

# Lessons learnt: Handling a vexatious complaint - case study

25 September 2023

It's clear that schools are handling more complaints from parents than ever and that sadly, in an increasing number of cases, the parents bringing these complaints are doing so or conducting themselves in an unreasonable manner.

In a recent case, we were jointly approached by the CEO of a multi academy trust and a headteacher of one of its schools about a parent complaint.

## The challenge – a problem parent

The parent had raised three separate complaints over the course of five days and was insisting that each complaint be investigated and responded to separately. It transpired that the school had a longstanding, difficult relationship with this parent, and this was not the first complaint that had been received.

### “Rude and abrupt”

The headteacher advised that they had been concerned for some time about the parent's behaviour towards staff, which included sending lengthy emails late at night and often requesting lots of information.

The parent's manner towards staff over the telephone and in meetings was often rude and abrupt, although not abusive. However, no formal warning had been sent to the parent about their behaviour.

## Can parental complaints be refused?

The school wanted to know whether it could make use of the vexatious complainant section of the trust's complaints policy and refuse to deal with these new complaints.

In this case, our starting point was to separate out the various issues and, in particular, the issues around the complaint from the concerns about the complainant's behaviour. The trust's complaints policy used the term “vexatious complainant”.

However, the DfE best practice guidance on complaints makes it clear that the labels of vexatious, serial or persistent should be attached to the complaint and not to the complainant.

## Separating complaint and complainant

As regards the complaint, the subject of the complaint was materially different to complaints received previously and it could not, therefore, fairly be regarded as repetitious. It was also, on the face of it, a matter that required investigation and therefore our advice was that the complaint should be dealt with in accordance with the trust's complaints policy.

However, there were no reasonable grounds for the complainant to insist on their complaints being treated as separate complaints.

Therefore, the school was able to consider all three complaints under one complaints process, even though the parent did not agree to this approach.

# Addressing parent's conduct

As regards the parent's conduct, the manner in which the parent was communicating with staff was not acceptable or sustainable. We advised that, going forward, any unacceptable behaviour should be addressed, including keeping a meticulous record and informing the parent in writing that such behaviour was not acceptable and the steps that would be taken if the behaviour continued.

## Forming an evidence trail

This would form an important evidence trail if the school decided that it needed to put in place restrictions on the parent's communication with staff (e.g. communication to one key staff member only) or access to the school premises. It would also demonstrate that staff welfare was being taken seriously.

We advised that communication relating to concerns about the parent's behaviour was sent separately to communication about the complaint to avoid any suggestion that the parent was being victimised for bringing a complaint.

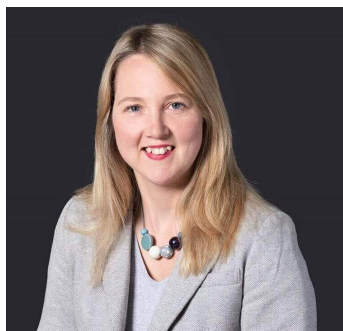
We also advised the trust to remove reference to "vexatious complainant" in their complaints policy and ensure they had a separate policy or procedure for managing unreasonable parent conduct.

## Available support for schools and trusts

[Complaints management support pack](#) →

[Managing school complaints CPD training programme](#) →

## Contact



Victoria Hatton

Partner

[victoria.hatton@brownejacobson.com](mailto:victoria.hatton@brownejacobson.com)

+44 (0)330 045 2808

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