
Document title: Policy on unacceptable complainant behaviour

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Office/department responsible: Registry Department

Approved by: Dr. Mahmoud Allam – President of The Knowledge Hub Universities

POLICY ON UNACCEPTABLE COMPLAINANT BEHAVIOUR AND MALICIOUS, VEXATIOUS, FRIVOLOUS OR UNSUBSTANTIATED COMPLAINTS

This Policy sets out the TKH approach to the relatively few complainants whose actions or behaviour it considers to be unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts TKH in connection with a complaint. The principles set out in this Policy also apply to our dealings with people other than complainants.

Whilst we understand that bringing a complaint can be a stressful experience for students, we have a duty to ensure the safety and welfare of our staff.

We are committed to dealing with all complainants fairly and impartially and to providing a high-quality service but we do not expect our staff to tolerate behaviour which we consider to be unacceptable, for example, any communication which is:

- ❑ abusive, offensive, defamatory or distressing;
- ❑ aggressive, threatening, coercive or intimidating;
- ❑ unreasonably persistent or demanding.

We will take action to protect our staff from such behaviour and this may include action under the TKH Disciplinary Procedure.

4. Complainants can contact us by letter, email or telephone. We cannot respond to enquiries from anyone who is not named and confirmed in writing as a representative by the complainant.

5. When we consider that the behaviour of a complainant is unacceptable we will tell them why we find their behaviour unacceptable and we will ask them to change it. If the unacceptable behaviour continues, we will take action to restrict their contact in connection with the complaint.

6. The decision to restrict access will be taken by the Head of the relevant School in conjunction with the Registry and Legal Office where appropriate. Any restrictions imposed will be appropriate and proportionate. The options which will be considered are:

- asking the complainant to enter into an agreement about their conduct;
- requesting contact in a particular form (for example letters only);
- requiring contact to take place with a named person
- restricting telephone calls to specified days and times;
- asking the complainant to appoint a representative to correspond with us;
- in exceptional circumstances, invoking the procedures on malicious or vexatious complaints as outlined below.

7. We will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action.

8. Where a complainant behaves unacceptably during a telephone conversation, we may as a last

resort terminate the call.

9. Where a complainant continues to behave in a way which we consider to be unacceptable, we may decide to terminate contact with them. This may mean that we will not continue with the handling of their complaint.

10. Where the behaviour is so extreme that it threatens the immediate safety and welfare of TKH staff and or students, we will consider other options, for example action under the TKH disciplinary regulations (including suspension from campus), reporting the matter to the Police, or taking other legal action. In such cases, we may not give the complainant prior warning of that action.

11. This Policy and its use will be reviewed on a regular basis.

Vexatious Complaints

1. A complaint may be deemed to be vexatious when it may or may not be the latest in a series of requests and it:
 - clearly does not have any serious purpose or value
 - is designed to cause disruption or annoyance; or gives rise to disproportionate inconvenience or expense
 - has the effect of harassing the TKH or any of the its staff, or
 - can otherwise fairly be characterised as obsessive or manifestly unreasonable
2. A complaint should not be deemed vexatious simply because it causes inconvenience or expense.
3. The decision to deem a complaint vexatious must always be given in writing together with the reasons upon which the decision was based, and TKH would need to be able to defend any challenge to such a decision. A Completion of Procedures letter would be issued to the student.

Frivolous Complaints

1. A complaint may be deemed to be frivolous where:
 - it is clear that it is not serious or sensible in content, attitude or behaviour.
 - there is an absence of a clear desire for redress or a sensible and realistic form of redress indicating a lack of seriousness.
 - it is reasonable to assume that there was no intention that the complaint be seen as serious or sensible or that redress was sought, but not to the extent that it can be considered vexatious or malicious.
2. A complaint should not be deemed frivolous simply because it is irritating to or inconvenient for the recipient.
3. The decision to deem a complaint frivolous must always be given in writing together with the reasons upon which the decision was based, and TKH would need to be able to defend any challenge to such a decision. A Completion of Procedures letter would be issued to the student.

Malicious Complaints

1. A complaint may be deemed malicious when:
 - there is evidence of intention to do harm or mischief. This intention may be express - the complainant makes clear the intention to do harm - or implied.
 - in the absence of any clear evidence, it is reasonable to assume the complainant intended to do harm or mischief.
 - since the essence of a genuine complaint is the seeking of redress, malice may be implied where, for example, it is clear that no redress is sought.

Malice may be directed either against individual members of staff or TKH as an institution.

2. A complaint should not be deemed to be malicious simply because:
 - the complainant threatens harm or mischief (e.g. to bring the University into disrepute) if demands for redress remain unsatisfied.
 - addressing complaints through the Complaints Procedure could lead to outcomes which might be embarrassing to TKH or bring TKH into disrepute
 - no obvious request for redress is stated
3. The decision to deem a complaint malicious must always be given in writing together with the reasons upon which the decision was based, and TKH would need to be able to defend any challenge to such a decision. A Completion of Procedures letter would be issued to the student.

Unsubstantiated Complaints

1. A complaint will be unsubstantiated when, after investigation of the complaint during the course of which the complainant was given full opportunity to provide evidence in support of the complaint, no prima facie evidence had been provided to/received by TKH.
2. A complaint may not be deemed unsubstantiated when, following investigation, prima facie evidence related to the complaint has been identified.
3. A decision to deem a complaint to be unsubstantiated cannot be taken before an investigation into the existence of prima facie evidence has been completed.

4. The decision to deem a complaint unsubstantiated must always be given in writing together with the reasons upon which the decision was based, and TKH would need to be able to defend any challenge to such a decision. A Completion of Procedures letter would be issued to the student.

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*****Disclaimer:** The Knowledge Hub Universities reviews the policies on regular basis if needed for work flow and business purposes.

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