



SPARKEN HILL
ACADEMY

Vexatious Complaints Procedure

Adopted: June 2019

Reviewed: June 2025

Review Date: June 2027

**To be read in conjunction with Sparken Hill Academy 's
Complaint procedures**

Rights of Public Access

1.1 Sparken Hill Academy ("Academy") recognises that, in the absence of good reasons to the contrary, parents have a right to contact the Academy to seek advice, help or services that the Academy offers.

1.2 Criticism of, and complaints against, the Academy or its employees are a welcome, legitimate and necessary part of the relationship between the Academy and its local community. They are a valuable means of reflecting on the operations of the Academy and improving both those operations and the quality of the Academy's relationship with its local community.

1.3 Nobody, no matter how much time and effort is taken up in responding to their complaints, shall be unconditionally deprived of the right to have those complaints or concerns addressed.

1.4 However, the Academy also has an obligation to use its resources efficiently and effectively and has obligations as an employer, to its employees.

1.5 Accordingly, the Academy has decided that there are circumstances in which it will limit the nature and scope of its responses to persistent, habitual or overly demanding persons.

2. Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious.

The following clauses form the Academy's policy for ways of responding to these situations.

2.1 In this policy the term habitual means 'done repeatedly or as a habit'. The term vexatious is 'causing or tending to cause annoyance, frustration or distress'. The term is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

2.2 This policy intends to assist in identifying and managing persons who seek to be disruptive to the Academy through pursuing an unreasonable course of conduct.

2.3 The term "complaint" in this policy (*includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998, the General*

Data Protection Regulation 2018 and reference to the Complaints Procedure) is, where relevant, to be interpreted as meaning a request under those Acts.

2.4 Habitual or vexatious complaints can be problem for Academy staff and Governors. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of staff (and Governor) time. While the Academy endeavours to respond to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2.5 Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonable persistent complainant and seeks to challenge it once or twice, should not necessarily cause him or her to be labelled vexatious or unreasonable persistent.

2.6 The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

3. Difficult/Habitual or Vexatious Persons: Categories

3.1 There are various types of difficult persons and this policy shall apply to them all, other than to those who are aggressive (see 4. Aggressive behaviour)

3.1.1 Those who “cannot let go” persons:

- Make excessive phone calls, or
- Seek to exercise excessive personal contact, or
- Engage in length correspondence

3.1.2 Those who cannot be satisfied – persons who:

- Cannot or will not accept that the Academy is unable to assist them or
- Cannot or will not accept that the Academy is unable to provide any further level of service other than that provided already, or
- Disagree with the action the Academy has taken in relation to that complaint or concerns

3.1.3 Those who make unreasonable demands – person who make unreasonable demands on the Academy whether by:

- the amount of information or
- the value and scale of services they seek of
- the number of approaches they make

3.1.4 Those who are rude and abusive – persons:

- who engage in personal abuse or
- make inflammatory statements or comments or
- make statements or comments clearly intended to intimidate

4. Aggressive behaviour

The Academy has a zero tolerance approach to violence and aggressive behaviour towards its employees and Governors. The Academy has a duty to ensure that, as far as is practically possible, it reduces the risk of violence, aggressive or threatening behaviour towards its employees during the course of their work. The Academy affords the same protection to its employees as unpaid volunteers.

5. Habitual or Vexatious Complainants

5.1 For the purpose of this policy the following definitions of habitual or vexatious complainants will be used:

The repeated and /or obsessive pursuit of:

- **unreasonable complaints and/or unrealistic outcomes; and/or**
- **reasonable complaints in an unreasonable manner**

5.2 Prior to considering its implementation the Academy will send a summary of this policy to the complainant to give them prior notification of its possible implementation

5.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 6, the Complaints Panel will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 7 details the options available for dealing with habitual or vexatious complaints

5.4 The (Investigating) Officer or solicitor on behalf of the Academy will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.

