



## Serial & Unreasonable Complaints Policy

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**Lead Person(s):** R. Dyer, Headteacher

**Ratification by:** Full Governing Body (@ FGB 9<sup>th</sup> January 2020)

**Statutory Policy:** Yes

**Policy Author:** R. Dyer & N. Bowles (based on model policies from Department of Education)

### Introduction

In accordance with [Section 29\(1\) of the Education Act 2002](#), all maintained schools and maintained nursery schools must have and publish procedures to deal with all complaints relating to their school and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

When dealing with parental complaints, the governing body of Burdett-Coutts & Townshend Foundation CE Primary School adheres to guidance from the Department for Education (DfE) advice, '[Best practice guidance for school complaints procedures 2019](#)', January 2019.

### Our school vision and how this policy fulfils the vision

We encourage our learners to be ambitious for themselves, and for others, by challenging and supporting them in questioning the world and in finding solutions. Our Christian vision is deeply rooted in our theological understanding of St Paul's letter to the Philippians:

*"I can do all things through Him who gives me strength"*

Through our exploration and teaching of the Christian values of friendship, compassion and service, we want our learners to be ready to learn, respectful of each and to feel safe so that they can flourish in today's world, knowing that they are loved and cherished by God. For it is through Him, that they are given the strength to encounter each day and live life in all its fullness.

At Burdett-Coutts, we aim to give children the confidence to believe that through effort and diligence, they can "do all things" and achieve. To enable this, we believe that our school should provide a caring, positive, stimulating and safe environment which promotes the welfare and social, physical and moral development of the individual child.

Therefore, we aim to work closely with all parents in a partnership which benefits all children and ensures that their school experience is happy and secure. In line with our school vision and rules, the purpose of this policy is to help reaffirm this partnership between parents, staff and governors as they work together for the good of the pupils in the school.



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### What Is A Complaint?

A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It's in everyone's interest that complaints are resolved at the earliest possible stage and many issues can be resolved informally, without the need to follow formal procedures. We are committed to taking any and all informal concerns seriously and to make every effort to resolve the matter as quickly as possible.

However, there will be occasions concerns need to be raised formally. In those cases, our complaints procedure as outlined in our Complaints Policy should be followed.

### Managing serial and unreasonable complaints

The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term.

In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '...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. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

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.

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. We define



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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.

For complainants who excessively contact Burdett-Coutts & Townshend Foundation CE Primary School, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan or stop responding to that specific complaint. This will be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Burdett-Coutts & Townshend Foundation CE Primary School.

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### Decision to stop responding

Burdett-Coutts & Townshend Foundation CE Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We accept that there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

We will not normally limit the contact complainants have with our school. However, 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.

When the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will need to act appropriately. If the complainant contacts 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 decision to stop responding is never taken lightly. However, we will not respond to a particular complaint when:

- 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
- The complainant is contacting the school repeatedly but making substantially the same points each time.
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

### 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, the 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.



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The school will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will 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.

### **Monitoring arrangements**

The Headteacher and Chair of Governors is responsible for monitoring and reviewing this policy. This policy will be reviewed annually or as the appropriate legislation requires it.

### **Links with other policies**

This Serial & Unreasonable Complaints Policy is linked to our:

- Complaints Policy
- Safeguarding and Child Protection Policy