

Little Ark Pre-School and Arnesby C of E (Controlled) Primary School
Unreasonable Complainants Policy and Time to stop responding Policy

Agreed by the Governing Body: Autumn Term 2016 In line with Government update Jan 11th 2019

Review Date:

Review Spring Term 2020

1) Unreasonable Complainants Policy

Arnesby Church of England Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Arnesby Church of England Primary School defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.

A complaint may be regarded as unreasonable when the person making the complaint:-

- 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 investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school’s complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Arnesby Church of England Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Arnesby Church of England Primary School.

The Office responsible for the enforcement of the Data Protection Act 1998, and also responsible for Freedom of Information "ico" is informative - see "Dealing with vexatious requests (section 14) 2behaviour0151218 Version: 1.3 38"

Explains further behaviours that Arnesby Church of England Primary School may consider about unreasonable complainants: -

59. The requester's past pattern of behaviour may also be a relevant consideration. For instance, if the authority's experience of dealing with the complainant's previous requests suggests that they won't be satisfied with any response and will submit numerous follow up enquiries no matter what information is supplied, then this evidence could strengthen any argument that responding to the current request will impose a disproportionate burden on the authority.

82. Whilst fishing for information is not, in itself, enough to make a request vexatious, some requests may:

- *Impose a burden by obliging the authority to sift through a substantial volume of information to isolate and extract the relevant details;*
- *Encompass information which is only of limited value because of the wide scope of the request;*
- *Create a burden by requiring the authority to spend a considerable amount of time considering any exemptions and redactions;*
- *Be part of a pattern of persistent fishing expeditions by the same requester.*

2) **Time to stop responding Policy**

The decision to stop responding should never be taken lightly. Arnesby Church of England Primary School needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- They are contacting the school repeatedly but making substantially the same points each time.

The case is stronger if as a school we agree with **one** or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience. (Have they actually said as much in a letter, email or telephone call?)
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

School will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what we will refuse to respond to, not the correspondent.

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption school may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that school is failing to comply with its legal obligations. School needs to ensure that we are acting reasonably and that any genuine complaint can still be heard.

If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, we may be able to approach the governor services team at the LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response. Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps.

In some cases, injunctions and other court orders can be issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. We will talk to our FOI/DP advisor contact about these or approach the ICO for further advice.

Once school has decided that it is appropriate to stop responding, we will let the complainant know; ideally, through a hard copy letter however an email will suffice.