



**Kings Langley School**

Unlocking Potential for Life

# Habitual and Vexatious Complaints Policy

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## Rational

This policy exists to provide a framework for supporting our stated aim of “ensuring the happiness of every individual in our community”, to promote a climate which enables all students to flourish, regardless of ability or special needs, and supports our desired outcomes of developing "strong character"

## Character Development: Commitment to Equality and Diversity

This school is founded on a set of fundamental values designed to enable all students and adults connected with our community to flourish and succeed, regardless of background or circumstances. We are determined to be open to people, places, methods and ideas—and as such, equality and diversity are at the heart of everything we do. Our continued dedication to social justice and equality of opportunity is embodied in everything we do.

We are creating an **inclusive** school community where:

- People are treated with dignity and respect
- Inequalities are challenged
- We anticipate, and respond positively to, different needs and circumstances so that everyone can achieve their potential
- We value diversity and we recognise that different people bring different perspectives, ideas, knowledge and culture, and that this difference brings great strength.
- We believe that discrimination or exclusion based on individual characteristics and circumstances, such as age; disability; caring or dependency responsibilities; gender or gender identity; marriage and civil partnership status; political opinion; pregnancy and maternity; race, colour, caste, nationality, ethnic or national origin; religion or belief; sexual orientation; socio-economic background; trade union membership status or other distinctions, represents a waste of talent and a denial of opportunity for self-fulfilment.
- We recognise that patterns of under achievement at any level and differences in outcomes can be challenged through positive intervention activities designed to bridge gaps.
- We respect the rights of individuals, including the right to hold different views and beliefs. We will not allow these differences to be manifested in a way that is hostile or degrading to others.
- We expect commitment and involvement from all our staff, students, partners and providers of goods and services in working towards the achievement of our vision.

## Introduction

This policy applies to all complainants and 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’ and ways of responding to these situations.

In this policy the term habitual means ‘done constantly or as a habit’. The term vexatious 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’.

The terms used in this policy are to clarify that the school is attempting to deal with persons who seek to be disruptive or whose requests cause disproportionate and repeated efforts by the school in pursuing an unreasonable course of conduct.



The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Data Protection Act 1998, and the Environmental Information Regulations 2004, and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual and / or vexatious complainants can be a problem for school staff and Governors. The difficulty in handling such complaints can place a strain on time and resources. Whilst the school endeavours to respond with patience and sympathy 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. This may, for example, be where the complaint is unfounded or where a reasonable person would agree there is insufficient or limited evidence.

### Scope of Policy

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school's complaints procedures. However, it is not necessary for a complaint to have been lodged with the school for any length of time before this policy can be invoked. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

The policy should only be invoked following careful consideration by the Head and after approval by the Chair of Governors. If the complaint is principally (or to a reasonable degree) against the Chair, then authorisation will be from a 3-person panel of the Governing body. The decision must be reported to the full governing body provided that no individual may undertake a role in authorisation in this procedure if he / she has had an involvement with the complaint.

### Kings Langley School Habitual and Vexatious Complaints

The school does not expect its staff to tolerate unreasonable behaviour, and we will take decisive action to protect staff from such behaviour, including any that the School deems to be abusive, offensive or threatening.

Kings Langley School defines unreasonable behaviour as that which affects the smooth and efficient running of the school on a daily basis, or that which hinders the school's 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 process at any stage.
- Refuses to accept that certain issues are not within the scope of the complaints process.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon.
- Raises detailed but unimportant questions and insists they are answered fully, often immediately and to their own timescales.
- Makes unfounded complaints about staff who are trying to deal with the issues and seeks to have them replaced.



