, in implementing this policy in a fair and consistent manner, ensuring a mutual respect based on integrity and trust.

We are committed to working with the recognised Trade Unions at each stage of this policy. Employees who may be affected by persistent or vexatious complaints also have the right to be represented by a Trade Union representative or work colleague.

2. What the Policy is About

We define unreasonably persistent and vexatious complainants as those complainants who, because of the nature or frequency of their contacts with the Trust, hinder the Trust's consideration of their or other people's complaints (Local Government and Social Care Ombudsman definition, 2022). The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complainant.

The way or frequency in which complainants raise their complaint with our employees, or how complainants respond when informed of our decision about a complaint may be considered persistent or vexatious behaviour.

We do not expect employees to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes that which is abusive, offensive and threatening and may include:

- using inappropriate language on the telephone, in written correspondence or face-to-face
- sending multiple emails or leaving multiple voicemails
- entering the school or department without an appointment and behaving in a threatening or abusive manner

In these situations, the words and actions of the complainant begin to impact negatively, or even harmfully, on the school or department concerned and can also directly or indirectly affect the well-being of children or our employees.

Raising legitimate queries, or criticisms of the complaints procedure as it progresses, should not in itself lead to someone being regarded as an unreasonably persistent or vexatious complainant.

Where a complainant is unhappy with the outcome of a complaint and seeks to challenge the decision, this should also not in itself cause them to be regarded as an unreasonably persistent or vexatious complainant.

3. What the Policy Will Achieve

This policy and procedure will assist leaders, managers and our whole community to:

- maintain the standards of courtesy and reasonableness that characterise all communication between the Trust and persons who wish to express a concern or pursue a complaint
- support the well-being of children, employees and everyone else who has legitimate interest in our work, including governors, parents, carers and other stakeholders
- always deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass our employees while ensuring that other stakeholders suffer no detriment.

DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS PROCEDURE

1.0 TRUST COMPLAINTS POLICY

We provide a Complaints Policy for parents, carers and stakeholders to use if they wish to make a formal complaint about any of our schools or departments within the Trust.

Employees who wish to make a complaint should refer to the Grievance Policy and Procedure.

Both these policies are available at the Trust website, or, internally on the Policy Portal.

2.0 EXPECTATIONS

2.1 What You Can Expect From Us

Anyone who raises informal or formal issues and complaints can expect us to:

- follow our Complaints Procedure
- respond within the times stated in our procedure
- always respond with understanding, courtesy and respect
- keep those involved informed of progress towards a resolution in line with our stated procedure

2.2 What We Expect of You

We expect anyone who wishes to raise concerns to:

- treat all our employees with courtesy and respect
- speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling
- respect the needs of learners
- never use violence, including threats of violence, towards people or property
- recognise the time constraints under which our employees work and allow us reasonable time to respond to a complaint
- recognise that some problems may not be resolved in a short time
- raise complaints and concerns in an appropriate place and at an appropriate time, for example not in front of other parents or learners and not in open public spaces
- follow our Complaints Procedure
- be prepared to work towards a resolution in partnership with us

3.0 AN UNREASONABLE COMPLAINANT

Whilst most complainants follow our Complaints Policy, sometimes parents, carers or others pursuing complaints or other issues become unreasonably persistent or vexatious. Unreasonable complainants may behave in an unacceptable manner or treat employees, volunteers, stakeholders and others in a way that is unacceptable.

Features of an unreasonably persistent or vexatious complainant are shown at Appendix A. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

Whilst we recognise that some complainants may react to serious and distressing situations or incidents we will not accept harassment.

3.1 Harassment

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution. Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more of our employees or others
- the way in which a complaint or other issue is pursued, as opposed to the complaint itself, causes ongoing distress to our employees or others
- it has a significant and disproportionate adverse effect on our community
- actions are pursued aggressively or in any manner not appropriate to an effective resolution

3.2 Physical or Verbal Aggression

We will not tolerate any form of physical or verbal aggression against our employees, volunteers, contractors and other stakeholders. If this type of aggression occurs we may use any restriction shown in Appendix B to this policy and procedure.

