

Viking Academy Trust



Vexatious, Serial or Persistent Complaints Policy

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Signed



Chair of Trust

Vexatious, Serial or Persistent Complaints Policy

The Viking Academy Trust

Empowering Children Through Education: One Childhood One Chance

Schools in the Viking Academy Trust (VAT)

Chilton Primary School
Ramsgate Arts Primary School
Upton Junior School

This Vexatious, Serial or Persistent Complaints Policy is for all of the aforementioned schools.

The Executive Headteacher, Headteachers and staff deal with specific concerns or complaints as part of their day-to-day management of the school in accordance with the Viking Academy Trust's Complaints Procedure.

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 concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

Purpose of the Policy

The purpose of this policy is to provide a clear framework for identifying and responding to complaints that are deemed vexatious, persistent, or serial, after the Trust's complaints procedure has been exhausted. It ensures compliance with statutory guidance, including the Education Act 2002 and reflects best practice as outlined in the Department for Education (DfE) Best Practice Guidance for School Complaints Procedures 2020.

This policy aims to:

- Define what constitutes a vexatious, persistent, or serial complaint.
- Outline procedures for managing such complaints in a fair, proportionate, and transparent manner.
- Protect staff and resources from unreasonable demands or harassment.
- Ensure all stakeholders understand their rights and responsibilities under the policy.
- Maintain the integrity of the complaints process, supporting a safe and respectful environment.

Expectations of all members of a school community

The school can expect members of the school community who wish to raise problems with the school to:

- Treat all school staff with courtesy and respect;
- Respect the needs and well-being of pupils and staff in the school;
- Avoid any use, or threatened use, of violence to people or property;
- Avoid any aggression or verbal abuse, including swearing;
- Recognise the time constraints under which members of staff and governors in schools work and allow the school a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take some time;
- And (in the case of a complaint), follow the School's Complaints Procedure or (if a member of staff) the appropriate internal staff procedure.

Balancing Parental Rights and Staff Wellbeing

We recognise the right of parents, carers, and others to raise concerns and complaints about the school's provision, and we are committed to listening and responding appropriately. At the same time, we have a duty to protect our staff from harassment, abuse, or unreasonable demands. This policy seeks to balance these rights and responsibilities, ensuring that all parties are treated with respect and dignity.

Definitions

Vexatious or Persistent Complaints

A vexatious complaint is one that is made with the intention of causing inconvenience, harassment, or distress, rather than genuinely seeking to resolve a concern.

- **Refusal to Engage with School Complaint Procedure**
- **Repeated Complaints Without New Evidence:** The same issue is raised repeatedly, with no new information or evidence provided.
- **Refusal to Accept Outcome of Informal Concern Investigation:** The complainant refuses to accept the outcome of an informal concern investigation, despite all avenues of investigation being exhausted.
- **Refusal to Accept Outcomes:** The complainant refuses to accept the outcome of the complaints process, despite all stages being exhausted.
- **Excessive or Unreasonable Demands:** The complainant makes unreasonable demands on Trust or academy time or resources, such as frequent, lengthy, or complex correspondence.
- **Abusive, Offensive, or Threatening Behaviour:** The complainant uses language or behaviour that is abusive, offensive, or threatening towards staff, pupils, or other stakeholders.
- **Unwarranted Escalation:** The complainant repeatedly escalates the issue to external bodies without reasonable grounds.

These criteria are based on DfE guidance and are intended to ensure that the complaints process is used constructively and respectfully.

Serial Complaints

A serial complaint is one in which the complainant raises different issues in succession, often after the resolution of previous complaints. While each issue may be distinct, the pattern

of behaviour may indicate an unreasonable use of the complaints process. Serial complaints differ from vexatious or persistent complaints in that they involve new topics, but may still place excessive demands on Trust or academy resources.

Unreasonable Complainant Behaviour

Unreasonable complainant behaviour includes actions that disrupt the normal operation of the Trust or its schools, or that are disproportionate to the nature of the complaint. Examples include:

- Sending excessive numbers of emails, letters, or phone calls.
- Insisting on immediate responses or demanding meetings at unreasonable times.
- Refusing to cooperate with the complaints procedure or ignoring agreed communication channels.
- Making unfounded allegations or using inflammatory language.
- Harassing staff or pupils, either in person or via digital channels.

Such behaviour may result in restrictions on communication, as outlined in this policy.

Vexatious Complaints or Contact

The term vexatious is recognised in law. A "vexatious" claim or complaint is one being pressed specifically to cause harassment, annoyance, frustration or worry. The term is used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive, or whose requests cause disproportionate difficulties to the resolution efforts of school staff and governors, by pursuing an unreasonable course of conduct.

