



Malmesbury School

Vexatious complaints and correspondence procedure

Purpose of this procedure

A very small percentage of complaints can reasonably be described as obsessive, harassing or repetitious. This correspondence from a minority of individuals takes up a disproportionate amount of resource and can result in unacceptable stress for staff. This procedure is designed to explain how the school will deal with vexatious correspondence and complaints.

It is important that the use of this procedure does not prevent people from accessing services to which they have a statutory entitlement.

This procedure is not designed to address violent or threatening behaviour, which needs an urgent response. Threats of violence will be communicated directly to the Police.

We have a duty to protect the wellbeing of all staff at Malmesbury School and with the support of VWV solicitors and the Governing Body, will ensure that our staff are protected from obsessive, persistent, prolific, unreasonable and repetitious behaviour.

1. Defining vexatious correspondence or complaints

Vexatious or persistent complaints and correspondence can be characterised in the following ways:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or;
- Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason;
- Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner or timeline;
- Takes a “scatter gun” approach, with copies of letters or emails being sent to several recipients on a regular basis, often including the media, the MP and external regulators;
- Makes repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

2. When this procedure will be invoked

- 2.1 If we identify behaviour that we think exhibits these characteristics (above in point1), and which we believe may be vexatious, staff will discuss their concerns with the Headteacher
- 2.2 The Headteacher will make an assessment with the Chair of Governors.
- 2.3 If they agree that the correspondence or complaint should be treated as vexatious, the Headteacher will contact the schools lawyers.





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3. Handling correspondence and complaints assessed as vexatious

- 3.1 The first step will be for our legal team, VWV Solicitors to write to the correspondent advising them that their complaint and/or correspondence has been determined to be vexatious and giving the reason for that decision. The letter will state that any future correspondence will be passed directly to a nominated contact who will consider whether it raises any substantive new issue(s).
- 3.2 There is no internal route of appeal against the decision that a complaint or correspondence is vexatious.
- 3.3 Any future correspondence should be passed to the nominated point of contact. If they decide that it raises no genuinely new and substantive issues, no response is required. If they consider it to be appropriate, they may acknowledge the first two or three pieces of correspondence, referring the correspondent to the letter advising them of the decision that their correspondence has been determined to be vexatious. After that, however, no response or acknowledgement will be sent.
- 3.4 If future correspondence does raise significant new issues, it should be responded to. It may be appropriate for the response to be routed again via VWV solicitors in order to prevent the renewal of "scatter gun" correspondence.

4. Reviewing the decision

- 4.1 Three months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed.
- 4.2 The Headteacher will consider whether there has been any improvement in the vexatious behaviour over that time. VWV solicitors will write to the correspondent advising them of the outcome of the review.
- 4.3 If the behaviour has improved future correspondence can be treated in the normal way, if it has not improved, it will be referred to the Headteacher, who will review the case with the Chair of Governors. If they do not think that there has been a significant improvement in the vexatious behaviour, the correspondence will continue to be treated as vexatious, and will be reviewed every three months.
- 4.4 On-going vexatious behaviour will be treated as "harassment" and further legal advice will be sought to ensure further protection to staff wellbeing.

5. Further advice and guidance

- 5.1 Defining complaints and/or correspondence as vexatious is a very serious step, and will only be undertaken as a last resort.

6. Review

- 6.1 This procedure will be reviewed in 2022.

Nov 2019

