



Habitual and Vexatious Complaints Procedure			
Reviewed by	Susannah Holmes	Authorised by	WGB Committee
Last Review	April 2026	Date	April 2026
Next Review	Spring 2029	Review Cycle	3 Years

1. Introduction

The policy should only be invoked following careful consideration of all the issues by the Headteacher and the Chair of Governors after an attempt has been made to reason with the complainant and it has been explained to them what it will mean if the habitual and vexatious policy is invoked.

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 “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”. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests impose a disproportionate and repeated burden on the school staff and governors by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000, **Data (Use and Access) Act 2025**, and the Environmental Information Regulations 2004 and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Persistent, habitual and/or vexatious complainants can be a problem for school staff, Governors and Trustees. 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.

2. AIMS OF THIS POLICY

The aims of this policy are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- support the well-being of children, staff and everyone else who has legitimate interest in the work of the school, including governors and parents/carers;
- deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in school, while ensuring that other stakeholders suffer no detriment.

EXPECTATIONS OF PARENTS/CARERS/MEMBERS OF THE PUBLIC The school can expect parents/carers/members of the public who wish to raise problems with the school to:

- treat all school staff with courtesy and respect
- respect the needs and well-being of pupils, governors and staff in the school
- avoid any use, or threatened use, of violence to people or property
- avoid any aggression or verbal abuse
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond
- recognise that resolving a specific problem can often take some time
- (in the case of a complaint) follow the school's complaints procedure

3 .cope 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. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding the appropriate action to be taken in specific cases.

Authorisation to invoke the policy must be made in consultation with and on the advice of a panel of three Governors. In an emergency, the Chair of Governors or, if unavailable, the Vice Chair of Governors may give authorisation, pending ratification by the panel of three Governors. The decision to invoke the policy must be reported to the full Governing Body.

4. Definition of Habitual or Vexatious Complainant

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all the following criteria, dependent upon degree.

Where complainants:

(a) persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhaustive (e.g. where several responses have been provided)

(b) change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints.

(c) are unwilling to accept documented evidence of action

(d) are unwilling to accept that the Governing Body has reached a final decision on a chosen course of action

- (e) deny receiving an adequate response despite correspondence specifically answering their questions
- (f) persist in pursuing a matter when they have already exhausted other statutory routes
- (g) do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
- (h) continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Body to investigate
- (i) focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a "trivial" matter is can be subjective and careful judgements must be used in applying these criteria
- (j) have, while 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, 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
- (k) have threatened or used physical violence towards staff at any time. This will cause personal contact with the complainant and/or their representatives to be discontinued, and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place
- (l) 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 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
- (m) are known to have recorded meetings or telephone conversations or circulated such recordings to third parties without the prior knowledge and consent of other parties involved
- (n) make unreasonable demands 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.

PERSISTENT COMPLAINANT

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be a persistent complainant if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where the complainant's behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific and/or repetitious
- prolific correspondence or excessive email or telephone contact about a concern or complaint
- uses Freedom of Information requests excessively and unreasonably

- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- an insistence upon pursuing complaints in an unreasonable manner
- an insistence on introducing trivial or irrelevant information which the complainant expects to be considered and commented upon, or raising many detailed but unimportant questions insisting that they are answered fully
- making unjustified complaints about the investigator seeking to have them replaced
- an insistence on only dealing with the Senior Leadership Team on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.

Harassment is the unreasonable behaviour where an individual or individuals:

- appear to be targeted over a significant period of time on one or more members of school staff
- cause ongoing distress to individual member(s) of school staff
- have a significant adverse effect on the whole/parts of the school community
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, while not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health
- unnecessarily take up an inordinate amount of staff time, detracting from staff members' ability to undertake legitimate school business

UNREASONABLE COMPLAINANT

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be an unreasonable complainant if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where the complainant's behaviour may be that which hinders our 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 cooperate with the complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- 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 (DfE)
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 and if appropriate, 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 ask them to change it.

