

Habitual and Vexatious Complaints Policy

St John's Catholic Comprehensive School



*Excellence for All
Service to Others
Inspired by Christ*

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INTRODUCTION

Habitual and/or vexatious complainants are becoming an increasing problem for educational establishments. The difficulty in handling such complaints can place a strain on time and resources and cause undue stress to staff and Governors. While the school aims to respond with patience and sympathy to the needs of complainants, there are times when there is nothing further that can reasonably be done to assist the complainants, or to rectify a real or perceived problem.

While most complaints can be dealt with satisfactorily, a minority of complainants will never be satisfied, no matter how much time and effort is put into resolving their complaints. They continue to contact staff and Governors, and often lose the focus of their original complaint.

These complainants may be defined as habitual or vexatious complainants. They may often be abusive, and staff and Governors spend a disproportionate amount of time trying to address their complaints.

In deciding how to handle such complainants, there are two key considerations:

1. To ensure that the complaints policy has been correctly implemented and followed as far as possible and that no material element of a complaint is overlooked or inadequately addressed.
2. To decide at what stage a complaint has become habitual or vexatious.

AVOIDING VEXATIOUS COMPLAINTS

1. All complaints must be acknowledged promptly by the Complaints Co-ordinator.
2. All complaints, including those from habitual complainants, must be examined and investigated thoroughly in accordance with the Complaints Policy.
3. A careful and sympathetic reply should be sent to the complainant answering all aspects of the complaint.
4. All possible action should be considered to resolve the complaint, including a meeting and conciliation.

DEFINITION OF A HABITUAL OR VEXATIOUS COMPLAINANT

To be classified as a habitual or vexatious complainant, two or more of the following characteristics must be demonstrated in current or previous contact with the school:

- They are unwilling to accept documented evidence.
- They deny receipt of an adequate response, despite the fact that the correspondence covers all aspects of the complaint.
- They do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed, or if there is one person's word against another, and no evidence to support allegations.
- They persist in pursuing their complaint, even though all aspects of the policy have been fully implemented, explained and exhausted.

- They focus on a trivial matter to an extent which is out of proportion to its significance (It is recognised that determining what a 'trivial' matter is can be subjective and careful judgement must be used in applying these criteria).
- They have an excessive number of contacts with staff and/or Governors, whether by telephone, fax, mail, e-mail or personal visits, not in accordance with the Complaints Policy.
- They electronically record meetings or conversations without the prior knowledge and consent of the parties involved.
- They persistently raise new issues in order to prolong contact. Care must be taken not to disregard new issues which differ significantly from the original complaint – it might be necessary to address these as separate complaints.
- They do not clearly identify the precise issues which they wish to be investigated.
- They expect their complaint to be dealt with as an urgent priority, without reference to timeframes in the Complaints Policy.
- They continue to make unacceptable derogatory remarks about staff and/or Governors, which have no substance or relevance to the complaint.
- They have harassed or been abusive or verbally aggressive to staff and/or Governors.
- They threaten and/or intimidate or use physical violence. Any such incidents are liable to be reported to the Police and/or the Local Authority. Threats and/or intimidation will, in themselves, cause the complainant to be classed as vexatious, and personal contact with the complainant will be discontinued. The complainant will, thereafter, only be contacted through written communication.

IMPLEMENTATION OF THE POLICY

It is emphasised that this Policy should only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints. This Policy should only be implemented following careful consideration by the Headteacher (or the Associate Headteacher in the absence of the Headteacher) and Chair of Governors.

Stage One

Once it is clear that the complainant meets two or more of the above criteria, they should be informed in writing that they are at risk of being classified as habitual or vexatious. The letter should clearly identify the reasons for this. The letter might suggest a method to resolve the problem (e.g. a meeting, mediation, contact through a designated third party, a signed agreement setting a code of behaviour). The complainant should be sent a copy of the policy.

Stage Two

If the recommendations of the first stage have been met, then options can be considered and agreed, which may include one of the following:

- Decline all contact with the complainant other than by letter, and only to one named staff member or Governor. Only new aspects of the complaint will be considered; anything else will only be acknowledged.
- Further contact to be made through a named third party.
- Notification that police and/or legal advisors will be briefed should there be any further contact.
- All contact will be temporarily suspended while legal advice is sought from the education authority or other agencies. Correspondence received will be acknowledged but not responded to.

Any such option must be explained in full, clearly giving the reasons for the action (e.g. the complaint has been responded to in detail; there is nothing more to add and continuing contact would serve no useful purpose). The letter must be signed by the Headteacher (or the Associate Headteacher in the absence of the Headteacher) and the Chair of Governors. Copies must be sent to all those who have been contacted by the complainant. It is good practice for such correspondence to be sent by registered or recorded mail.

WITHDRAWING HABITUAL OR VEXATIOUS COMPLAINANT STATUS

If the complainant demonstrates a more reasonable approach, or if they submit a new complaint for which the normal complaints process would be appropriate, then it may be necessary to withdraw the Habitual or Vexatious Complaint Status. Careful judgement and discretion will be needed, but where it is deemed appropriate, a letter can be sent confirming this action. Following this letter, normal contact with the complainant will resume.

MONITORING OF THE POLICY

The Governing Body will:

- Monitor this policy and make amendments as necessary.
- Ensure that the information regarding violent or potentially violent complainants is shared with all appropriate staff and Governors.