Persistent, Unreasonable and Vexatious Complainants Policy

**Manchester Vocational and Learning Academy**



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| **Approved by:** | Linda Guest |  |
| **Last reviewed on:** | 1st September 2024 |
| **Next review due by:** | 1st September 2026 |

MVLA 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.

MVLA 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;
* seeks an unrealistic outcome;
* 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;
* 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 the Management Committee 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 MVLA 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 MVLA.

**Barring complainants from the school premises**Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent’s behaviour is a cause for concern, a school can ask him/her to leave school premises.

In some instances, the headteacher may decide that it is not safe for a parent, carer or complainant to be on the school premises and that they should not be permitted on the school premises in the future. In these instances, any meetings regarding the student’s education or welfare would usually take place at the referring school.

If an individual is barred from the premises they are able express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the individual, and either confirmed or lifted. The individual will be informed of the outcome in writing.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of the Management Committee. However, complaints about barring cannot be escalated to the Department for Education.

Once the school’s own complaints procedure has been completed, the only remaining avenue of appeal is through the courts; independent legal advice must therefore be sought.

**Removing aggressive complainants from the premises**It's a criminal offence to cause or permit “a nuisance or disturbance” on school premises. This means that complainants can be legally removed from the site if they are acting in an abusive or threatening manner.

At MVLA we will not tolerate behaviour that threatens the safety or wellbeing of our staff and students. If we have good cause to believe that a student, a member of their family or one of their associates poses a risk to our students or staff as a result of the student’s placement at the school we reserve the right to contact the referring school and terminate that placement. If this happens that pupil will no longer be dual rolled at MVLA and will return to the roll of the referring school. Full records will be kept of the reasons that this decision has been taken and these records will be shared with the referring school.