4.0 EMPLOYEES EXPERIENCING UNREASONABLE BEHAVIOUR

Any employee who is experiencing issues with unreasonable behaviour should inform their immediate line manager, Headteacher or Director.

5.0 IMPOSING RESTRICTIONS

Where we are satisfied that a complaint or concern is being, or has been investigated properly according to the Complaints Procedure, but we identify that an employee falls victim to unreasonable, persistent or vexatious complainant behaviour, we may impose the restrictions set out in Appendix B.

If the situation continues this will be escalated by the Headteacher or Director to a member of our Senior Leadership Team.

Any restriction that is imposed on the complainant's contact with the Trust will be appropriate and proportionate. Restrictions will usually apply for between 3 to 6 months but may be extended in exceptional cases.

Where behaviour is so extreme, or it threatens the immediate safety and welfare of employees, volunteers, stakeholders or other individuals, we will consider reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of this action.

6.0 REVIEW

The status of the complainant judged to be unreasonably persistent or vexatious will be reviewed after a period of 3 months and at the end of every subsequent 3-month period within the period during which the policy is to apply.

7.0 RECORD KEEPING

Records will be completed and retained by the school or department, in accordance with our Records Management Policy, available on the Policy Portal and must include:

- the name and address of each complainant who is identified as persistent or vexatious
- a record of the restriction applied by us and the date the restriction came into effect.

APPENDIX A – FEATURES OF AN UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINANT.

An unreasonably persistent or vexatious complainant may:

- I. have insufficient or no grounds for their complaint and be making the complaint only to annoy, or for reasons that they do not admit or make obvious
- II. refuse to specify the grounds of a complaint despite offers of assistance
- III. refuse to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
- IV. insist on the complaint being dealt with in ways which are incompatible with the Complaints Procedure or with good practice
- V. make what appear to be groundless complaints about the Trust employee dealing with the complaint and seek to have them dismissed or replaced
- VI. make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints
- VII. make persistent and unreasonable demands or expectations of Trust employees and/or the complaints process after their unreasonableness has been explained, for example a complainant who insists on immediate responses to complex letters, emails or telephone calls
- VIII. discriminate, harass, victimise, verbally abuse or otherwise seek to intimidate Trust employees dealing with their complaint
- IX. use inappropriate language, or offensive terms and derogatory language, for example terms which are racist, homophobic, misogynistic or transphobic
- X. persistently and without apparent reason raise subsidiary or new issues whilst a complaint is being investigated that were not part of the complaint at the start of the complaint process
- XI. introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- XII. persistently change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- XIII. persistently deny statements they made at an earlier stage in the complaint process
- XIV. use or distribute electronically recorded meetings and conversations inappropriately
- XV. refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- XVI. make the same complaint repeatedly, perhaps with minor differences, after the Complaints Procedure has been concluded and insist that the minor differences make these “new” complaints which should be put through the full complaint process
- XVII. persistently approach the Trust through different routes about the same issue

- XVIII. co-ordinate an apparently orchestrated campaign either face-to-face or digitally, which targets employees and/or the Trust
- XIX. persist in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- XX. refuse to accept documented evidence as factual
- XXI. complain about or challenge an issue based on historical and irreversible decision or incident
- XXII. exhibit behaviour which combines some or all of these features

APPENDIX B: RESTRICTIONS

Where a complainant is identified as unreasonably persistent or vexatious, we may advise the complainant that we intend to impose one or more of the restrictions shown below:

- telephone calls to any school or department will be restricted to specified days, times and/or durations, as appropriate
- contact by telephone except through a third party (such as a solicitor, councillor or friend acting on their behalf) will not be accepted
- contact with the Trust is to take place with one named employee only
- emails to individual employees and/or the school or department will not be responded to and should be addressed to the identified named employee only
- access to Trust sites will not be allowed unless the individual is requested to do so by an employee
- personal face-to-face contact with us, including attendance at meetings, must take place in the presence of an appropriate witness
- we will not reply to or acknowledge any further contact from the individual on the specific topic of the complaint (where this restriction is imposed, a designated Trust employee should be identified who will read and log future correspondence).

Where a complainant fails to comply with restrictions imposed, we will consider reporting the matter to the police or taking legal action, in line with Section 5.0 of this policy.