



# TRUE LEARNING PARTNERSHIP

<b>VEXATIOUS OR PERSISTENT POLICY</b>	
<b>Policy Ref Number: TTLP/23</b>	<b>Reviewed by: Trust Board</b>
<b>Policy Date: January/2021</b>	<b>Review Date: January/2024</b>

## 1. Introduction

The True Learning Partnership (TTLP) welcomes the opportunity to hear from parents/carers and others when services are appreciated, but also wants to know when things go wrong. We are committed to dealing with complaints and provide a high-quality service to those who make them (See our Complaints Policy). As part of this service, TTLP school's do not normally limit the contact that parents/carers have with its staff. However, a very small minority of parents/carers may make complaints that are vexatious or unreasonably persistent.

### Examples include:

- Making excessive demands on the time and resources of staff whilst a complaint is being looked into, for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses
- Expecting immediate responses or resolutions to communication (staff have teaching commitments and we generally aim for a 48 hour 'turnaround' time)
- Being abusive to staff
- Refusing to accept a decision - repeatedly arguing the point and complaining about the decision (please see Appendix A for additional examples).

## **Dealing with persistent and unreasonable requests**

Although the policy is written in the context of dealing with vexatious or unreasonable persistent complaints it also provides a framework to be used when concerns relating to persistent and unreasonable requests are brought to the attention of a school/the trust (please refer to Appendix B).

- 1.2 This policy addresses these issues and covers parents/carers who make enquiries as well as complaints. TTLP does, however, recognise its duties under the Freedom of Information Act, the Data Protection Act and related legislation, to provide information to requesters.
- 1.3 This policy applies to TTLP staff, trustees and school governors.
- 1.4 Staff also have the right to ask for the policy to be invoked.

## **2. Purpose of this policy**

- 2.1 To make it clear to all complainants, both at initial contact and throughout their dealings with the school/TTLP, what the school/TTLP can or cannot do in relation to their complaint, in accordance with the TTLP's Complaints Policy and Procedure. In doing so, the school/Trust aims to be open and not raise hopes or expectations that it cannot meet.
- 2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. TTLP believes that all parents/carers, employees and staff have the right to be heard, understood and respected.
- 2.3 To provide a service that is accessible to all complainants. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change access to our service.
- 2.4 To give the school/trust a framework to implement and take appropriate action against those parents/carers who are deemed to be raising vexatious complaints, or are being unreasonably persistent in raising complaints.

## **3. Defining unacceptable actions by complainants**

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made. The school/trust does not view behaviour as unacceptable just because a complainant is forceful or determined. However, the actions of complainants who are aggressive demanding or unreasonably persistent may result in unacceptable demands on or behaviour towards TTLP employees. It is these actions that the school/trust considers unacceptable and aims to manage under this policy. TTLP has grouped these actions under three broad headings:

### **3.1.1 Aggressive or abusive behaviour**

- a. We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Quite often complainants are angered by decisions made by the school/Trust. However, it is not acceptable when anger escalates into aggression directed towards school staff.
- b. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened or abused.

- c. Examples of behaviours grouped under this heading include: threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- d. Where physical violence has been used or threatened towards staff or their families or associates at any time, this will, in itself, cause personal contact to be discontinued. Thereafter, only one form of contact may be used such as correspondence in writing.

### **3.1.2 Unreasonable demands**

- a. Complainants may make what we consider unreasonable demands on the school/Trust for example through:
  - the amount of information they seek
  - the nature and scale of service they expect
  - the number of approaches they make
  - the speed of response from school/trust they expect

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

- b. Examples of actions grouped under this heading include:
  - demanding responses within an unreasonable time-scale
  - continually making phone calls or sending letters or emails
  - repeatedly changing the substance of the complaint
  - raising unrelated concerns
- c. We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the school/trust, such as taking up an excessive amount of staff time to the disadvantage of other functions of the school/trust.

