



22 – Managing serial, persistent and vexatious complaints policy

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The following assessments have been completed in relation to this policy

Workload impact Equality impact Trust virtues



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Introduction

This policy follows the DFE publication: “Best practice guidance for academies complaints procedures (March 2021)” . It should be considered alongside the MITRE complaints policy.

Every effort will be made to be helpful when considering –

- a complaint or concern
- a request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. This may lead to behaviours which present challenges to schools and to the Trust. In such circumstances, certain types of behaviour can be categorised, and this policy can be applied to manage the situation.

Serial or persistent complaints

If a complainant tries to re-open the same issue, they can be informed that the procedure has been completed and that the matter is now closed.

If the complainant makes contact again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and it may be decided not to respond. However, a complaint should not be marked as 'serial' before the complainant has completed the initial complaints procedure.

Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

Academies should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Vexatious or Frivolous Complaints

Complaints may be received that are considered to be vexatious or frivolous. The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner.



- complaints which are designed to cause disruption or annoyance.
- demands for redress that lack any serious purpose or value.

If a complaint is considered to fall into these categories, it can be marked as such and the complainant should be contacted in writing to inform them that this is the case. However, in doing so, school and trust leaders should have considered the following.

Careful consideration before deciding to designate a complaint as vexatious or frivolous and cease responding

The decision to stop responding should never be taken lightly and all the following questions should be answered 'yes' before doing so:

- every reasonable step has been taken to address the complainant's concerns.
- the complainant has been given a clear statement of the school's position and their options.

The case to stop responding is stronger if one or more of the following statements apply:

- letters, emails, or telephone calls are often or always abusive or aggressive.
- insulting personal comments are made about or threats are made towards staff.
- there is reason to believe the individual has the intention of causing disruption or inconvenience.

It is not acceptable to cease responding just because an individual is difficult to deal with or asks complex questions.

Communicating with persistent or vexatious complainants (and when behaviours are causing a significant level of disruption)

If an individual's behaviour is causing a significant level of disruption, regardless of whether they have raised a complaint, academies can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address.
- limit the number of times they can make contact, such as a fixed number of contacts per term.

Parents and carers must still be provided with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence as detailed in the relevant MITRE policies.

Leaders should ensure that they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint – failure to respond could be considered to be unreasonable.

It can also be suggested that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice Bureau.

If an individual persists to the point that may constitute harassment, the Trust should be contacted for further legal advice.

If it has been decided that it's appropriate to stop responding, the individual must be informed.