- Seeks to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuses to accept the outcome of the complaints process despite the fact that the process has been exhausted and correctly implemented, including signposting the complainant to the Department for Education (DFE).
- Seeks an unrealistic outcome.
- Makes excessive demands on School time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Makes and breaks contact with the School on an ongoing basis with varying time delays in between.
- Knowingly provides false information.
- Persistently approaches various individuals at the School, as well as the Local Authority, Ofsted and the Department for Education, etc, through different routes about the same issue(s) in the hope of eliciting different responses.
- Publishes what the School deems to be inappropriate or unacceptable information on social media or other platforms.
- Have, in the course of addressing a complaint, had an excessive number of contacts with the School placing unreasonable demands on staff time. A contact may be in person or by telephone, letter or e-mail. Discretion must be used in determining the precise number of “excessive contacts” applicable under this section, using judgement based on the specific circumstances of each individual case.
- Have threatened or used physical violence towards staff at any time – this will, in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidences will be documented. The Academy has determined that any complainant who threatens or uses actual physical violence towards staff will be regarded as a vexatious complainant and will receive written confirmation of the same from the appropriate Head of Service. This will also inform the complainant of the action to be taken with regard to any further communication received.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may be sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour.
- Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- Make unreasonable demands on the “customer / complainant” relationships and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Complaints procedure or normal recognised practice.
- Fail to accept suitable evidence or reasonable objective testimony provided by the school because it does not agree with their interpretation of a particular issue. It should be remembered that the school usually comes to a decision on reasonable “balance of probabilities” resulting from an effective investigation.



## Strategy for Dealing with Habitual or Vexatious Complainants

Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (Head and Chair) will determine what action to take. The Clerk will implement such action and will notify complainants, in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. Herts CC officers, staff or Members of Parliament. A record must be kept, including on the complaints database, for future reference of the reasons why a complainant has been classified as habitual or vexatious.

It may be decided to decide to deal with complainants in one or more of the following ways:

- (a) Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
- (b) To restrict contact to liaison through a designated officer.
- (c) Notify the complainant in writing that the Governing body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered.
- (d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing body shall not, without the consent of the Trust, withdraw or not provide any services to which the complainant or his / her family are entitled to receive.
- (e) In extreme circumstances inform the complainant that the school reserves the right to pass unreasonable or vexatious complaints to the Trust's Legal Services and may result in legal action against the complainant.

## Review Decisions and Withdrawing 'Habitual or Vexatious' Status

Once a complainant has been determined as habitual or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate. Complainants also have an opportunity to have their habitual or vexatious status withdrawn.

The Head, and Chair (or panel), will review their decisions to categorise a complainant as habitual or vexatious at least every six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months.



If the person categorised as habitual or vexatious is not satisfied with the decision reached, they may request that the Governing body review the decision. The Governing Body will appoint an appeal panel of 3 to review the decision. Such a request for a review may only be received once in any six-month period. Notice of that decision will be given, as far as is practical, within 20 working days of receipt of the request. The panel on review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

If it considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.

Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

### Monitoring Arrangements

Statistical information will be presented annually to the Governing body with details of complainants who are categorised as habitual and / or vexatious.

#### **General.**

Nothing in this policy affects an individual's statutory rights.

Governors may be approached by individuals who have been identified by the school as habitual / vexatious complainants. In such cases they may, if they so wish, ask officers to write to those individuals on their behalf, to explain that the Governor will not be able to deal with the particular issue whilst they continue to be a vexatious / habitual complainant

Complainants should try to limit their communication with the school where it relates to their complaint, whilst the complaint is being progressed through the complaints process. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised.

Wherever Complainants/Parents/Carers continue to contact Kings Langley School excessively, causing a significant level of disruption, the school will consider whether to impose some or all of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of Staff (e.g. the Headteacher).
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their future contact with the school.
- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant tries to re-open an issue that has already been considered through the complaints process, the Chair of Governors will inform them in writing that the process has been exhausted, that the matter is now closed, and that the school will not enter into any further correspondence about it.



The decision of the Headteacher or Chair of Governors to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the school's complaints process. This is because the decision will be reviewed by the Headteacher or Chair of Governors after six months. If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Headteacher or Chair of Governors reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the Complainant/Parent/Carer's behaviour has improved to a level that the school deems acceptable, then communication restrictions will be lifted on the proviso that should matters regress, the School reserves the right to reinstate the communication restrictions that previously applied.

In response to any serious incident of aggression or violence, Kings Langley School will immediately inform the Police and communicate our actions in writing. This may include barring the individual(s) from the school premises. Should the School deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled Controlling access to School premises.

The school also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.