5. 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 (Headteacher and Chair of Governors or if unavailable the Vice Chair of Governors) 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. staff or Members of Parliament. A record must be kept, for future reference, of the reasons why a complainant has been classified as habitual or vexatious.

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

(a) Withdraw contact with the complainant either in person, by telephone or by email retaining contact only by letter. In this instance, the complainant must be informed by letter or email of the decision. An example of such a letter is given at the end of the policy.

If staff are to withdraw from personal or telephone conversation with a complainant, then, following the letter informing the complainant of this decision, there will be an agreed statement available for them to use if they receive any direct contact. An example of such a statement is:

I apologise that, as you are aware, I am unable to help you with this. Please address any concerns that you have, in writing, to the class teacher or Headteacher.

(b) To restrict contact to liaison through a designated member of staff.

(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 all direct contact with the complainant, provided that this does not impact the child's statutory right to education or safe collection.

(e) Ban the complainant from attending the school site without prior written consent.

f) Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties.

g) In the case of physical or verbal aggression, take advice from HR/Legal Services.

h) Consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban.

i) Consider taking advice on pursuing a case under Anti-Harassment legislation.

j) Consider taking advice from HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Headteacher accordingly.

k) If a parent's behaviour is a cause for concern, the school can ask them to leave school premises immediately. In serious cases, the Headteacher will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. 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.

The school reserves the right to:

- cease to respond to complaints of a vexatious nature
- bring legal action for harassment against the complainant
- direct the complainant to the Education and Skills Funding Agency

DUPLICATE COMPLAINTS

If we have resolved a complaint under the complaints procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete.

- Direct them to the DfE if they are dissatisfied with our original handling of the complaint if there are new aspects, we will follow the complaints procedure again.

COMPLAINT CAMPAIGNS

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website.
- Sending a template response to all the complainants. If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

6. 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.

A panel of three Governors should review their decisions to categorise a complainant as habitual or vexatious every six months.

The panel on any review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.

If the panel 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. The complainant will be given notice of this decision 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.

7. Monitoring Arrangements

Incidents will be presented at the next scheduled meeting of the Governing body with details of complainants who are categorised as habitual and/or vexatious in the Headteacher's Report to Governors.

General

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

To be read in conjunction with Freegrounds Infant School Complaints Policy

Version control:	V1 28.4.2025 Change of date to reflect review in April 2025 and extension of the policy to 2025-2028 in Footer.
	V2 27/04/2026

	Addition of Aims section. Addition of persistent and unreasonable complaint section 3 Section 5 Addition of) Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties. g) In the case of physical or verbal aggression, take advice from HR/Legal Services. h) Consider warning the complainant about being banned from the school site; or proceed straight to a temporary ban. i) Consider taking advice on pursuing a case under Anti-Harassment legislation. j) Consider taking advice from HR/Legal Services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Headteacher accordingly. k) If a parent's behaviour is a cause for concern, the school can ask him/her to leave school premises immediately. In serious cases, the Headteacher will notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. 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. The school reserves the right to: • cease to respond to complaints of a vexatious nature • bring legal action for harassment against the complainant • direct the complainant to the Education and Skills Funding Agency DUPLICATE COMPLAINTS If we have resolved a complaint under the complaints procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:
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Appendix Item 1

Sample letter to restrict contact by a complainant:

Dear _____,

I am writing to you regarding your correspondence regarding the *insert details about the complaint, or stage of the complaints policy that the school has reached e.g. Stage 3 complaint.*

No party within the school or from the Governing Body can discuss the complaint any further. The Governing Body has dealt properly with the complaint, and the Complaints Panel has reached its decision. The issue is now closed and neither the school nor the Governing Body will enter further correspondence regarding the complaint.

Due to the high level of correspondence received by the school and Governing Body during the complaints process, which has impacted negatively on the day-to-day operation of the school, I have taken advice from the Hampshire County Council Legal Team and am informing you that any further concerns or complaints should be put in a letter to the class teacher or Headteacher. Any such letters will be looked at, taken seriously and responded to within a week.

Chair of Governors