

<b>Document No:</b>	<b>GP013</b>
<b>Issue No.</b>	<b>1</b>
<b>Issue Date:</b>	<b>2023-06-27</b>
<b>Review Date:</b>	<b>2026-06-27</b>
<b>Originator:</b>	<b>Director of Governance and Policy</b>
<b>Responsibility:</b>	<b>Principal/CEO</b>

This policy applies to all College activity including ESF contracts.

## **DEALING WITH PERSISTENT AND VEXATIOUS COMPLAINTS POLICY**

### **1. INTRODUCTION**

- 1.1. The College deals with concerns and complaints as part of the day-to-day management of the College in accordance with the College's Complaints Policy and Procedure.
- 1.2. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns.
- 1.3. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the College and directly or indirectly the overall well-being of the students or staff in the College. In these exceptional circumstances the College may take action in accordance with this policy.

### **2. AIMS OF THE POLICY**

- 2.1. The aims of this Policy are to:
  - 2.1.1. Uphold the standards of courtesy and reasonableness that should characterise all communications between the College and persons who wish to express a concern or pursue a complaint.
  - 2.1.2. Support the well-being of students, staff and everyone else who has legitimate interest in the work of the College.
  - 2.1.3. Ensure that those who make persistent or vexatious complaints, or whose behaviour in bringing a complaint amounts to harassment or abuse of members of staff in College, are dealt with fairly and transparently, while ensuring that other stakeholders suffer no detriment.

### **3. EXPECTATIONS OF THE COLLEGE**

- 3.1. Students/parents/carers/members of the public who wish to raise either informal concerns or formal complaints with the College can expect the College to:

- 3.1.1. Regularly communicate to students/parents/carers in writing:
  - how and when problems can be raised with the College
  - the existence of the College's Complaints Policy and Procedure; and
  - the existence of this Policy.
- 3.1.2. Respond to communications within a reasonable time.
- 3.1.3. Be available for consultation within reasonable time limits bearing in mind the needs of the students within the College and the nature of the concern/complaint.
- 3.1.4. Respond to communications with courtesy and respect.
- 3.1.5. Attempt to resolve problems using reasonable means in line with the College's Complaints Policy and Procedure, or other relevant policies or practice.
- 3.1.6. Keep complainants informed of progress towards a resolution of the issues raised.

#### **4. EXPECTATIONS OF STUDENTS/PARENTS/CARERS/MEMBERS OF THE PUBLIC**

- 4.1. The College expects students/parents/carers/members of the public who wish to raise problems with the College to:
  - 4.1.1. Treat all College staff with courtesy and respect.
  - 4.1.2. Respect the needs and well-being of students and staff in the College.
  - 4.1.3. Avoid any use, or threatened use, of violence to people or property.
  - 4.1.4. Avoid any aggression or verbal abuse.
  - 4.1.5. Recognise the time constraints under which members of staff in colleges work and allow the College a reasonable time to respond.
  - 4.1.6. Recognise that resolving a specific problem can sometimes take some time.
  - 4.1.7. In the case of a formal complaint, follow the College's Complaints Policy and Procedure.

#### **5. WHO IS A PERSISTENT OR VEXATIOUS COMPLAINANT?**

- 5.1. For the purpose of this Policy, a persistent or vexatious complainant is a student/parent/carer/ member of the public who complains about issues, either formally or informally, or who frequently raises issues that they consider to be within the remit of the College, and whose behaviour is unreasonable. Such behaviour may be characterised by:
  - 5.1.1. Actions which are obsessive, persistent, harassing, prolific, repetitious.
  - 5.1.2. Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
  - 5.1.3. Using Freedom of Information or Data Subject Access Requests excessively and unreasonably.
  - 5.1.4. An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes.
  - 5.1.5. An insistence upon pursuing complaints in an unreasonable manner.
  - 5.1.6. An insistence on only dealing with the Principal/CEO on all occasions, irrespective of the issue and the level of delegation in the College to deal with such matters.
  - 5.1.7. An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the

desired outcome is beyond the remit of the College because it relates to a decision made by a third party.

- 5.2. For the purpose of this Policy, harassing behaviour is the unreasonable pursuit of any of the actions described above in such a way that:
  - 5.2.1. Appears to be targeted over a significant period of time on one or more members of College staff.
  - 5.2.2. Causes ongoing distress to individual member(s) of College staff.
  - 5.2.3. Has a significant adverse effect on the whole/parts of the College community; and/or.
  - 5.2.4. Is pursued in a manner which could be perceived as intimidating and oppressive by the recipient.
- 5.3. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

