



Unreasonably Persistent or Vexatious Complaints Policy

September 2022

(To be reviewed August 2023)

Safeguarding Statement

SupaJam is a post-16 specialist provider, specialising in Music, Maths, English and Life Skills. All staff, volunteers and partners are committed to safeguarding the welfare of every person within SupaJam. Our mission is to help young people to engage and achieve within a safe and inclusive environment.

1. Introduction

This policy has been supplied by our Data Protection Officer Satswana.

SupaJam does not tolerate bullying, harassment or intimidation, in any form, of any of their employees or parents. This applies to such behaviour from members of the public and College employees/ parents/associates alike. A small percentage of people may correspond with, or complain to, the College in a way that could reasonably be described as obsessive, harassing, bullying, intimidating or abusive.

2. Harassment

Under the Protection from Harassment Act 1977 S1(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.

Harassment can be identified as unwanted behaviour directed at an individual with the purpose or intent of humiliating, disrespecting, intimidation, hurting or offending them. Harassment may be, and not exclusive of, physical, written, non-verbal and verbal actions.

3. Bullying

The College defines bullying as a pattern of offensive, intimidating, malicious, insulting, humiliating behaviour intended to undermine an individual or group. This might occur gradually, eroding staff confidence and capability. Bullying of any kind will not be tolerated.

Bullying behaviour may also be designed to provoke and/or to create extreme workload for the College. Such behaviour might also be repetitious and designed to cause extreme distress.

Bullying behaviour from a minority of individuals can take up a disproportionate amount of limited college resources and can affect the College's ability to do its work providing a service to the community. It can result in unacceptable stress for college staff.

4. Intimidation

Intimidation in the workplace is defined as words and/or behaviour intended or likely to block, influence or cause alarm or distress which could lead to distress for an individual or group. Intimidation from the College's parents, college community or staff is not tolerated and will be acted on by the College.

5. Defining Vexatious or Unreasonably Persistent Complaints

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value.

The decision to stop responding will never be taken lightly and only when the College:

- has taken every reasonable step to address the complainant's concerns
- has given the complainant a clear statement of their position and the complainant's options
- has had repeated contact from the complainant making substantially the same points each time.

The case to stop responding is stronger if one or more of these statements are true:

- Complainant's letters, emails, or telephone calls are often or always abusive or aggressive.
- Complainants make insulting personal comments about or threats towards staff.
- The College has reason to believe the individual is contacting the College with the intention of causing disruption or inconvenience.

The College will not stop responding just because an individual is difficult to deal with or asks complex questions.

6. Use of this Policy

In the first instance the Base Leader will consult with a member of the Senior Leadership Team. With the Base Leader's agreement, the complainant will be contacted in writing (also providing a copy of this policy), to explain why the behaviour is a concern and ask them to change their behaviour.

If the behaviours persist and the Base Leader or Senior Leadership Team identify behaviour they think exhibits these characteristics, and which they believe may be vexatious or unreasonably persistent, they will prepare a brief statement of why it considers the complaint or correspondence to be vexatious, including its effect upon those affected. This should be accompanied by a report from the College showing the workload effects and resource impact, and, if resources allow, information about the related correspondence via email, telephone and letters. This includes information about to whom the correspondence was addressed and copied to, and a brief description of each piece of correspondence.

Sanctions can include:

- Only being allowed to communicate with one nominated member of the College
- Receiving no responses to further enquiries and communications on the same matter if no substantive new issue is raised
- Receiving no responses to enquiries and communications made to the College for 6 months if no substantive new issue is raised

7. Handling correspondence and complaints deemed to be vexatious

The Base Leader/Senior Leadership Team will write to the correspondent advising them their complaint and/or correspondence has been determined to be vexatious, providing the reason for that decision.

8. Parent guardians at the college

If the complainant is a parent/guardian of a College pupil, the notification letter should state which sanction the college has imposed. They should be advised that the decision will be reviewed in six months from the date of the letter advising them their complaint/correspondence is vexatious. The College and if necessary its community will be informed that a parent/guardian has been designated as an unreasonably persistent or vexatious complainant.

9. Review of Sanctions

That decision should be reviewed at a meeting occurring six months after the correspondent has been advised their complaint and/or correspondence is vexatious. The College should consider whether there has been any improvement in the vexatious behaviour over that time. The Base Leader should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious and will be reviewed annually.

10. Non-parent/guardians of the college

If the complainant(s) does not have any connection with the College, they will be advised that all future correspondence will be ignored and left unread. There is no route of appeal against the decision that a complaint or correspondence is vexatious.

11. Persistent communication on the same matter from multiple complainants.

If the persistent communication on one matter is from 4 or more complainants, rather than from one complainant, the Base Leader or member of the Senior Leadership Team will draft a standard response to all further communications on that matter.