



Unreasonable  
Complaints  
Policy

November

**2016**



# AIMS

We seek to fulfil the needs of learners in a caring, happy environment, enabling them to realise their true potential as young people and citizens.

We aim to enable our learners to:-

**P**REPARE for adult life in a happy, caring and purposeful environment

**A**CHIEVE their full potential regardless of individual need

**C**CARE for everyone and encourage respect and tolerance

**E**ENJOY education and rejoice in success



## Introduction

This policy has been produced to complement the main 'School Complaints Policy'. It is designed specifically to deal with 'unreasonable complaints'. It is based on The DfE document 'Best Practice Advice for School Complaints Procedures 2016' (January 2016 version).

Most complaints against the School will be considered under the main policy. The Whitby High 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.

### **What is an 'unreasonable complaint?'**

As stipulated, The Whitby High School will do its best to be helpful to people who contact them with a complaint or concern or a request for information. The School defines unreasonable complaints as 'those which, because of the frequency or nature of complainants' contact with the School, hinder our consideration of their or other people's complaints'. In addition, when the School is contacted repeatedly by an individual making the same points, or who asks us to reconsider our position, this will be classed as 'unreasonable'. Further examples of 'unreasonable complaints' are when a 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 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.
- Lodges multiple complaints in a short period of time.
- Clearly seeks to act in a mischievous manner and waste the time of staff and Governors.

A complaint may also be considered unreasonable, at any stage of the process, if the person making the complaint does so either face-to-face, by telephone or in writing or electronically in any of the following ways:

- Maliciously
- Aggressively
- Excessively

- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing the detail of the complaint to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Should any of the above occur, the process will not proceed in the presence of the complainants. The complaint will proceed via correspondence only.

When a complainant has been through the **three stages** of the 'Complaints Policy', it is clear that the School has done all that it can in its power to resolve the matter amicably. A complainant may remain dissatisfied; however it is unjustified to keep contacting the School over the matter. It is a poor use of the School's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the School again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the School may choose not to respond. In all cases, the application of a 'serial or persistent' marking will be against the subject or complaint itself, rather than the complainant.

### **When will the School stop responding to a complainant?**

It is important that complainants allow the School to process and respond to their concern without interference. It is not helpful if repeated correspondence is sent (either by letter, phone, e-mail or text) as it could delay the outcome being reached.

The decision to stop responding will never be taken lightly. If the School feels it can answer 'yes' to the following scenarios, we will not respond to any further correspondence on a matter:

- 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.

According to the DfE, the School's position is even stronger if:

- The School has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience and there is evidence (for example, e-mail, letter, phone call) to support this.
- Letters, e-mails or telephone calls are often or always abusive or aggressive.
- Complainants make insulting personal comments about or threats towards staff.

However, in light of the content of this document, the School will at all time fulfil its duty and provide parents/carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005. Furthermore, the School will act reasonably and ensure that any genuine complaint can still be heard.

### **Restricted communication with the School**

When an individual's behaviour is causing a significant level of disruption, the School will implement a tailored communications strategy. Depending on the nature of the case, the complainant may be restricted to a single point of contact via an email address, and/or the number

of times in which they can contact the School may be limited (for example, a fixed number of contacts per term). More serious cases will be referred to the School's solicitors.

When the School takes the action above, the complainant will be notified in writing. This will usually be reviewed after six months.

### **Barring from the School premises**

Although fulfilling a public function, Schools are private places. The public has no automatic right of entry. The Whitby High School will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

Harassment, use of foul language towards staff and threats of violence will not be tolerated by the Governing Body. If a parent/carer is on site and behaves in this manner, he/she will be asked to leave the premises.

It is always a last resort to bar parents/carers/complainants from the School premises but this will occur if people behave in such a way. Should this be necessary, the concerns and actions taken will be put in writing immediately and the police informed. The Headteacher will put the decision in writing. Parents/carers will have an opportunity to make representation about this and the decision will be reviewed after a stipulated time frame (usually six months).

Anyone wishing to complain about being barred can do so, by letter or e-mail, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education.

### **What happens if a complainant still persists in contacting the School?**

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. On a national scale, in some cases, injunctions and other court orders have been issued to complainants because of their behaviours. The Whitby High School will not hesitate to take such action.

### **What happens once I have been through the School's Complaints Procedure?**

Once the School's own complaints procedure has been completed, complainants may approach the DfE's 'School Complaints Unit' (SCU) to examine the complaint. Please be advised that the SCU's remit allows it to consider only whether the school has fulfilled its legislative duties and whether it has adhered to statutory policies. The SCU is unable to consider the substance of complaints or change the outcome, unless evidence reflects that the school has acted unlawfully, without any reasonable justification.

The only remaining avenue of appeal for the complainant is through the Courts; independent legal advice must therefore be sought.

