HCAT

Handling Habitual, Malicious or Vexatious Interactions Policy

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HCAT Handling Habitual, Malicious or Vexatious Interactions Policy

1. Introduction

This policy applies to all Habitual, Malicious or Vexatious Interactions, and identifies situations where an individual or a group, might be 'habitual, malicious or vexatious' and ways of responding to these situations.

In this policy:

The term habitual refers to behaviour that is repeated or done routinely, often without regard for resolution or outcome.

The term malicious refers to actions, communications or complaints made with intent to cause harm, distress, or reputational damage, often without justification or genuine concern.

The term vexatious, as recognised in law, refers to actions, communications or complaints brought without sufficient grounds, primarily intended to cause disruption, annoyance, or distress.

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, governors and trustees by pursuing an unreasonable course of conduct.

The term "individual or a group" 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 these policies and procedures are, where relevant, to be interpreted as meaning requests under those Acts.

Habitual, malicious and/or vexatious individuals or groups can be a problem for school / college staff, governors and trustees. The difficulty in handling such interactions can place a strain on time and resources. Whilst the school / college endeavours to respond with patience and sympathy to the needs of all there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

2. Scope of Policy

This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve matters under the Trust's relevant policies and procedures. Judgement and discretion must be used in applying the criteria to identify potential habitual, malicious or vexatious interactions 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 Chief Executive Officer (CEO) or the Chair of Trustees after an attempt has been made to reason with the individual or group and it has been explained to them what it will mean if the habitual, malicious and vexatious policy is invoked. Authorisation to invoke the policy must be made by the CEO, unless the individual or groups interactions are directed at the CEO, in which case it would be the Chair of the Trust..

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

3. Definition of Habitual, Malicious or Vexatious Interactions

Each case will be assessed individually and decided on its merits. However, an individual or group (and/or anyone acting on their behalf) may be deemed to be habitual, malicious, or vexatious if their previous or current interactions

with the school/college show that they meet any or all of the following criteria, depending on the degree and context.

The behaviours set out below are consistent with the definition of “unreasonable complaints” in Appendix 4 of the HCAT Complaints Policy. Both documents should therefore be read together to ensure a consistent and coherent approach.

Where individuals or groups:

- persist in pursuing an interaction (e.g., complaints, enquiries, requests for information) where the school/college’s procedures have been fully and properly implemented and exhausted;
- persist in pursuing an issue where the procedures have not been fully or properly implemented, in a way that is unreasonable or disproportionate;
- change the substance of an interaction or continually raise new issues, or seek to prolong contact by repeatedly raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues that are significantly different from the original concern, which may need to be addressed separately;
- are unwilling to accept documented evidence or explanations provided by the school/college;
- are unwilling to accept that the Governing Body or Board of Trustees has reached a final decision on a chosen course of action;
- deny receiving an adequate response despite correspondence specifically addressing their concerns;
- persist in pursuing a matter when they have already exhausted other statutory or procedural routes;
- do not clearly identify the precise issues they wish to be addressed, despite reasonable efforts to help them specify their concerns;
- continue to pursue interactions on matters that are not within the remit of the Governing Body or Board of Trustees;
- focus on trivial matters to an extent that is out of proportion to their significance, and continue to concentrate on these points. Determining what is ‘trivial’ requires careful judgement;
- make an excessive number of contacts with the school/college, placing unreasonable demands on staff time. Contact may be in person, by telephone, letter, or e-mail. Discretion must be used to determine what constitutes “excessive contacts” based on the circumstances of each case;
- have threatened or used physical violence towards staff at any time. In such cases, personal contact with the individual will be discontinued, and all interactions will proceed in writing. All incidents will be documented, and the individual will be formally notified by the Chief Executive Officer;
- have harassed or been personally abusive, aggressive, or verbally threatening towards staff on more than one occasion. Reasonable allowances will be made for individuals acting out of character due to stress or distress, but all instances will be documented;
- have recorded meetings or telephone conversations or circulated such records to third parties without the knowledge and consent of those involved;
- make unreasonable demands and fail to accept that these may be unreasonable, including insisting on responses more urgently than is reasonable or than is allowed under normal procedures.

4. Strategy for Dealing with Habitual, Malicious or Vexatious Individuals or Groups.

Where individuals or groups have been identified as habitual, malicious or vexatious under the scope of this policy, taking account of the above criteria, the Authorising Officers (CEO and Chair of Trustees or if unavailable the Vice Chair of Trustees) will determine what action to take. The Trust will implement such action and will notify individuals or groups, in writing, of the reasons why they have been classified as habitual, malicious 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 interaction or matters closely related to it. A record must be kept, for future reference, of the reasons why an individual or group has been classified as habitual, malicious or vexatious.

If an individual or group is deemed to be engaging in habitual, malicious, or vexatious interactions, it may be decided to manage their contact in one or more of the following ways:

- Withdraw contact with the individual or group in person, by telephone, by email, by letter, or by any combination of these, provided that at least one form of contact is maintained where appropriate. If staff are to withdraw from a telephone conversation, an agreed statement will be available for use.
- Restrict contact to liaison through a designated member of staff to reduce unnecessary demands on time and resources.
- Notify the individual or group in writing that the Board of Trustees has responded fully to the points raised and that there is nothing further to add. They should be informed that any further interaction regarding the same or similar matters will serve no useful purpose.
- Continuing correspondence may either be acknowledged but not answered, or, in cases where interactions are persistent, malicious, or abusive, may not be acknowledged at all.
- Temporarily suspend all contact with the individual or group for a specified period. Suspension of contact does not affect the provision of any services to which the individual or their family are entitled.5. Review Decisions and Withdrawing 'Habitual, Malicious or Vexatious' Status.

It may also mean an individual or group may have their right to be on premise removed in line with the HCAT Managing Parents and Visitors Conduct Policy.

Once an individual or group has been determined, as habitual, malicious or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn later. Such action may be appropriate where an individual or group subsequently demonstrates a more reasonable approach or submits a further interaction for which the normal policy and procedures would appear appropriate.

The decisions to categorise an individual or group as habitual, malicious or vexatious should be reviewed every six months.

Following review, a decision will be made to either withdraw the categorisation of a person as habitual, malicious or vexatious or amend the strategy being applied to that person.

If it is decided it is appropriate to withdraw the status of habitual, malicious or vexatious individual or group, normal contact with the individual or group and application of the school / college's relevant policies and procedure will be resumed. The individual or group will be given notice of this decision forthwith.

This review mechanism complements other Trust Policies and ensures that individuals or groups are not indefinitely designated as habitual, malicious or vexatious without opportunity for reconsideration.