Vexatious, Persistent or Unreasonable Complaints Policy

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Purpose

This policy sets out how the Trust, and its academies will manage unreasonable, vexatious, or persistent complaints, communications, or behaviours. It ensures that while legitimate complaints are fully considered and addressed in line with the Trust's Complaints Policy, staff, governors, and trustees are protected from behaviour that is abusive, harassing, or places excessive demands on time and resources.

The purpose of this policy is to manage unreasonable behaviour, not to prevent legitimate complaints, challenge, scrutiny, safeguarding concerns or the lawful exercise of statutory rights.

Scope

This policy applies once the Trust's Complaints Policy has been followed and the complaints process has concluded. It also applies to communications with the Trust and its academies where behaviour is deemed unreasonable, regardless of whether a formal complaint has been lodged. This policy does not prevent or restrict access to statutory processes including safeguarding referrals, whistleblowing disclosures, SEND appeals, legal proceedings, Freedom of Information requests, Data Protection rights, complaints to external regulators or other statutory rights of challenge.

Group Complaints

Where multiple individuals raise substantially the same concern, complaint or issue, the Trust may manage common elements collectively and provide a coordinated response. Personal circumstances and materially different issues will continue to be considered individually.

Nothing within this policy shall prevent an individual from making a protected disclosure under the Trust's Whistleblowing Policy.

Equality and Reasonable Adjustments

Before determining that behaviour is unreasonable, persistent, or vexatious, the Trust will consider whether disability, neurodiversity, mental health needs, medical conditions, communication difficulties, language barriers, or other protected characteristics under the Equality Act 2010 may be relevant.
Where appropriate, reasonable adjustments will be considered whilst balancing the Trust's duty to protect staff, governors, trustees, and others from unacceptable behaviour.

Definitions of Unreasonable or Vexatious Behaviour

Behaviour may be considered unreasonable, persistent, or vexatious where it includes one or more of the following:

- Persistently raising the same complaint despite the matter having been thoroughly investigated and closed.
- Submitting repeat complaints with minor additions/variations that do not materially affect the outcome.
- Excessive or disproportionate demands on staff time and resources. (Including excessive e-mails to school).
- Persistently refusing to accept a decision after the relevant complaints procedure has concluded and repeatedly seeking to reopen a closed matter without significant new evidence.
- Harassment of staff, governors, trustees or volunteers through online platforms, social media or other electronic communications.
- Aggressive, abusive, offensive, or threatening language or behaviour.
- Secret or covert recording of meetings, telephone calls or conversations may be considered as part of a pattern of unreasonable behaviour, particularly where recordings are used to harass, intimidate, misrepresent others or place disproportionate demands on Trust resources. The Trust will consider the circumstances of each case, including any reasonable adjustment requirements.
- Generating excessive, repetitive, misleading or substantially duplicated communications through automated or artificial intelligence tools that place disproportionate demands on Trust resources. The use of AI to assist in drafting correspondence will not, in itself constitute unreasonable behaviour.

The Trust may request clarification, verification or supporting information where evidence submitted appears incomplete, misleading, materially altered or cannot reasonably be authenticated.

Trust Approach

The Trust is committed to responding to all complaints fairly, consistently, and transparently. Where behaviour becomes unreasonable or vexatious, the Trust reserves the right to take proportionate and appropriate action. Such decisions will be made by the Headteacher (for academy-level issues) or the CEO/Governance Lead (for Trust-level issues), with escalation to the Chair of Trustees where necessary.

Before restrictions are applied, the Trust will normally:

- identify the behaviour causing concern;
- explain why the behaviour is considered unreasonable;
- issue a written warning where appropriate; and
- provide an opportunity for the behaviour to change.

Immediate restrictions may be imposed where behaviour is threatening, abusive, harassing or presents a risk to staff wellbeing, safety or the effective operation of the Trust.

The Trust has a duty to safeguard the wellbeing of employees, governors, trustees, volunteers and contractors. Behaviour that is threatening, intimidating, abusive, discriminatory or harassing will not be tolerated.

Possible Actions

Depending on the severity and persistence of behaviour, actions may include:

- Requiring all communication to be directed to a single named individual.
- Restricting contact to specified times or communication channels (e.g., email only).
- Declining to respond to correspondence that is abusive, repetitive, or harassing.
- Notifying the complainant that future correspondence will be filed without response unless it raises new issues.
- Seeking legal advice, or in extreme cases, reporting behaviour to external agencies including the police.

Correspondence relating to safeguarding concerns, statutory rights, legal proceedings or genuinely new matters will continue to be considered through the appropriate procedures.

Any restrictions imposed under this policy will be reasonable, proportionate and limited to those necessary to address the identified behaviour.

Recording and Reporting

All decisions to apply restrictions will be documented, with a rationale recorded and retained, including any equality considerations, reasonable adjustments considered and evidence relied upon.

The Governance Lead will maintain a central log of restrictions in force, which will be reported to the Audit & Risk Committee. Minutes of governance meetings will reflect awareness of restrictions applied, without disclosing confidential personal data.

Decisions under this policy must be reasonable, proportionate, evidence-based and consistent with the Trust's duties under equality, data protection and other applicable legislation.

Communication with the Complainant

Where restrictions are applied, the complainant will be informed in writing of:

- The nature of unreasonable behaviour.
- The restrictions being applied and their rationale.
- The date from which restrictions take effect.
- The date of review of the decision.
- how written representations regarding the decision may be submitted.

The complainants will also be reminded of their right to statutory escalation routes (where applicable).

Review of Restrictions

Restrictions will be reviewed after six months, or sooner if circumstances change. The outcome of the review will be communicated to the complainant. Restrictions may be maintained, varied, or withdrawn depending on the behaviour evidenced.

Reviews will consider whether restrictions remain necessary, proportionate and justified by the available evidence.

The Trust will seek to restore normal communication arrangements wherever it is reasonable and appropriate to do so.

Policy Review

The Governance Lead will provide periodic reports to the Audit & Risk Committee regarding the operation of this policy, patterns of behaviour and any lessons learned, whilst protecting confidentiality.

Application of this policy will be monitored to ensure it is not used to prevent legitimate scrutiny, challenge, safeguarding concerns or the lawful exercise of statutory rights.

This policy will be reviewed every two years, or sooner if guidance changes. CEO is responsible for approval and oversight.