

Inspire Partnership Academy Trust

Policy for Managing Serial and Unreasonable Complaints

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1. Introduction

This policy should be considered in conjunction with the Trust's Complaints Policy.

For the purposes of this policy the word Trust relates to the Inspire Partnership Academy Trust and its schools.

2. Aims of this Policy

It is recognised that in following the Complaints Policy, a very small minority of persons will make or pursue complaints in a persistent or vexatious way which can either slow down the investigation of their complaint or can have significant resource issues for the Trust. The aim of this policy is to ensure unreasonable and unreasonably persistent complainants are dealt with transparently. It sets out clearly for staff and complainants what is expected of them, what they can do, and who can authorise actions. It will help the Trust to assess and monitor how we deal with and respond to unreasonable and unreasonably persistent complainants.

3. Behavioural Expectations

If a complainant's behaviour adversely affects the Trust's ability to provide an effective learning environment for the teaching and learning of our pupils and or provide services to others, such behaviour may need to be addressed by invoking this policy.

We expect anyone who wishes to raise concerns to:

- a. Treat all members of the Trust and the Trust community with courtesy and respect.
- b. Allow us a reasonable time to respond to a complaint and follow the complaints procedure.
- c. Preserve the fairness and integrity of the complaints process, by ensuring the details of the complaint remain confidential in order to protect the privacy of everyone affected. This requirement applies to all forms of communication, including social media and discussions with outside parties.

4. Serial and Unreasonable Behaviour

For the purposes of this policy, a serial complainant is defined as a parent, carer, or member of the public who frequently raises issues, either formally or informally, which they believe fall within the responsibility of the Trust or school. Their behaviour may be considered unreasonable, frivolous, or vexatious. The Department for Education (DfE) outlines specific criteria for such actions.

- a. The characteristics of a 'frivolous' or 'vexatious' complaint are:
 - i. complaints which are obsessive, persistent, harassing, prolific, repetitious
 - ii. insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - iii. insistence upon pursuing meritorious complaints in an unreasonable manner
 - iv. complaints which are designed to cause disruption or annoyance
 - v. demands for redress that lack any serious purpose or value
 - o Such behaviour may be characterised by:
 - actions which are obsessive, persistent, harassing, prolific, repetitious
 - an insistence upon pursuing complaints in an unreasonable manner
 - an insistence on only dealing with a specific person on all occasions irrespective of the issue and the level of delegation in the organisation 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 organisation because it is unlawful

b. Harrassment

For the purpose of this policy, harassment is the unreasonable pursuit of such actions in such a way that they:

- i. appear to be targeted over a significant period of time on one or more members of staff
- ii. cause ongoing distress to individual member(s) of staff
- iii. have a significant adverse effect on the whole or parts of the organisation
- iv. are pursued in a manner which can be perceived as intimidating and oppressive by the recipient

- v. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, wellbeing, and health
 - vi. unnecessarily take up an inordinate amount of staff time, detracting from staff members' ability to undertake legitimate school business
- c. A complaint may also be considered unreasonable, and this policy invoked if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
- i. maliciously
 - ii. aggressively and where the tone of any communication is deemed to be aggressive and threatening
 - iii. using threats, intimidation or violence
 - iv. using abusive, offensive or discriminatory language
 - v. knowing it to be false
 - vi. using falsified information
 - vii. publishing unacceptable information in a variety of media such as on social media websites and in newspapers.
 - viii. Complainants should limit the number of communications 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.

d. Other Acts of Unreasonable Behaviour

The Trust 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 our schools. 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. In these circumstances, this will be reported to the police.

The Trust defines other acts which demonstrate unreasonable behaviour as those that hinder our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- i. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- ii. refuses to co-operate with the complaints investigation process
- iii. refuses to accept that certain issues are not within the scope of the complaints procedure
- iv. insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- v. introduces trivial or irrelevant information which they expect to be taken into account and commented on
- vi. an insistence on only dealing with a specific person on all occasions irrespective of the issue and the level of delegation in the organisation to deal with such matters
- vii. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- viii. changes the basis of the complaint as the investigation proceeds
- ix. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- x. refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed
- xi. raises the same issue with external organisations (DFE, Ofsted etc) without the complaint's policy procedures being completed
- xii. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence
- xiii. seeks an unrealistic outcome
- xiv. 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
- xv. uses threats to intimidate
- xvi. uses abusive, offensive or discriminatory language or violence
- xvii. knowingly provides falsified information
- xviii. publishes unacceptable information on social media or other public forums

5. Specific Management Steps and Restrictions to Serial and Unreasonable Complaints

a. The Informal Approach

- i. 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.
- ii. Whenever possible, the headteacher will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- iii. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it immediately.

b. The Formal Approach

In cases of vexatious/unreasonably persistent complaints or abusive behaviour, the Trust or Trust may take some or all of the following steps, as appropriate:

- i. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from communicating with the school or Trust.
- ii. For complainants who excessively contact the Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- iii. Require any personal contact to take place in the presence of an appropriate witness.
- iv. Restrict contact to certain methods, such as in writing or through a third party.
- v. Not reply to or acknowledge any further contact from them on the specific topic of that complaint.

- vi. Report the matter to the police or take legal action.
- vii. Any restriction that is imposed on the complainant's contact with the Trust will be appropriate and proportionate, and the complainant will be advised of the period of time the restriction will be in place for. The Trust Executive Team will always be involved with a decision to apply any or all the steps detailed above unless emergency action is required.

6. Complaint Closure

- a. Complainants are expected to engage constructively and cooperate fully throughout all stages of the Complaints process. This cooperation is necessary to allow the Trust to complete the investigation effectively.
- b. Where a complainant attempts to re-open the issue with the Trust after the complaints procedure has been fully exhausted and the Trust has done everything it reasonably can in response to the complaint, the Trust Operations Lead (or other appropriate person in the case of a complaint about the Chair of the LCC or a Trustee) will inform the complainant that the matter is closed.

7. Notification and New Complaints

Once the Trust has decided that it is appropriate to stop responding or apply restrictions, the complainant will be informed in writing, either by letter or email.

The Trust must ensure that complainants making any new complaint are heard. Legitimate new complaints will always be considered and treated on their merits.