



# Schools Persistent, Vexatious and Unreasonable Behaviour Complainants Policy



School/Academy Name:	
Date of Adoption:	
Chair of Governors Signature	
Signature of Head Teacher:	

The Schools HR Advisory Service will automatically update this Policy/Procedure to comply with any changes to legislation or ACAS guidance, to make corrections or increase the understanding and notify schools of the amendments.

**This Policy should not be amended by a School, with the exception of entering details above. Any changes will invalidate the policy.**

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## 1. Introduction

It is the wish of every Employer to promote good employee relations practices and customer relations and in keeping with this aspiration, this document is designed to address instances of offensive language, malicious complaints, and relentless demands that cause undue stress. It also covers threatening behaviour aimed at inflicting mental or physical harm, including direct threats, bullying, racial abuse, sexual harassment and physical violence.

## 2. Scope and Coverage

The Council and School aims to provide high quality services to all service users.

When things fall short of this standard, the school will deal with those who have a complaint fairly, honestly and properly through the school's internal/external complaint process.

This Policy covers both complaints internally within the workplace between staff and external complainants.

The purpose of this Policy is to set out a framework for Schools to manage unreasonable actions that occurs by staff or external sources (which may include Consultants, Contractors and Agency Workers) and also by third parties such as Parents, Customers, Suppliers or Visitors and should be read in conjunction with the Schools Bullying and Harassment Policy and Schools Complaints process.

In certain instances, interactions between individuals may become unreasonable. For example, this can manifest as excessive persistence in communications and information submissions. Such behaviour can hamper the relationships between both the individuals involved and others and can significantly affect the wellbeing of staff.

When individuals repeatedly, frivolously or persistently make complaints that harm the School or Staff whether through threats or inappropriate behaviour causing distress, whether in person, online, over the phone, or in writing the Policy will be followed.

This Policy supports Schools with a zero-tolerance approach towards work-related violence and aggression, including abusive or threatening communications or behaviour and that no one should face violence or aggression in the workplace, whether in person, over the phone, by the written word or through digital means.

The Framework for managing cases of persistent, vexatious and unreasonable behaviour complaints takes into consideration the provisions of the following:

- For the purposes of this Policy, we have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable persistent complaints" and "unreasonable complainant behaviour." Which can be found here: [Managing unreasonable actions by complainants: A guide for organisations - Local Government and Social Care Ombudsman](#)

In order to avoid unfair treatment or discrimination, Head Teachers and Governing Bodies should seek the advice and assistance of the Schools HR Advisory Service, their HR Provider or their Legal Provider at all stages in the operation of this Policy.

Adoption of this Policy will ensure that the Governing Body will have the full support of the Local Authority in progressing cases. It is noted that this Policy has been consulted on locally with the recognised Trade Unions and Professional Associations.

If a Governing Body chooses to adopt an alternative Policy, then a copy of the Policy, together with the reasons for their adoption, should be sent to the Commissioning Director Education who will advise the Secretaries of the recognised Trade Unions and Professional Associations. The Governing Body must then engage in a consultation process with those Representatives with a view to reaching an agreement.

Governors must ensure that the adopted Policy is readily available to and understood by all employees.

### **3. Using Alternative HR Providers**

Community and Voluntary-Controlled Schools using Human Resource Providers other than the Local Authority recognised service provision must ensure that the Local Authority is notified in line with this Policy. Said Provider must adhere to the agreed Policy, when providing support.

**Where a School does not buy into the Schools HR Advisory Service (LBBD) charges are likely to apply.**

### **4. Unreasonably Persistent Complainants Definition**

In accordance with guidelines provided by the Local Government Ombudsman (LGO), unreasonable and unreasonably persistent complainants are defined as follows:

“Those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation’s consideration of their, or other people’s complaints.”

While isolated incidents may be deemed unacceptable, the primary challenge often arises from the persistently unreasonable behaviour that proves time-consuming to address and disrupts the proper handling of complaints.

