



**The Robert Carre Trust**

## **Vexatious Communications Policy Dignity in the Workplace**

Dignity and Respect are key principles of the Human Rights Act. When a person's dignity is compromised and no respect is afforded them, it is an abuse of their human rights. To ensure that the rights of individuals are upheld, the key principles of: Fairness, Respect, Equality, Dignity and Accountability should be incorporated into the full range of careers and occupations, not least into the field of education.

Amongst the invidious outcomes of habitual or vexatious communications and complaints is an assault on a person's or persons' dignity and such action invariably lacks respect. This can never be acceptable.

The Robert Carre Trust has a duty of care to all personnel employed by the school and to all young people educated therein. It resolves to exercise that duty at all times and on all occasions. To that end it publishes this policy for dealing with the matter of habitual or vexatious communications and complaints towards any member of staff within the Trust.

### **Scope of this policy**

This policy applies to any person communicating with or its constituent bodies in any capacity.

### **Purpose of this policy**

A small percentage of people will communicate with or complain to the school, Local Governing Body or the Trust in a way that could reasonably be described as "obsessive, harassing, repetitive, aggressive or intimidating". Such behaviour is seen as habitual and/or vexatious. This communication from whatever means and from a very small minority of individuals takes up a disproportionate amount of school resources and can result in unacceptable stress for staff and/or governors. The result can have an adverse impact on resources and personnel to the extent that the raison d'être of the school is affected to the detriment of all students.

This policy is designed to address vexatious communications and complaints. It should assist staff and governors in the process of managing demanding or unreasonable behaviour from vexatious correspondents and in meeting the duty of care requirements of the Law.

It is important that the use of this policy does not prevent people from accessing school services to which they have an entitlement. This policy is not in any way intended to discourage open dialogue and constructive comments about the school, or the use of the published Trust Complaints Policy, where genuine concerns exist. This policy is designed to ensure that the rights of individuals are protected, whilst ensuring that scarce school resources are used fairly and effectively and that all staff and governors receive a reasonable degree of protection from the stress that can be caused by vexatious communication and/or complaints.

This procedure is not designed to address violent or threatening behaviour which requires an urgent and often immediate response.

## Defining vexatious communications and/or complaints

Vexatious complaints and communications are characterised as behaviour which may be described as, “obsessive, persistent, harassing, repetitious, aggressive or intimidating”, and/or behaviour which:

- 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;
- Can be seen as taking a “scatter gun” approach, with copies of letters, texts, or emails being sent to several recipients on a regular or frequent basis;
- Results in repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.

## Using the Policy

The use of habitual and/or vexatious communication and/or complaint against any person employed by or under education at schools within the Trust is unacceptable. The Trust intends to act firmly but fairly in dealing with any reported behaviour. The following action should be undertaken under the following circumstances:

1. **Habitual or Vexatious communication and/or complaint against a member of staff.**  
The member or members of staff affected should, as soon as vexatious behaviour is identified, report this to the Headteacher / Head of School. The Headteacher /Head of School should:
  - a. Communicate with the correspondent/complainant expressing his or her concern on the matter and drawing reference to the Trust’s Complaints Policy and the Vexatious Communications Policy.
  - b. Invite the correspondent/complainant to cease all vexatious communication with the school.
  - c. Propose that the correspondent/complainant should, if appropriate, lodge a complaint in accordance with the Trust’s Complaints Policy and for that complaint to be dealt with under the laid down procedure.
  - d. Inform the correspondent/complainant that if the vexatious communication to the school does not cease, the matter will be forwarded to the Local Governing Body.
  - e. Inform the Chair of Governors of his or her action.
2. **Habitual or Vexatious communication and/or complaint against the Headteacher.**  
The Headteacher /Head of School should, as soon as vexatious behaviour is apparent:
  - a. Report this to the Chair of Governors and inform the Senior Leadership Team.
  - b. Communicate with the correspondent/complainant expressing his or her concern on the matter and drawing reference to the Trust’s Complaints Policy and the Vexatious Communications Policy.
  - c. Invite the correspondent/complainant to cease all vexatious communication with the school.
  - d. Propose that the correspondent/complainant should, if appropriate, lodge a complaint in accordance with the school’s Complaints Policy and for that complaint to be dealt with under the laid down procedure.
3. **If, after the above procedure is exhausted, there is no cessation of vexatious communication.**  
The Headteacher /Head of School should report the matter to the Local Governing Body. The Chair of Governors should,

- a. Communicate with the correspondent/complainant expressing the Local Governing Body's deep concern on the matter and reiterate that the behaviour will not be tolerated.
- b. (If the vexatious behaviour is continuing despite completion of the full complaints process), notify the correspondent/complainant that the Local Governing Body has responded fully to the point or points raised, has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. Explain that any form of contact, in whatever medium, in relation to their complaint, or any further complaints or vexatious communication, is at an end, and that further contact will be acknowledged but not answered.
- c. Temporarily suspend, for a period to be specified to the correspondent/complainant, all contact with the correspondent/complainant, provided that the Local Governing Body shall not withdraw or fail to provide any services which the correspondent/complainant or his or her family are entitled to receive.

4. If, even after the completion of the process above, vexatious complaints and communications continue, all communication from the correspondent/complainant may be directed to the appropriate Trust solicitor to review all communication to decide how the school should respond in line with this policy.

#### Appendices

A Proposed letter template for Chair of Governors (or Headteacher /Head of School) to send to vexatious correspondent/complainant

**Adopted at the meeting of the Board on 28 February 2019**

**Next Review Date: March 2022 (3 years)**

**Proposed letter template for Chair of Governors (or Head of School) to send to vexatious correspondent/complainant**

Dear

It has been brought to my attention that complaints/communications you have had with staff/ Head of School /governor have exceeded the acceptable level of behaviour and rational argument and are considered to be habitual and vexatious. There is no intention of preventing any correspondent with a legitimate interest in the school from communicating with the school as an entity or to individual members within the school. However, when communications, using whatever medium, begin to cause excessive concern and stress to school members and have an impact on the well-being of the school as a whole, the Local Governing Body of Carre's Grammar /Kesteven & Sleaford High School, acting under its duty of care, must act, in accordance with the school's Vexatious Communications Policy, to bring such communications to a conclusion.

The schools within the Robert Carre Trust have a well established and proven Complaints Policy that seeks to address any and all complaints there may be against the school or its staff. I, therefore, invite you to adopt that action. The process is described in the Robert Carre Trust Complaints Policy, which is available on the Trust /school website or as hard copy on application to the school. The policy also explains that if this process is not completed to your satisfaction, you are invited to communicate your concerns to the Education Funding Agency (EFA).

If you decide not to stop these vexatious communications we shall have to restrict your access to those who are the target of your comments. This may mean that your correspondence is acknowledged but not responded to, or that it is diverted to the Local Governing Body or to the school's legal representative. Whatever the specific action taken, we will continue to safeguard the provision of any services which you or your family are entitled to receive.

Signed