### **3.1.3 Unreasonably Persistent**

- a. We recognise that some complainants will not or cannot accept that the school/TTLP is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- b. Examples of actions grouped under this heading include:
  - persistent refusal to accept a decision made in relation to a complaint
  - persistent refusal to accept explanations relating to what the school/trust can or cannot do
  - continuing to pursue a complaint without presenting any new information

The manner in which such complainants approach the school/trust in relation to individual matters may be entirely reasonable, but their persistent behaviour in continuing to do so may be unreasonable.

- c. We consider the actions of persistent complainants to be unacceptable when they take up what the school regards as being a disproportionate or excessive amount of time and resources.

#### **4. Managing unacceptable actions by complainants**

- 4.1 There are relatively few complainants whose actions TTLP might consider unacceptable. How TTLP aims to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict complainant contact with the school/trust in order to manage the situation. Wherever possible, the school will aim to do this in a way that allows a complaint to progress to completion through our complaints process. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. However, we try to maintain at least one form of contact.
- 4.2 The threat or use of physical violence, verbal abuse or threatening behaviour towards TTLP staff is likely to result in the termination of all direct contact with the complainant and such incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 We do not deal with correspondence (letter, fax or electronic) that is abusive to employees. When this happens, we will tell the complainant that we consider their language to be offensive, unnecessary and unhelpful. We will ask the complainant to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party. The Freedom of Information Act does not require the school/trust to answer vexatious requests although the tone and language of the request may not in itself render the request vexatious. Please refer to the Freedom of Information Policy on the school's website for more information.
- 4.4 TTLP staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The employee taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where a complainant repeatedly contacts the school/trust, sends irrelevant documents or raises issues that have already been answered, we may decide to:
  - only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one employee to deal with all calls or correspondence from the complainant
  - require the complainant to make an appointment to see a named employee before visiting the School or that the complainant contacts the school/trust in writing only
  - return the irrelevant documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed
  - take other action that we consider appropriate, we will, however, always tell the complainant what action we are taking and why.

- 4.6 Where a complainant continues to correspond on a wide range of issues and, this action is considered excessive, the complainant will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the school/trust decision relating to their complaint. The complainant will be told that no future contact will be accepted or interviews granted concerning that particular complaint. Any future correspondence which does arrive will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the original complaint.

## 5. Deciding to restrict complainant contact

- 5.1 When a complainant has been deemed vexatious or unreasonably persistent, the relevant member of staff should seek advice from the Headteacher or Chief Executive Officer in the first instance and will then decide whether this policy should be applied and in what respects. The complainant will be notified in writing outlining:
- the reason is why the decision to apply the policy was taken;
  - what it means for his or her contacts with the school/trust;
  - how long any restrictions will last; and
  - what the complainant can do to have the decision reviewed.
- 5.2 This notification must be copied promptly for the information of others already involved, such as senior staff, school governors, TTLP Trustees, school advisors etc. Records must be kept on file, for future reference, setting out the reasons why the decision has been made to classify behaviour as vexatious or unreasonably persistent and the action(s) taken. Such records will be retained in line with the retention schedules, as covered in TTLP's Complaints Policy and Procedure, which states that the trust should retain hard copies of complaints documentation for a fixed period from the date of the complaint being closed. At the end of that period, the school will review the relevant case to consider whether it is necessary to retain information specifically relating to the behaviour classified as vexatious or unreasonably persistent.
- 5.3 The school/Trust may decide to deal with vexatious or unreasonably persistent complainants in one or more of the following ways:
- Once it is clear that one of the criteria in section 3 (above) has been breached, it may be appropriate to inform the individual(s), in writing, that they are at risk of their behaviour being classified as vexatious or unreasonably persistent. A copy of this policy should be sent to them and they should be advised to take account of the criteria in any future dealings with the school/trust and its staff.
  - It may be useful to hold a meeting with the complainant to ascertain if there is a more effective way for the correspondence to be dealt with and/or to ascertain whether there might be an underlying, common cause for the various complaints/interactions.
  - If more than one department/section/layer of the School/Trust is being contacted by an unreasonably persistent complainant, the school/trust will consider a strategy meeting to agree a cross-departmental/layer

approach; and, where appropriate, designating one Senior Leader to coordinate future school/trust responses to the complainant.