### **5. Unreasonable Complainant Behaviour Definition**

The following list, whilst not exhaustive, provides examples of behaviour by complainants which may be described as unreasonably persistent and/or unreasonable. (In these examples a “contact” may be in person, by telephone, letter, email, social media or SMS Text Message/WhatsApp and other messaging apps.). Such behaviours that will not be tolerated:

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusal without good cause to complete the appropriate Schools Complaint Forms (if applicable) and give required details such as, but not limited to name, address, contact details.
- Completing the account of the complaint in a reasonable manner, for example the school will not follow links on social media or internet due to the risk of malware.
- Refusing to co-operate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of this Policy as issues are being dealt with under other Policies (e.g., Sickness Absence, Disciplinary or Grievance)
- Insisting on the complaint being dealt with in ways which are incompatible to this Policy.
- Mis-using School telephone numbers, for example calling mobile numbers or those not intended for public use.
- Repeatedly demanding special treatment/immediate escalation to a Head Teacher/Manager.
- Making unjustified complaints about staff who are trying to deal with issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements they made at an earlier stage.
- Introducing trivial or irrelevant latest information at a later stage.
- Raising numerous, detailed but unimportant questions; insisting they are all answered.
- Covertly recording meetings and conversations (which will be considered a disciplinary matter with regard to Employees).
- Misusing technology (such as):
  - Recording interactions with the school for no valid reason and/or without permission.
  - Posting recordings online without the permission of those recorded.
  - Live streaming interactions with the school without their approval.
  - Altering or editing recordings.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue.
- Making excessive demands on the time and resources of staff with lengthy and repeated phone calls, emails to numerous School Staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints.

- Refusing to accept the decision.
- Repeatedly arguing points with no new evidence.
- The use of profane language.
- The use of language which promotes racism, sexism, misogyny, Islamophobia, antisemitism, homophobia and all other kinds of hate speech.
- Persistently using threatening, intimidating, derogatory and inflammatory language or behaviour towards staff.
- Attempting to publicly discredit staff or the School through false accusations or misleading statements on public platforms, including social media.
- Using the Complaints process for party political or electioneering purposes.
- Using different channels to bypass being recognised as the same complainant who has been asked to follow specific communication protocols.
- Failing to adhere to agreed-upon communication methods prescribed by the complaints process and/or agreed-upon.
- Exhibiting behaviours that disrupt the daily operations of the School's operations, such as loud or disruptive conduct during face-to-face visits or telephone calls.
- Refusing to acknowledge written communications and continuously requesting oral responses.
- Submitting complaints in a manner that is purposely confusing or disorganised to frustrate the handling process.

In some cases, where a staff member's behaviour is not in line with the School Policies it may be dealt with under Schools Disciplinary and Schools Grievance Policies.

The Policy recognises that from time-to-time staff may feel dissatisfied and angry about how they have been treated. However, the School has a duty of care to its staff and will take all necessary steps to ensure the safety and wellbeing of its staff.

The school will aim to take a zero-tolerance approach towards work-related violence and aggression, including abusive or threatening communications or behaviour. The school's stance is that no one should face violence or aggression in the workplace, whether in person, by letter, over the phone, or through digital means.

Examples of unacceptable or vexatious behaviour, as defined by the LGO, include any action or series of actions which are perceived by the staff member to be "deceitful, abusive, offensive, threatening" whether they are delivered face to face, verbally or in writing or a combination of the two.

This includes not only behaviour directed at them, but also their families or associates. If a staff member feels threatened by a complainant, they will report their concerns and the reason for them, to their line manager.

As part of the action arising from the investigation the School will consider:

- Writing to the perpetrator requiring no repetition of the behaviour.

- Setting conditions and restrictions for further contact with staff.
- Consider whether to report the matter to the Police.

## 6. How the School will Respond

The Council expects Schools to be committed to eradicating work-related violence and aggression directed towards Staff. When engaging with the public, we prioritise politeness, courtesy, and professionalism to nurture an environment conducive to constructive debate rather than animosity.

