

ST MARY'S CATHOLIC PRIMARY SCHOOL

HABITUAL OR VEXATIOUS COMPLAINANTS POLICY

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OWNER	C&S Committee

Introduction

Following the introduction of the Freedom of Information Act, the public and press have a right to make requests for information held or owned by St Mary's Catholic Primary School. Such requests will be processed using our Freedom of Information Policy and Complaints Procedure as appropriate.

However, there may be occasions where the requests for information, complaints or grievances may be deemed vexatious or habitual (see definitions below). These may involve cases where there are:

- serial requests for information, serial complaints or serial grievances about different matters – received by letter, email or voicemail/messages.
- requests, complaints or grievances that regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on such points.
- grievances that are constantly reiterated which are without substance and have no foundation.

If their persistence adversely affects our staff's ability to do their work and support the children at The School, the Governing Body may need to address such behaviour by restricting, suspending or terminating contact with our offices and staff.

We do not expect staff to tolerate unacceptable behaviour by complainants which causes or may cause undue stress.

The School recognises that it is important to distinguish between people who make several complaints because they genuinely believe things have gone wrong, and people who are simply being difficult. We acknowledge that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.

Caveat

Nothing in this policy affects an individual's statutory rights.

Definitions

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 '*habitual or vexatious*' and 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 cause disproportionate and repeated efforts on behalf of 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 Data Protection Act 1998, and the Environmental Information Regulations 2004, and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual and/or vexatious complainants can be a problem for School staff and governors. The difficulty in handling such complaints can place a strain on time and resources. 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.

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 the following criteria, dependent upon degree:

1. Persist in pursuing a complaint/grievance when they have already exhausted other statutory routes, and where the School's Complaints or Freedom of Information Procedure has been fully and properly implemented and exhausted and are unwilling to accept that the Governing body has reached a final decision on a chosen course of action.
2. Persistently change the substance of a complaint/grievance or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint/grievance is being addressed. **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**
3. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to raise despite reasonable efforts of the School to address their concerns, and/or where the concerns identified are not within the remit of the School.
5. Regularly 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 judgement will be used in applying this criterion.
6. Have threatened or used physical violence towards staff at any time. This will cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication received by post. All such incidences will be documented. St Mary's Catholic Primary School has determined that any complainant who threatens or

uses actual physical violence towards staff will be regarded as a vexatious complainant and will receive written confirmation that this is the case and will inform the complainant of the action that will be taken.

7. Have, in the course of addressing a registered complaint or grievance, had an excessive number of contacts with the School, placing unreasonable demands on staff. For the purposes of determining an excessive number, the contact may be in person, by telephone, letter, e-mail, voice messages or fax. Discretion will be used in determining the precise of number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
8. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint/grievance. The School recognises, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of harassment, abusive or verbally aggressive behaviour will be documented.
9. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards governors, whether this has been on a face-to-face contact or at public meetings.
10. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of staff or governors the objective of soliciting information for whatever purpose.
11. Make unreasonable requests or demands and fail to accept that these may be unreasonable.
12. Seeking to coerce, intimidate or threaten staff, governors or other people involved, whether by use of language, tone of voice or behaviour including body language

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.

The policy should only be invoked following careful consideration of all the issues by the Headteacher 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.

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 Chairman 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.

No individual may undertake a role in authorisation in this procedure if he/she has had an involvement with the complaint.

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 (Headteacher and Chair of Governors, or if unavailable the Vice Chair of Governors, will determine what action to take. The Clerk to the Governing Body 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, for example, LA officers, staff, 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:

- Withdraw contact with the complainant either in person, by telephone, by email, by fax, 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.
- 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, 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.
- Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Governing body shall not, without the consent of the LA, withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

Review Decisions and Withdrawing '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 later. 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.

1. A panel of three governors should review their decisions to categorise a complainant as habitual or vexatious every six months.
2. The panel on review may either withdraw the categorisation of a person as habitual or vexatious or amend the strategy being applied to that person.
3. 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.

4. Copies of all decisions relating to the categorisation of a person as a habitual or vexatious complainant will be sent to the clerk who will hold and maintain a central register of such decisions.

Monitoring Arrangements.

Statistical information will be presented annually to the Governing Body with details of complainants who are categorised as habitual and / or vexatious.

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