- Any new complaints will be considered on their own merits. However, if new complaints relate to same or similar issues previously addressed, it may be appropriate for these issues not to be investigated further under the TTLP's complaints procedure. This should only be done with the agreement of the Headteacher and Chair of Governors or Chief Executive Officer and Chair of Trustees. The complainant should be told this, and there will be no right of appeal. Subsequent complaints by the same complainant should then simply be noted.
- The school/trust can decline further contact either in person, by telephone, fax, letter or electronically, or any combination of these, provided that one form of contact is maintained. Alternatively, any further contact could be restricted to liaison through a third party.
- Complainants may be notified in writing that the School/Trust has fully responded to the points raised and that continuing contact on the matter will serve no useful purpose. This notification should state that the correspondence is at an end and that further communications will be acknowledged but not otherwise responded to.
- Complainants may be informed that in extreme circumstances the school/trust reserves the right to refer vexatious or unreasonably persistent behaviour to the police.

## **6. Restricting contact**

- 6.1 Any restrictions will be agreed by one of the Headteacher/Chief Executive Officer/Chair of Governors/Chair of Trustees and will be appropriate and proportionate to the nature of the complainant's contacts with the school/trust at that time.

The following is a summary of the types of restriction which may be used:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week).
- Limiting the complainant to one medium of contact (telephone, letter, e-mail etc.).
- Requiring the complainant to communicate only with a named employee.
- Requiring any personal contacts to take place in the presence of a witness.
- Closing the investigation into a complaint.
- Refusing to register and process further complaints providing the complainant with acknowledgements only of further letters, faxes, or e-mails received after a particular point.
- Banning a complainant from some or all of the school/trust's premises.
- Involving the police in cases where we believe the complainant may have committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave school/trust premises.

## **7. Withdrawing restriction**

- 7.1 Once an individual's behaviour has been classified as a vexatious or unreasonably persistent, there is a mechanism for withdrawing this status if, for example, a more reasonable approach is subsequently demonstrated by the complainant.
- 7.2 Staff should have already used careful judgement and discussion with the Headteacher/Head of School/Executive Head in recommending or confirming vexatious or unreasonably persistent status and similar judgement/discussion will be necessary when recommending that such status should be withdrawn.

## APPENDIX A

Some examples of vexatious and unreasonably persistent complainants

- Refusal to specify the grounds of a complaint, despite offers of assistance from TTLP staff.
- Refusal to co-operate with the complaints investigation process or insistence on the complaint being dealt with in ways which are incompatible with TTLP's complaints procedure.
- Making what appears to be groundless complaints about the employees dealing with the complaints or attempting to use the complaints procedure to pursue a personal vendetta against an employee or team.
- Making unnecessarily excessive demands on the time and resources of TTLP staff whilst a complaint is being looked into.
- Changing the basis of the complaint as the investigation process goes on and / or denying statements he / she made at an earlier stage,
- Raising at a late stage in the process, significant new information which was in their possession when he or she first submitted a complaint.
- Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure,
- Refusal to accept that issues are not within the remit of a complaints procedure or demanding outcomes which the complaints procedure cannot in itself provide. This could include the overturning of court decisions, dismissal or criminal prosecution of staff.
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved,
- Seeking to coerce, intimidate or threaten staff or other people involved, whether by use of language, tone of voice or behaviour including body language.
- Submitting repeat complaints essentially about the same issues, which have already been addressed under the school complaints procedure.
- Persistence in contacting the school and demanding responses or action long after the school/trust has closed the enquiry / investigation into a complaint and all rights of review and appeal have been exhausted.

## APPENDIX B

### PERSISTENT AND UNREASONABLE REQUESTS

From time to time the school/trust may find parents/carers making persistent or unreasonable requests. The school/trust will have the right to assess each case individually and the Headteacher will determine whether such requests are detracting resources from the core purpose of the school/trust. In such cases the vexatious complaints policy will be applied as applicable/necessary.