

Old Clee Primary Academy

'Inspired to Believe, Learning to Succeed'

Serial and Unreasonable Complaints Policy



Approved by: Head Teacher

Date: 19th March 2025

Last reviewed on: March 2025

Next review due by: Spring 2026

Dealing with a complaint is normally a straightforward process, however in a minority of cases, people may pursue their complaints in a way which can either hinder the investigation of their complaint or can have significant resource issues for the Academy, affecting the needs of the other pupils. These actions can occur either while the complaint is being investigated, or after the investigation into the complaint has closed.

To describe these actions we use the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'. These are defined as 'complainants who, because of the frequency or nature of their contacts with the Academy, hinder our ability to consider their or other people's complaints.'

Unreasonable and Unreasonably Persistent Complaints

Below are some of the actions and behaviours which would identify unreasonable and unreasonably persistent complainants. It is by no means an exhaustive list but they are examples that the Academy considers relevant:

- Refusing to specify the grounds of a complaint,
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved, i.e. withholding evidence;
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Making what appear to be groundless complaints about the people dealing with their complaint, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds and / or denying statements they made at an earlier stage;
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
- Pursuing more than one complaint or complaints at the same time
- Making unnecessarily excessive demands on the time and resources of the Academy whilst a complaint is being looked into, by, for example, excessive telephoning or emailing, regularly writing lengthy and/or complex letters or expecting immediate responses;
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions / variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure;
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision;

- Complaints that are instituted, without sufficient grounds, which are intended to cause annoyance and embarrassment;
- Complaints that are not serious or sensible in content, attitude or behaviour, and unworthy of serious sensible treatment;
- Complaints that have been previously considered and responded to through the complaints process and found not to be justified, unless sufficient new evidence can be provided; or
- Combinations of some or all of the above.

We recognise that individuals may sometimes act out of character at times of stress, anxiety or distress and will make reasonable allowances for this. All incidents of harassment or aggression will nevertheless be documented.

Where it is considered that the actions of a complainant are unreasonable as defined above, the matter will be referred to the Governing Body to consider the complainant's behaviour and decide on the appropriate actions to be taken.

Restrictions

The restrictions we apply will always be appropriate and proportionate to the individual circumstances of the complainant, and may include:

- Deciding that the complainant's behaviour does not fall within the scope of this policy, and therefore no action will be taken and the complaints will progress following the normal procedure;
- Provide the complainant with assistance in formulating their complaint;
- Issuing a letter, explaining why the complainant's behaviour is causing concern, asking them to change this behaviour and outlining the potential actions that we may take if the unreasonable behaviour does not change;
- Explaining to the complainant that the Academy's Complaint Policy has to be followed and asking them to enter into an agreement about their future contact with us, such as;
 1. Nominating a single point of contact within the Academy for the complainant (including a dedicated telephone number, voicemail or email);
 2. Restricting contact to a particular form (such as e-mail, letter); or
 3. Restricting telephone calls to specified days and times.
 4. Refusing to investigate the complaint until the complainant provides further information;
 5. Refusing to investigate the complaint;
 6. Refusing to respond to further questions on a complaint already considered and referring the complainant to the Local Authority. In such cases, we will read all subsequent correspondence relating to the same issue from that complainant, but

unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

Where the behaviour of a complainant is so extreme that it threatens the immediate safety and welfare of others, we will consider other options, including reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

If a complainant is considered to be rude or abusive, or takes an excessively long time to explain their complaint on the telephone, the Academy may take the decision to terminate the conversation. Where this is applicable the complainant will be informed that the conversation is being terminated.

If the decision is taken to apply any restrictions, we will write to the complainant with a copy of this policy to explain:

- Why the decision has been taken;
- What it means for their contacts with us;
- How long any restrictions will apply to the complainant;
- How restrictions can be lifted;
- When the restrictions will be reviewed and by whom; and
- Their rights of appeal.

In most cases restrictions will be put in place, initially for 6 months. These will be reviewed after this period to decide if the restrictions should continue. If after review it is considered that contact remains unreasonable, the review period may be extended.

In addition to informing the complainant of the restrictions put in place, we will also inform all relevant individuals acting on behalf of the Academy. This may include but is not limited to:

- The Local Authority,
- Legal Services;
- The Academy's DPO;

Only these individuals with a justified purpose will be entitled to the detailed information concerning the reasons for the restrictions. Representatives of the complainant will only be provided with this information once written consent is received.

As the decision to impose any restriction is taken by the Governing Body, if the complainant is unhappy with that decision they would need to submit their complaint, along with their objection to the decision of the Governing Body not to investigate their complaint to the Local Government and Social Care Ombudsman.

A record of all the decisions taken under this policy will be retained by the Academy

New complaints from a person who has come under the unacceptable behaviour / unreasonably persistent complainant process will be considered on its individual merits to ensure any restrictions are still appropriate and necessary.

Ratification

Date ratified by the Head Teacher: March 2025

Date of last review: March 2025

Next review date: Spring 2026

Signed by Head Teacher: Miss D Richardson

Date: 19th March 2025