

1. Introduction

Xact staff have the right to work without fear of abuse, intimidation, or harassment. Threatening or abusive activities and behaviour will not be tolerated.

Xact will not tolerate vexatious or malicious behaviour against the company or our staff and will take appropriate action.

2. Definitions

Approved Centre: Centre approved and regulated by an Awarding Organisation to provide qualifications

Awarding Organisation: An organisation that designs, develops, delivers and awards recognised qualifications

Individual: Those receiving our services e.g. apprenticeship training, end point assessment, courses, assessment, RPL, mentoring, learning support, qualifications, CPD activities etc.

Ofsted: Office for Standards in Education, Children's Services and Skills, a non-ministerial department of the UK government

Ofqual: The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

PMG: Performance Management Group consisting of Directors and an Independent Governance Advisor

Staff: Employee, agency worker, contractor, sole trader, volunteer e.g. manager, supervisor, administrator, tutor, assessor, mentor, internal quality assurer, work experience etc.

Stakeholder: Apprentice, apprentice employer, training provider, customer, supplier, user and those with whom we associate

Xact: Xact Consultancy & Training Limited

3. Responsibilities

- a) Business Support Manager: Notify Head of Centre of suspected cases of vexatious or malicious activity.
- b) Head of Centre:
 - i) Investigating, responding and recording suspected cases of vexatious or malicious activity.
 - ii) Advising staff on outcomes
 - iii) Reporting incidents to other agencies as appropriate e.g. Awarding Organisation, Ofsted, Ofqual etc.
- c) PMG: Responsible for monitoring this policy, its compliance and providing advice

4. Procedure

We will:

- a) Provide [website access](#) to this policy
- b) Manage vexatious or malicious behaviour in an appropriate and confidential manner
- c) Record, monitor and review vexatious and malicious behaviour
- d) Gather information to improve our services
- e) Periodically review this policy

5. Vexatious or Malicious Behaviour

The following forms of behaviour¹ are considered vexatious² or malicious³:

- a) Contacting⁴ Xact in an abusive or threatening manner
- b) Repeatedly contacting⁴ Xact about a matter without offering new evidence or information
- c) Making accusations and complaints without providing supporting evidence
- d) Not assisting Xact to resolve their complaint or engaging in the investigatory process
- e) Seeking to prolong matters by continually raising further concerns or questions upon receipt of a response
- f) Unwilling to accept documented evidence or denying receipt of an appropriate response
- g) Focusing on a matter to an extent which is disproportionate to its significance
- h) Making unreasonable demands on Xact
- i) Making inappropriate, accusatory or false^{3, 5} remarks about Xact

Note¹: This list is not exhaustive and is intended for guidance only

Note²: Vexatious to harass, cause annoyance, frustration, distress, disturbance, trouble or worry, pursue matters excessively or disproportionately etc

Note³: Malicious: actions which intend or intended to do harm e.g. making false or defamatory statements on social media, websites, chat forums etc

Note⁴: Telephone conversation, face-to-face meeting, written correspondence etc

Note⁵: Statements which have no factual basis e.g. they have no evidence to support their statements and are based on opinion or belief

6. Response

We take proportionate action against individuals or organisations who engage in vexatious or malicious behaviour¹. Examples include:

- a) Cease to engage with individual or organisation concerned
- b) Suspending course attendance, assessment, complaint, appeal or any other activity until the vexatious or malicious activity¹ has been resolved

c) Notifying:

- i) Individual in writing², that their conduct is unacceptable and that no further correspondence regarding matters will take place
- ii) Operations Director or PMG
- iii) Individual's employer
- iv) Awarding Organisation
- v) Individual's Professional Body
- vi) Lawyers in cases of inaccurate, false, libellous or defamatory statements
- vii) Police e.g. for matters involving threats of or actual violence

Note¹: See Section 5 Vexatious or Malicious Behaviour for more details.

Note²: Including areas considered inappropriate and what action is being taken,

8. Associated Policies

This policy should be used in conjunction with other policies e.g.

- a) Conflict of Interest Policy
- b) Data Management Policy
- c) Complaints Policy
- d) Appeals Policy
- e) Equality, Diversity and Inclusion Policy
- f) Safeguarding Policy
- g) Prevent and British Values Policy
- h) Standards of Behaviour and Appearance Policy