

IN THE COUNTY COURT AT COVENTRY

CLAIM NO:

BETWEEN:

THE LAWRENCE SHERIFF SCHOOL
ACADEMY TRUST

Claimant

and

MR AMIT MATALIA

Defendant

DETAILS OF CLAIM CONTINUED

1. The claim does not include any issues under the Human Rights Act 1998.

DETAILS OF CLAIM

2. This claim is made under section 3 of the Protection from Harassment Act 1997.
3. Section 1 of the Protection from Harassment Act 1997 provides that:

1.— Prohibition of harassment.

(1) A person must not pursue a course of conduct—

(a) which amounts to harassment of another, and

(b) which he knows or ought to know amounts to harassment of the other.

(1A) A person must not pursue a course of conduct—

(a) which involves harassment of two or more persons, and

(b) which he knows or ought to know involves harassment of those persons, and

(c) by which he intends to persuade any person (whether or not one of those mentioned above)—

(i) not to do something that he is entitled or required to do, or

(ii) to do something that he is not under any obligation to do.

(2) For the purposes of this section or section 2A(2)(c), the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other.

(3) Subsection (1) or (1A) does not apply to a course of conduct if the person who pursued it shows—

(a) that it was pursued for the purpose of preventing or detecting crime,

(b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or

(c) that in the particular circumstances the pursuit of the course of conduct was reasonable.

4. Section 3 of the Protection from Harassment Act 1997 provides that:

3.— Civil remedy.

(1) An actual or apprehended breach of section 1(1) may be the subject of a claim in civil proceedings by the person who is or may be the victim of the course of conduct in question.

(2) On such a claim, damages may be awarded for (among other things) any anxiety caused by the harassment and any financial loss resulting from the harassment.

(3) Where—

(a) in such proceedings the High Court or a county court grants an injunction for the purpose of restraining the defendant from pursuing any conduct which amounts to harassment, and

(b) the plaintiff considers that the defendant has done anything which he is prohibited from doing by the injunction,
the plaintiff may apply for the issue of a warrant for the arrest of the defendant.

...

5. Under the principles of Smithkline Beecham plc v Avery [2009] EWHC 1488 (QB) an employer can bring a claim on behalf of its employees for a protection from harassment injunction.
6. In the case of Plavelil v Department of Public Prosecutions [2014] EWHC 736 (Admin) it was held that allegations that had been intended and calculated to discredit an individual, which had been repeated and serious, did amount to harassment, even if they could be easily rebutted.
7. The Claimant is a selective grammar school in Rugby, Warwickshire, which converted to academy status on 1st September 2014. The Governing Body of the school employs the staff and is responsible for the day to management of the school premises. The Governing body brings this claim on behalf of its governors and the staff of the school.
8. The Defendant is a parent of a child who attends the school (the Defendant's eldest son joined the school in September 2011).
9. In June 2012, the Defendant's eldest son was involved in a serious incident whilst on a school residential trip, which led to the involvement of the Police and Warwickshire County Council's Safeguarding Service. In order to protect the children involved in that incident (including the Defendant's son) the Claimant does not intend to disclose further detail in relation to that incident, save as to say that this was the event that appears to have led to some of the Defendant's initial unpleasant behaviour towards the Claimant's staff and governors.

10. Subsequently, the Defendant made an application in November 2012 for his youngest son to gain a place at the school. The Claimant initially offered his youngest son a place at the school; however, the Claimant later received evidence that the Defendant's application contained fraudulent/misleading information. The Claimant therefore withdrew the school place. This matter is currently the subject of an Independent School Admissions Appeal process and therefore the Claimant does not intend to provide further detail in relation to this, save as to say that this event exacerbated the Defendant's conduct and regardless of whether or not the Defendant's youngest son does attend the school, the Claimant is concerned that the Defendant's behaviour towards the Claimant's members and staff goes beyond what is reasonable into illegal harassment.

PARTICULARS OF HARASSMENT

11. From 2012 to date, the Defendant has engaged in a course of conduct on a scale never previously experienced by the Claimant and as a result, is causing alarm and distress to staff members and the governors. The Defendant's activities have included the following:
- a. Making false allegations against individual members of staff and governors in respect of racism and other matters and publically calling for individual members of staff and the governing body to resign;
 - b. Repeatedly publicising accusations against individual staff members of aggressive behaviour that have been investigated by the school and found to be unsubstantiated;
 - c. Publishing accusations against individual staff members and governors on his various websites (including www.l1plus.eu, www.warwickshirel1plus.co.uk);
 - d. Creating an 'unofficial' Lawrence Sheriff School website that repeats allegations against individual staff members and governors;
 - e. Responding to the Claimant's consultation on its admission arrangements with personal accusations against individual staff members and governors;
 - f. Repeatedly contacting the school with lengthy correspondence, which primarily includes accusations against the Claimant and its staff that have already been addressed through previous complaints and correspondence;

- g. Contacting governors directly and at their homes to pressure them to address issues that have already been dealt with;
 - h. Misrepresenting the outcome of complaints to the Department for Education, Ofsted and the Local Government Ombudsman on his websites to suggest that individual staff members and governors were held to be culpable;
12. In addition to the above, the Claimant has reason to believe that 'anonymous' comments making accusations against the Claimant's members and staff that have been produced in emails to the school, on the Wikipedia entry for the school and on other forums are from the Defendant. These comments are of a similar style, tone, content, and refer to details that only the Defendant should have knowledge of, so the Claimant believes that the Defendant has had a key role in these matters.
13. The Defendant knew or ought to have known that the said conduct amounted to harassment of the Claimant, its members and staff. The Defendant's conduct is contrary to Sections 1 and 3 of the Protection from Harassment Act 1997.
14. In April 2014, the Claimant wrote to the Defendant in an attempt to bring about a resolution to these issues and to restore a positive working relationship in the interests of the Defendant's eldest son who still attends the school. Unfortunately the Claimant did not receive a response from the Defendant and the Defendant has continued to cause the Claimant's staff and governing body alarm and distress by his conduct.
15. Further, the Defendant has also been pursuing Warwickshire County Council, who is contracted to carry out the admissions process on behalf of the Claimant, and has been targeting individual council officers with false allegations as a result of their association with the school.
16. The Claimant has produced a Scott Schedule at Annex A of this document, which sets out the key allegations against the Defendant that the Claimant is relying on to support its claim.
17. By reason of the matters aforesaid the Claimant's members and staff have suffered loss, damage, distress and anxiety.

PARTICULARS OF DISTRESS AND ANXIETY

18. The Claimant's staff and governors have been caused distress and anxiety by the conduct of the Defendant.
19. The Claimant believes that the Defendant will continue to harass its governors and staff unless restrained by an order of the Court.
20. The Claimant therefore seeks an injunction to protect its staff, governors, contractors or agents from harassment from the Defendant:

AND the Claimant claims:

- (1) An injunction as aforesaid;
- (2) Costs;
- (3) Any other order.

Part 8 of the Civil Procedure Rules 1998 applies to this claim.

Dated: 12th November 2014

STATEMENT OF TRUTH

I believe that the facts stated in these Details of Claim are true. I am duly authorised to sign these Details of Claim on behalf of the Claimant.

Signed:

Name:

Position:

Date:

IAN JAMES NICHOL

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VICE CHAIR OF GOVERNORS

12 November 2014