## **6. THE COLLEGE'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS**

- 6.1. In the first instance, where a complainant's behaviour is felt to be or is becoming unreasonable/unacceptable by the member of the Senior Leadership Team (SLT) overseeing the investigation of the complaint, this will be discussed with the relevant member of the Executive Leadership Team (ELT) and a recommendation made to the Principal/CEO. The complainant will be advised that their behaviour is felt to be unreasonable and, if it is not modified, action may be taken in accordance with this Policy. This will be confirmed in writing (Appendix 1 - Model Letter 1).
- 6.2. If the behaviour is not modified there will be a joint decision between the Principal and another member of the ELT, informed by the appropriate member of the SLT, as to the actions to be taken, having regard to the nature of the complainant's behaviour and the effect of this on the College community. Such actions may include:
  - 6.2.1. Informing the complainant in writing that their behaviour is now considered by the College to be unreasonable/unacceptable and therefore falls under the terms of this Policy (see Appendix 2 - Model Letter 2).
  - 6.2.2. Informing the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties.
  - 6.2.3. Informing the complainant that, except in emergencies, all routine communications with the College should be in writing only.
  - 6.2.4. In the case of physical or verbal aggression, taking advice from HR/solicitors/the Police and considering warning the complainant about being banned from the College site; or proceeding straight to a temporary ban.
  - 6.2.5. Taking legal advice on pursuing a case against the complainant.
  - 6.2.6. Taking legal advice on putting in place a specific procedure for dealing with complaints from the complainant.
- 6.3. Legitimate new complaints may still be considered even if the person making them

is, or has been, subject to this Policy.

- 6.4. If a complainant's behaviour is modified but is then resumed at a later date, the College may resume the process identified above at an appropriate level.

## **7. OTHER RELEVANT POLICIES**

- 7.1. This Policy should be read in conjunction with:
  - 7.1.1. Complaints Policy and Procedure
  - 7.1.2. Preventing and Responding to Violence at Work Policy.

## **8. COMMUNICATION AND REVIEW**

- 8.1. The College will review this Policy at least every three years and will publish it on the College's website and staff intranet.

## APPENDIX 1

### MODEL LETTER 1: INITIAL LETTER INFORMING A COMPLAINANT THAT THEIR BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

Dear

This letter is to inform you that the College considers your actions in [describe actions, dates, behaviour] on [.....]. when you [ ] which we consider to be unreasonable/unacceptable [delete as appropriate].

We would ask you to bear in mind the fact that such behaviour on a College site can be disruptive and distressing to students, staff and parents/carers [delete if behaviour complained of did not occur on College site e.g. persistent use of e-mail, verbally abusive telephone calls].

We are aware that you have raised a concern and would advise you that these are usually dealt with most effectively through the College's Complaints Policy and Procedure. At the moment we are dealing with these issues by [describe actions being taken to resolve concern].

Please note that the College's Policy for Dealing with Persistent or Vexatious Complaints sets out standards of behaviour expected of all complainants in their dealings with the College. These include:

- Behaving reasonably.
- Treating others with courtesy and respect.
- Resolving complaints using the College's Complaints Policy and Procedure.
- Avoiding physical and verbal aggression at all times.

The Policy also indicates the steps that we may take if these standards are breached. These include:

- Making special arrangements for meetings and communications with the College.
- Considering a ban from the College premises.
- Considering legal action.

I would ask that you allow the College time to resolve the issues according to the correct procedures and would assure you that we shall take every step to move this process forward as quickly as possible.

Yours sincerely

**PRINCIPAL/CEO**

**MODEL LETTER 2: INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS**

Dear

You will recall that I wrote to you on [insert date] telling you that I felt your behaviour in relation to your complaint was unreasonable.

I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour], it has been decided that the College's Dealing with Persistent or Vexatious Complaints Policy will apply from the date of this correspondence.

In the circumstances, I have made the following arrangements for your future contact with the College:

[\*Delete A, B C as applicable]

\*A

For the foreseeable future, should you wish to meet with any member of College staff, I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the College, will be in writing only;
- (b) an appointment will be arranged and confirmed in writing as soon as possible;
- (b) a second member of staff from the College will be present at all meetings;
- (c) in the interests of all parties, formal notes of this meeting may be made.

\*B

For the foreseeable future, all meetings arising from any written communications with the College will not be conducted by a member of staff but will be conducted by [.....] representing the College.

I would ask you to note:

- (a) all routine communication, including any request for a meeting between you and the College, will be in writing only;
- (b) an appointment will be arranged and confirmed by letter as soon as possible;
- (b) a third party will be present;
- (c) in the interests of all parties, formal notes of this meeting may be made.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of student], in which case you should contact the College in the usual way.

While these arrangements are in place, with respect to normal access to information available to parents/carers, this will be provided in a summary written report. These arrangements take effect straightaway.

\*C

We consider the matter closed. The College will not engage in further correspondence about this matter. Members of staff have been advised not to respond to further communications or requests for meetings.

If, having followed the process set out in the College's Complaints Policy and Procedure, you are dissatisfied with the outcome of your complaint, you may write to either of the following:

For Further Education Courses

Education and Skills Funding Agency (ESFA)  
The Complaints Team Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

Or e-mail [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk)

You must contact the ESFA within 3 months of receiving a decision from the College.

For Higher Education Courses

The Office of the Independent Adjudicator for Higher Education (OIA)  
[How to complain to us - OIAHE](#)

You must contact the OIA within 12 months of receiving a decision from the College (or, for students following university awards, from the decision of the relevant awarding university).

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely

**PRINCIPAL/CEO**