



**EQUA**  
Multi Academy Trust

## **Procedure for Dealing with Vexatious Complaints**

Equa Multi Academy Trust is committed to dealing with all complaints fairly and impartially and to providing a high quality response to complainants. This procedure is designed to identify and deal with complaints which are, or have become, vexatious and/or malicious.

<b>Policy Lead</b>	<b>CEO</b>
<b>Committee</b>	<b>Resources</b>
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## **1. Introduction**

- This procedure should be considered alongside the Equa Complaints Procedure and applies to any person communicating with Equa Multi Academy Trust or any of its schools in any capacity.
- Having a procedure for dealing with vexatious and / or malicious complaints helps Equa to deal with complainants consistently and fairly.

## **2. Purpose of this procedure**

- A small percentage of people will correspond with or complain to the Trust, a school within the Trust or its Local Governing Body in way that could reasonably be described as vexatious.
- Vexatious correspondence or complaints from a very small minority of individuals can take up a disproportionate amount of trust or school resources and can result in unacceptable detriment to others.
- This procedure does not prevent people from accessing school services to which they have an entitlement.
- This procedure is not in any way intended to discourage open dialogue and constructive comments about the Trust or its schools, or the use Equa's Complaints Procedure, where genuine concerns exist.
- This procedure is designed to ensure that the rights of individuals are protected, while ensuring that Trust and school resources are used fairly and effectively.
- The aim of the procedure is to deal fairly and honestly with the complainant whilst ensuring that other members of the Trust, including staff, governors and trustees do not suffer any detriment from people making repeated, persistent and unreasonable complaints.
- This procedure is not designed to address violent or threatening behaviour which requires an urgent and often immediate response.

## **3. What is a vexatious complaint?**

3.1 A vexatious complaint is one that is pursued, regardless of its merits, to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

3.2 In identifying vexatious complaints, school leaders must be careful to:

- Distinguish between complainants who are raising genuine concerns; and
- Recognise when people are simply being difficult.

This can be achieved by recognising that complainants may often be aggrieved, frustrated or have other reasons for their behaviour; the focus must be on careful consideration of the merits of the case rather than the attitude of the complainant.

3.3 However, a complainant may be regarded as vexatious where they:

- Persist in pursuing a complaint which has already been investigated by another or the same person and provides no new or material information.
- Seek to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed.
- Fail to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts to assist them.
- Complain solely about trivial matters to an extent which is out of proportion to their significance.
- Make excessive contact with the school or seek to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.
- Operate a scatter-gun approach by lodging the same complaint in parallel with several bodies for investigation.
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#### **4. What is a malicious complaint?**

- 4.1 A malicious complaint is one that is made with the intention of causing harm, for example:
  - Deliberately seeking to defame somebody and raising a complaint with this intent;
  - Through lying about an issue or incident in the knowledge that this will cause harm;
  - Through knowingly basing a complaint on rumour and gossip with the intention of causing harm.
- 4.2 A malicious complaint is defined as one:
  - That the investigation has shown to be without foundation; and/or
  - Where the investigation evidence demonstrates that the complainant knowingly lied to the investigator and where there is sufficient evidence to demonstrate this at a disciplinary hearing on the basis of the balance of probabilities.

#### **5. Managing vexatious or malicious complaints**

5.1 Some suggestions for managing vexatious or malicious complaints include:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email, etc.), ideally face-to-face.
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.
- Reflecting on personal bias and removing yourself from the situation, if appropriate.
- Seeking legal advice.

## **6. Procedures**

- 6.1 If a complaint is identified by the Headteacher or Chair of Governors as being vexatious or malicious, the CEO should be consulted about the actions to be taken.
- 6.2 Where it has been decided that the complainant is vexatious or malicious, they will be informed in writing by the headteacher (or Chair of Governors if the relationship has broken down) that their behaviour is considered to be unreasonable or unacceptable.
- 6.3 Once a complainant has been informed that their complaint is considered vexatious or malicious, school will cease all correspondence and communication other than for the health and safety of any child /adult in school.