5.5 The status of the complainant will be kept under review. If a complainant subsequently demonstrated a more reasonable approach, then their status will be reviewed.

6 Definitions

6.1 Sparken Hill Academy defines unreasonable persistent and vexatious complainants as those complainants who, because of the frequency or nature or their contact with the Academy, hinder the Academy 's consideration of their or other people's complaints. The description 'unreasonable persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

6.2 Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Academy 's decision about the complaint.

6.3 Features of an unreasonable persistent and/or vexatious complainant include the following (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):

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he/she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedures
- refuse to accept that issues are not within the power of the Academy to investigate, change or influence
- insist on the complaint/ concern being dealt with in ways which are incompatible with the complaints procedure or with good practice
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Academy, by any means in relation to a specific (or multiple) complaint(s) or concern(s)
- make persistent and unreasonable demands or expectation of staff . and/or the complaints process after the unreasonableness has been explained to the complainant
- harass or verbally abuse or otherwise seek to intimidate staff or Governors dealing with their complaint / concern, in relation to the complaint by use of inappropriate language or by the use of offensive and racist language or publish their complaints in other forms of media
- raise subsidiary or new issues whilst a complaint or concern is being addressed that were not part of the complaint or concern at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint/ concern is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he/she made at an earlier stage in the complaint process
- adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with Academy, but at the same time with, for example, a Member of Parliament, other Governors of this and other Academies (where appropriate), the Academy 's Independent Auditor, the Police and other public bodies or solicitors
- 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

- 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 complaints procedure
- persistently approach the Academy through different routes or other persons about the same issue
- persist in seeking an outcome which the Academy has explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documents evidence as factual
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident
- combine some or all of these features

7. Imposing

7.1 The Academy will ensure that the complaint or concern is being, or has been, investigated properly according to the adopted complaints procedure

7.2 In the first instance the Investigating Officer will consult with the nominated Academy Governor prior to issuing a warning to the complainant. The Officer will contact the complainant in writing, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Academy may take if they do not comply

7.3 If the disruptive behaviour continues, the Officer will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Academy in future will be restricted. The Officer will make this decision in consultation with the nominated Academy Governor and inform the complainant in writing of what procedures have been put in place and for what period.

7.4 Any restriction that is imposed on the complainant's contact with the Academy will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place. In most cases restriction will apply for six months, but in the exceptional cases this may be extended. In such case the restrictions would be reviewed on a quarterly basis, or at the next Full Governing Body meeting.

7.5 Restriction will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. a solicitor or person acting on their behalf
- Banning the complainant from sending emails to individuals and/or all Academy staff members and insisting they only correspond by postal letter

- Requiring contact to take place with one named member of staff or Academy Governor only.
- Letting the complainant know that the Academy will not respond to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designed member of staff will be identified who will read future correspondence).

7.6 When the decision has been taken to apply this policy to a complainant, the Officer will contact the complainant in writing to explain:

- Why the decision has been taken
- What action has been taken
- The duration of that action

7.7 The Officer will enclose a copy of this policy in the letter to the complainant

7.8 Where a complainant continues to behave in a way that is unacceptable, the Investigating Officer, in consultation with the nominated Academy Governor may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

7.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff/Governors, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

8. New complaints from complainants who are treated as abusive, vexatious or persistent

8.1 New complaints from people who have come under this policy will be treated on their merits. The Investigating Officer and nominated Academy Governor will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported or ignoring genuine service requests or complaints where they are founded.

8.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on the Academy's contact with him/her, will be recorded and notified to those who need to know within the Academy e.g. the Governing Body

9. Review

9.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Investigating Officer and nominated Academy Governor after six months and at the end of every subsequent six months within the period during which the policy is to apply, or by the next Full Academy meeting.

9.2 The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

10. Record Keeping

10.1 From adoption of this policy, the Investigating Officer will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant.
- When the restrictions came into force and ends
- What the restrictions are
- When the person and Academy were advised