



EDINBURGH
STEINER
SCHOOL

Name of policy: **Vexatious Complaints**

Publication date	7 th January 2025
Date of last review/revision	7 th January 2025
Type of policy (statutory, procedure, adopted, protocol...?)	protocol
Purpose	To outline the policy used by the School when in receipt of complaints which are frivolous, offensive, inappropriate or excessively time-consuming.
Related Quality Indicators (HGIOS 4)	
Related school policies	Complaints policy
Whole school or departmental policy?	Whole School
Links to national policies or legislation	
Links to OSCR	
Signature of Head of School	<i>Nick Brett</i>
Key contact (name, role, email address)	Education Manager



Vexatious complaints Policy

Introduction

Edinburgh Steiner School (ESS) will accept, investigate and respond to reasonable complaints from stakeholders or members of the public, according to its complaints policy.

A vexatious complaint is defined as a formal (written) communication of a grievance where the complainant has asked the School to undertake an action in a manner which has or could cause offence or distress to employees of ESS, or which is communicated in a manner which is frivolous, or where the actions requested of the School are deemed inappropriate, or require excessive commitments of time or resources.

Rationale

Vexatious complaints can arise due to:

- stress or anxiety, leading to behaviour which is out of character
- a medical condition or mental illness which makes communication difficult without giving the appearance of being aggressive
- Personal circumstances which inhibit positive formal communication

ESS will make reasonable allowances for a complainant's behaviour, which might mean that a complaint is not unfounded. However, a small minority of people make complaints that are vexatious, in that they persist unreasonably with complaints, or act in a manner which, even after making allowances for the cause of their behaviour, is inappropriate.

Vexatious complaints can be distressing for ESS employees and time-consuming. Therefore, it is important that such complaints are properly identified and managed.

Data Subject Access Requests

In cases where a complainant has brought one or more Data Subject Access Request(s) (DSAR) via the Information Commissioner's Office (ICO), either in relation to the substance of their complaint

or separate from it, the SMT will follow ICO guidance. In such cases, the DSAR(s) might themselves be deemed vexatious.

How the School identifies vexatious complaints

In identifying frivolous or vexatious complaints, the Senior Management Team (SMT) will distinguish between complainants who are raising genuine concerns and people who are simply being difficult. This can be achieved by recognising that:

- complainants may feel aggrieved, frustrated or have other reasons for their behaviour and, therefore, that the focus must be on consideration of the merits of the case rather than the attitude of the complainant
- every complaint must be considered on its merits and, even if someone has made a vexatious complaint in the past, it must not be assumed that any other complaint they make will also be vexatious.

However, a complaint may be regarded as vexatious where the complainant:

- persists in pursuing a complaint which has already been investigated and to which the complainant has received a written response—except where there is significant new information
- seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed
- fails to clearly identify the substance of a complaint or the precise issues which may need to be investigated, despite reasonable efforts by the Named Member of Management to assist the complainant
- complains about trivial matters to an extent which is out of proportion to their significance
- makes excessive contact with the SMT or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable

How the School handles vexatious complaints

The management of vexatious complaints must be a matter of professional judgement for the SMT. The SMT is not obliged to meet a complainant's unreasonable demands, for example, by answering every single point in an unreasonable letter. However, in some cases it may be worth devoting time to trying to resolve the matter at an early stage rather than seeking to draw the matter to a close and then having to spend more time enforcing that decision.

The most difficult vexatious complaints to deal with are those where the complaint is slightly different from the original complaint, but about the same broad area of concern. A careful

decision will have to be made as to whether or not the matters are sufficiently different to justify being considered as a new complaint. Equally, if a complainant keeps making complaints about different matters, each complaint should be considered in the usual manner unless they are about entirely trivial matters.

In cases where it is decided that a complaint is vexatious, the matter may be closed. If this is the case, the complainant will be informed in writing of the decision by a member of SMT, and a copy of this communication will be sent to the Designated Trustee. SMT will not enter into any further correspondence about the matter and teachers and other employees of ESS will also be advised not to correspond about the matter.

If a complainant continually calls or sends emails to discuss a complaint, or to raise additional concerns, and if this is proving time-consuming and disruptive, it is reasonable for the SMT or the employee concerned to ask the complainant to put their concerns in writing and to terminate the conversation. It is also acceptable for an employee to terminate a telephone conversation if a complainant displays aggression during the conversation. In either case the employee should remain polite and, wherever possible:

- provide the complainant with the opportunity to modify their behaviour, by informing the complainant that unless they do so, the call will be terminated
- warn the complainant that, if the call is terminated, the School may no longer accept telephone calls from the complainant and will only deal with them in writing. If a call needs to be terminated as a result of the complainant's conduct, the employee should do so politely and make a note of what occurred, which will be passed to SMT. SMT may inform the complainant in writing that ESS will no longer accept telephone calls from them and will not respond to emails regarding the matter of the complaint.

Abusive complainants

People under stress or who are feeling angry may react in an abusive or aggressive manner. However, a balance must be drawn between the ability and desire to assist a complainant and what can reasonably be achieved in the circumstances. ESS is committed to maintaining a working environment in which threatening, abusive, humiliating or offensive behaviour is not tolerated. It is not appropriate that ESS employees should be faced with verbal aggression or abuse. A robust approach must be adopted in any case where a complainant subjects an ESS employee to:

- harassment, intimidation or verbally aggressive behaviour such as excessive swearing or foul language
- personal abuse such as offensive sexual or racial remarks or offensive remarks about a person's appearance
- threats or use of physical violence

The personal safety of ESS employees must never be compromised. Meetings should always be brought to an end in circumstances where the complainant becomes aggressive, abusive or displays a high level of distress. So far as possible, the decision by any ESS employee to end a meeting should be explained clearly and politely, so that the complainant does not feel that they are being dismissed or their complaint ignored. Unless it is clearly inappropriate to do so, they should also be informed that it may be possible to continue the conversation at a future meeting when they are less distressed. In any case where a meeting is terminated because of the conduct of the complainant, the employee should make a note of what occurred and bring the matter to the attention of SMT. SMT will review the case and may decide that personal contact with the complainant is to be discontinued. In that event the SMT will inform the complainant in writing that the complaint may only be pursued further by written correspondence.

If correspondence is predominantly abusive or threatening, it is acceptable not to reply to it and simply leave the correspondence on file with a note explaining why a reply has not been sent. SMT may review the case, with oversight from a designated Trustee, and may decide to respond to the complainant explaining that the tone of their correspondence is unacceptable and that no further correspondence will be entered into unless the complainant amends their tone.

In extreme cases, for example where there are direct threats towards an individual, SMT may refer the correspondence to the police. Violence or threats of violence are unacceptable and will not be tolerated by ESS.