Harassment

Under the Protection from Harassment Act 1997: "A person must not pursue a course of conduct :

- which amounts to harassment of another, and
- which he knows or ought to know amounts to harassment of the other

For the purpose of this policy, harassment is categorised as behaviour that is unwelcome, unwarranted and causes a detrimental effect.

Examples

Behaviours covered within this policy may be characterised by the following (not an exhaustive list):

- Repeatedly making the same complaint or substantially similar complaints, despite a full investigation and response;
- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- Persistently approaching the school through different communication channels (e.g., email, telephone, in person) in a manner that is unreasonable;
- Using Freedom of Information requests / Subject Access Requests excessively and unreasonably ;
- Making excessive demands on school time or resources, disproportionate to the nature of the complaint;

- Using abusive, offensive, or threatening language or behaviour towards staff, governors, or other members of the school community;
- Making continued groundless complaints about staff when a matter has been investigated;
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with the Headteacher or Executive Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.
- Making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced;
- Failing to specify grounds of the complaint, despite offers of assistance from the school;
- Refusing to accept the outcome of the complaints process or an informal concern investigation, or insisting on a different outcome without new evidence;
- Submitting multiple complaints about different issues in a short period, in a way that appears intended to disrupt the school's work;
- Refusing to engage with the school's complaints process, or failing to specify the grounds of a complaint despite reasonable requests for clarification;
- Seeking to have the complaint reconsidered by different staff members or governors after a decision has been made;
- Continued inflammatory or derogatory communication about the school, including via social media channels;
- For the purpose of this policy, harassment is the unreasonable pursuit of such actions as above in such a way that they:
 - appear to be targeted over a significant period of time on one or more members of school staff and/or cause ongoing distress to individual member(s) of school staff
 - have a significant adverse effect on the whole/parts of the school community
 - are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect

Procedures for Handling Vexatious, Serial or Persistent Complaints

All complaints received will be considered in accordance with the school's published complaints procedure. This includes informal resolution, formal investigation, and, where appropriate, escalation to the governing body or trust board. Every complaint will be assessed on its merits, and the school will seek to resolve concerns at the earliest possible stage. Only after the full complaints process has been followed, and where there is clear evidence of unreasonable behaviour, will a complaint be considered for classification as vexatious, serial, or persistent.

Actions in Response to Complaints Becoming Vexatious, Serial or Persistent:

In the first instance the school will inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

Should behaviours not then be modified, Viking Academy Trust will make a decision to classify these as vexatious, serial or persistent.

Decision-Making Process

The decision to classify a complaint as vexatious, serial, or persistent will be made by the Executive Headteacher (or, in their absence, a designated senior leader) in consultation with the Chair of Governors. The decision will be based on a careful review of the evidence, including the history of the complaint, the behaviour of the complainant, and the impact on the school community. The rationale for the decision will be clearly documented, and the process will be transparent and fair.

Communication with Complainant

If a complaint is to be classified as vexatious, serial, or persistent, the complainant will be informed in writing. The notification will include:

- A clear explanation of the reasons for the decision, with reference to the relevant criteria
- Details of any restrictions on future contact or communication
- Information about the right to appeal the decision, including how to do so and the relevant timescales
- A reminder that the school remains committed to addressing any new or legitimate concerns that may arise in the future

Restrictions on Contact

Where a complaint has been classified as vexatious, serial, or persistent, the school may impose reasonable and proportionate restrictions on future contact. These may include:

- Requiring all communication to be in writing and addressed to a named individual (of the school's choice)
- Requiring that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- Limiting the frequency or method of contact (e.g., no telephone calls or in-person meetings, stating how often contact can be made and will be responded to)
- Refusing to respond to further correspondence about the same issue, unless new information is provided
- Restricting access to the school site, where behaviour has been abusive or threatening

Any restrictions will be clearly explained to the complainant in writing, including the reasons for the decision and the duration of the restrictions. The school will review any restrictions periodically to ensure that they remain appropriate and proportionate.

Appeals Process

Complainants have the right to appeal the decision to classify their complaint as vexatious, serial, or persistent. Appeals must be made in writing within five school days of receiving the notification. The appeal will be considered by a panel of at least two governors or trustees who have not been involved in the original decision. The panel will review the evidence, consider any additional information provided by the complainant, and make a decision within ten school days. The outcome of the appeal will be communicated in writing, and the decision of the panel will be final.

Periodic Review of Status

The status of any complaint classified as vexatious, serial, or persistent will be reviewed at least annually, or sooner if circumstances change. The review will consider whether the restrictions remain necessary and proportionate, and whether the complainant's behaviour has changed. The outcome of the review will be communicated to the complainant in writing. If the school decides to lift or amend any restrictions, this will be explained clearly.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the HR/Legal Services/Police.

Other Documentation Relevant to this Policy:

- VAT Complaint Procedure
- VAT Parent and Carer Code of Conduct
- VAT Zero Tolerance Statement