Gatton School Habitual and Vexatious Complaints Policy

In the Name of Allah the Most Kind the Most Merciful

Praise belongs to Allah, Lord of the worlds, the All-Merciful, the Very Merciful. And may His choicest blessings and peace be upon our beloved prophet.

Praise belongs to Allah, the Lord of all the worlds, the All-Merciful, the Very merciful. The Master of the Day of Judgement. You alone do we worship, and from you alone do we seek help. Take us on the straight path- the path of those on whom you have bestowed your grace, not of those who have incurred your wrath, nor of those who have gone astray. Aameen (Chapter 1; the Opening)

Allah Says: “Make reconciliation between them (both parties) justly, and be equitable. Verily Allah loves those who are equitable” (49.9)

“The believers are but a single brotherhood: So make peace and reconciliation” (49:10)

Introduction

This policy should only be invoked following careful consideration of all the issues by the Head Teacher and the Chair of Governors after an attempt has been made to reason with the complainant and it has been explained to them what it will mean if the habitual and vexatious policy is invoked.

This policy applies to all complainants and identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and describes ways of responding to these situations.

In this policy the term habitual means “done constantly or as a habit”. The term vexatious is recognised in law and means “denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant”. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive or whose requests impose a disproportionate and repeated burden on the school staff and governors by pursuing an unreasonable course of conduct.

The term complainant in this policy includes requests made under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection Act 2018.

Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Scope of Policy

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school’s complaints procedures. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

Authorisation to invoke the policy must be made in consultation with and on the advice of a panel of three Governors. In an emergency the Chair of Governors or, if unavailable, the Vice Chair of Governors may give authorisation pending ratification by the panel of three Governors. The decision to invoke the policy must be reported to the full Governing Body.

Definition of Habitual or Vexatious Complainant

Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious if previous or current contact with them shows that they may meet any or all of the following criteria, dependent upon degree.

Where complainants:

(a) persist in pursuing a complaint where the school's complaints procedure has been fully and properly implemented and exhausted (e.g. where several responses have been provided);

(b) change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints;

(c) are unwilling to accept documented evidence of action;

(d) are unwilling to accept that the Governing Body has reached a final decision on a chosen course of action;

(e) deny receiving an adequate response in spite of correspondence specifically answering their questions;

(f) persist in pursuing a matter when they have already exhausted other statutory routes;

(g) do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns;

(h) continue to seek to pursue a complaint where the concerns identified are not within the remit of the Governing Body to investigate;

(i) focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a "trivial" matter can be subjective and careful judgements must be used in applying this criteria;

(j) have, in the course of addressing a complaint, had an excessive number of contacts with the school placing unreasonable demands on staff time. Contact may be in person or by telephone, letter or email. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case;

(k) have threatened or used physical violence towards staff at any time. This will in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complainant will, thereafter, only be contacted through written communication. The school reserves the right to refer to the police if threatening behaviour/physical assault has taken place;

(l) have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. They will document all instances of harassment, abusive or verbally aggressive behaviour;

(m) are known to have recorded meetings or telephone conversations or circulated such recordings to third parties without the prior knowledge and consent of other parties involved;

(n) make unreasonable demands and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the complaints procedure or normal recognised practice.

Strategy for Dealing with Habitual or Vexatious Complainants

Where complainants have been identified as habitual or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (Head Teacher and Chair of Governors or if unavailable the Vice Chair of Governors) will determine what action to take. The school will implement such action and will notify complainants, in writing, of the reasons why they have been classified as habitual or vexatious and what action will be taken. They will also be notified of the review procedure. This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. staff or Members of Parliament. A record must be kept, for future reference, of the reasons why a complainant has been classified as habitual or vexatious.

It may be decided to deal with complainants in one or more of the following ways:

(a) Withdraw contact with the complainant either in person, by telephone, by email, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times;

(b) To restrict contact to liaison through a designated member of staff;

Notify the complainant in writing that the Governing Body has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end and that further contact received will be acknowledged but not answered;

(c) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing Body shall not withdraw or not provide any services to which the complainant or his/her family are entitled;

(d) Ban the complainant from attending the school without prior written consent.

Review Decisions and Withdraw “Habitual or Vexatious” Status

Once a complainant has been determined as habitual or vexatious, such status needs to be regularly reviewed and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

A panel of three Governors should review their decisions to categorise a complainant as habitual or vexatious every six months. The panel on any review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person. If the panel considers it appropriate to withdraw the status of habitual or vexatious complainant, normal contact with the complainant and application of the school’s complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.