
SCHOOL NAME: The Clarendon Academy

POLICY RATIFIED ON: 19/3/2013

POLICY REVIEW DATE: September 2013



**THE CLARENDON
ACADEMY**

Vexatious Complaints

Purpose of this procedure

A small percentage of people will correspond with or complain to the Academy in a way that could 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 address vexatious correspondence and complaints. It should assist officers to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents.

It is important that the use of this procedure does not prevent people from accessing services to which they have a statutory entitlement, and it is designed to ensure that the rights of service users are protected, while ensuring that scarce resources are used fairly and effectively, and staff receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaint.

This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

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;
- A "scatter gun" approach, with copies of letters being sent to several recipients on a regular basis, often including the media, the MP, the Chief Executive and Leader of the Council, the Governing Body and external regulators;
- Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

How to access this procedure

If the Academy identifies behaviour that it thinks exhibits these characteristics, and which it believes may be vexatious, this should initially be referred to the Academy's Governing Body for consideration. If the Governing Body supports this assessment, it should instruct the Principal to organise the preparation of a brief statement outlining the reasons why the complaint or correspondence is believed to be vexatious, including its effect upon staff and the provision of education. This should be accompanied by a list of correspondence over the last 6 months, including information about whom the correspondence was addressed to, how many

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people/organisations it was copied in to on each occasion, and a one-line description of each piece of correspondence.

The Governors should also identify one named individual who will, if the correspondence or complaint is determined to be vexatious, be the named contact for any future correspondence. This may be a member of the Academy staff, the Principal, or any other individual in the Academy's service who will be able to act as a point of contact for the correspondent. The point of contact will not, except under exceptional circumstances, be a member of the Governing Body.

The prepared statement should be sent to the Governing Body for review by a Full Board meeting. The Governing Body will make an assessment and inform the Principal of the outcome. Advice should be sought from the Local Authority if required.

If the Governing Body agrees that the correspondence or complaint should be treated as vexatious, the Chair of Governors or Principal will contact the nominated point of contact and give them guidance on how to proceed.

Handling correspondence and complaints assessed as vexatious

The first step will be for the Academy's nominated point of contact 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 should state that any future correspondence will be passed direct to the nominated contact who will consider whether it raises any substantive new issue(s).

The correspondent should be advised that if no substantive new issue is raised, any future correspondence will not receive a response. They should also be advised of their right to complain about this decision to the Local Government Ombudsman. They should be advised that the decision will be reviewed in six months from the date of the letter advising them that their complaint/correspondence has been determined to be vexatious.

There is no internal route of appeal against the decision that a complaint or correspondence is vexatious.

The Local Authority should be informed of the existence of vexatious complaint.

The nominated contact should notify any colleagues who are likely to receive correspondence of the name of the nominated point of contact. They should be asked to pass any future correspondence from the vexatious correspondent to that person.

Any future correspondence should be passed to the Academy's 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 your letter advising them of the decision that their correspondence has been determined to be vexatious. After that, however, no response or acknowledgement should be sent.

If future correspondence does raise significant new issues, it should be responded to. It may be appropriate for the response to be routed via the nominated contact person in order to prevent the renewal of "scatter gun" correspondence.

Reviewing the decision

Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, that decision should be reviewed.

The nominated contact person should meet the Chair of Governors and the Principal to consider whether there has been any improvement in the vexatious behaviour over that time. The nominated contact person should write to the correspondent advising them of the outcome of the review.

If the behaviour has improved, future correspondence can be treated in the normal way. If it has not, the case should be referred to the Governing Body for review. The Governing Body should consider whether there has been a significant improvement in the vexatious behaviour and inform the Academy of its decision. If, in the Governing Body's view, there has not been a significant improvement, the correspondence will continue to be treated as vexatious, and will be reviewed every six months.

The Academy considers that defining complaints and/or correspondence as vexatious is a very serious step, and only undertaken as a last resort. For that reason, it is essential that the decision to make correspondence or complaints vexatious is evidence-based, made by the Governing Body, and reviewed regularly.

Academy staff should be advised that if they have concerns about a particular correspondent, these should initially be discussed with their line manager or with a member of the Academy's Senior Leadership Team. The nominated point of contact for vexatious correspondence may seek advice from the Local Authority's legal team if required and if this action has been approved by the Principal.