



Scalford C of E Primary School

Unreasonable Complaints and Correspondence Policy 2018

Please also refer to Complaints and Whistleblowing Policy

The Governing Body of Scalford C E Primary School adopted this policy: June 2018.

It will be reviewed again in 2020.

Headteacher: Mrs M Waring

Chair of Governors: Mrs E Bryan

Signed copy in school office

Date: 21.06.2018

Purpose of this policy

A small percentage of people will correspond with or complain to Schools 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 how members of staff should deal with vexatious correspondence and complaints should it arise at Salford School. It should assist our staff in managing 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, ensuring that 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. Threats of violence will be communicated directly to the Police.

The Governing Body has a duty to protect the wellbeing of all staff at Salford School and will ensure that they 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. How to access this procedure

- 2.1 If you identify behaviour that you think exhibits these characteristics, and which you believe may be vexatious, you should first discuss your concerns with your line manager or a member of SLT. If your line manager supports your assessment, you should prepare a brief statement of why you consider the complaint or correspondence to be vexatious, including its effect upon staff and the School. This should be accompanied by a list of correspondence over the last 3 months, including information about whom the correspondence was addressed to, how many people/organisations it was copied in to on each occasion, and a one-line description of each piece of correspondence.
- 2.2 The Headteacher will identify a named member of SLT who will be the named contact for future correspondence.

- 2.3 Your evidence should be sent to the Headteacher who will make an assessment with the Chair of Governors and let you know the outcome. If the correspondent is a member of staff or governor, the point of contact would be your line manager, one of the Senior Leadership Team or Vice/Chair of Governors (depending on the correspondent).
- 2.4 If they agree that the correspondence or complaint should be treated as vexatious, the Headteacher will contact your nominated point of contact and give them guidance on how to proceed.

3. Handling correspondence and complaints assessed as vexatious

- 3.1 The first step will be for our Governors 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 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.

Current (2016) DfE Guidance recommends;

The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:

- *The school has taken every reasonable step to address the complaint's needs;*
- *The complainant has been given a clear statement of the school's position and their options (if any); and*
- *They are contacting the school repeatedly but making substantially the same points each time.*

The case is stronger if the school agrees with one or more of these statements:

- *The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?*
- *Their letters/emails/telephone calls are often or always abusive or aggressive.*
- *They make insulting personal comments about or threats towards staff (Best Practice Advice for School Complaints Procedures 2016 – accessed 12.05.16).*

- 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 Governors 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 nominated contact person should meet with the Headteacher to consider whether there has been any improvement in the vexatious behaviour over that time. Governors 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, please refer 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 and let them know the outcome. If, in their view, there has not been a significant improvement, 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 legal advice will be sought to ensure further protection to staff wellbeing.

5. Further advice and guidance

- 5.1 Please bear in mind that defining complaints and/or correspondence as vexatious is a very serious step, and should only be 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 staff authorised to make that decision, and reviewed regularly.
- 5.2 If you have concerns about a particular correspondent, please discuss them with your line manager or Headteacher. Please do not hesitate to contact them to discuss specific issues or questions.

6. Review

6.1 This procedure has been workload assessed.

6.2 This procedure will be reviewed in 2020

References

Best Practice Advice for School Complaints Procedures 2016 (accessed online 12.05.16), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf

Dealing with Vexatious requests, Section 14, (accessed online 12.05.16), <https://ico.org.uk/media/1198/dealing-with-vexatious-requests.pdf>