Regardless of whether individuals support or oppose our proposals, we aim to facilitate productive dialogues that encourage the sharing of feedback. When we believe a complainant to be unreasonably persistent, we will tell them why and ask them to change their behaviour.

If their behaviour continues, we will take action to restrict the complainant's contact with the school. When addressing abusive communications, we respond promptly and decisively. This may involve ending phone calls if abusive behaviour persists. Written communications violating the Policy will not be acknowledged.

Instances involving potential harm or hate crimes will be escalated to the appropriate authorities. Any such restrictions will be evidence based, appropriate and proportionate.

Any decision to act will be taken by the Head Teacher/Governing Body.

In arriving at a decision any relevant factors such as disability, language or illness will be fully considered. The most likely options will be:

- Putting in place contact in a particular form (e.g., by letter only).
- Requiring contact to take place with a single named member of staff.
- Restricting telephone calls to specific days and times.
- Limiting the duration of telephone calls.
- Asking the complainant to enter into an agreement about their contact.
- Closing the complaint.
- Repeated calls may be deemed to be harassment, which, after consultation with Schools HR Advisory Service or your HR Provider may be reported to the Police.

In cases where this becomes necessary, the complainant will be written to informing them why their behaviour is unacceptable and include the following details:

- The behaviours that the school deems unreasonable.
- Specific examples of what constitutes unreasonable behaviour
- An assessment to determine if the individual requires any special accommodations under the Equality Act 2010.
- Information on the Schools Complaints Policy should the individual wish to challenge the warning.

- A defined period during which the individual's actions will be monitored (which is usually 6 months) along with details on when, how, and by whom any contact restrictions or other measures will be evaluated
- The potential consequences if the identified actions are not corrected.
- The Review Procedure to action taken.

In the event that the actions taken by staff are deemed to be Misconduct or Gross Misconduct under the Schools Disciplinary Policy, the School have the right to address the concerns through the formal Schools Disciplinary Policy.

In taking the action described above, it must be emphasised that this part of the Policy should only be used as a last resort and after all other reasonable measures have been taken to resolve complaints or complainant behaviour.

Judgement and discretion will be applied to ensure that contact from the complainant about matters other than the complaint is not ignored, resulting in potential failures to respond to a request for service or an emergency.

If dealing with such behaviour in a telephone conversation, the staff member will tell the complainant that they will terminate the call if the behaviour continues. If despite this warning the behaviour continues, the contact will be terminated. (The school should then write a brief note of the incident as soon as possible afterwards, including what was said, their response and the date and time, whilst this is fresh in their memory and a note placed on the case file recording the circumstances of the termination).

Repeated calls may be deemed to be harassment, which, after consultation with Schools HR Advisory Service or your HR Provider or Legal Provider may be reported to the police. However, we believe it is crucial that any decision to limit access to services, including the right to lodge complaints, must be considered very carefully. Given the inherent power disparity between individuals and the school, it is important for the School to thoroughly contemplate their obligations under equality and human rights legislation. The school should avoid a uniform method to manage challenging behaviours and instead assess each situation on a case-by-case basis.

The school will always consider the options of:

- Assessing whether the individual might need any specific accommodations under the Equality Act 2010.
- Proposing a meeting or a conversation with the individual to better understand any issues that may be leading to their unreasonable behaviour.
- Suggesting mediation if there are issues between Staff Members.

Action taken under this Policy must be undertaken in consultation with the Schools HR Advisory Service, your HR provider or Legal Provider. If the situation is serious enough to limit contact channels, the Head Teacher/Governing Body will be asked to endorse any action deemed necessary.

Where a complainant continues to behave in an unacceptable manner, the Head Teacher/Governing Body may authorise staff to terminate contact with the complainant and discontinue any further investigation into the complaint.



The school may advise the complainant that any further contact provided in writing will be read and placed on file without acknowledgement and telephone calls will be terminated and logged.

Breach of confidentiality may give rise to disciplinary action under our Disciplinary Policy.

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## Appendix 1: Persistent, Vexatious and Unreasonable Behaviour Complainants Process Flow Chart

