

THE CONSORTIUM¹

Overseas Registration Examination Part 2

Policy and Procedures

Habitual or Vexatious Contact

¹ **THE CONSORTIUM** is made up from the following organisations:

The Faculty of Dental Surgery
The Royal College of Surgeons of
England, 35-43 Lincoln's Inn
Fields
London WC2A 3PE

UCL Eastman Dental Institute
256 Gray's Inn Road
London WC1X 8LD

UCLH Eastman Dental Hospital
256 Gray's Inn Road
London WC1X 8LD

Bart's and The London Institute of
Dentistry,
Queen Mary, University of London
Turner Street
London E1 2AD.

Habitual or Vexatious Contact Policy and Procedures

Summary

- Candidates who contact the Consortium will be treated with respect and courtesy at all times.
- Candidates will be responded to as quickly as is possible, but responses to certain requests have to be sourced from the component Leads or others which may delay any reply.
- Candidates may not appeal against the academic judgement of examiners.
- Contact is considered to be any communication / correspondence either in person or by telephone, letter, email or fax with the Consortium's staff.
- Habitual correspondence is considered where a candidate repeatedly contacts the Consortium either asking for information with the same or similar questions despite having been provided with a full response; or to raise new issues of low significance.
 - A candidate who is considered to have habitual correspondence with the Consortium will:
 - Be advised that their correspondence is considered habitual and hence unacceptable and that it must cease immediately.
 - Be informed that no further correspondence will be entered into on the matter concerned.
 - Be informed that if the correspondence continues then the matter will be referred to the Examination Board. The Examination Board will decide whether this correspondence constitutes a breach of the Malpractice Policy and if so will convene a Conduct Panel to adjudicate on the matter.
- Vexatious behaviour occurs when an individual uses unreasonable language, makes threats, is abusive, acts menacingly or uses other forms of harassment when contacting or corresponding with the Consortium.
 - Where a candidate threatens or uses physical violence this will be reported to the police immediately and this policy will be invoked immediately.
 - Where a candidate displays other vexatious behaviour the process outlined in 'habitual correspondence' will be followed.

1. Introduction

- 1.1 Requests for: general information; consideration under the Mitigating Circumstances Policy; or Complaints on the conduct of the examination should be submitted electronically for questions and mitigating circumstances to: dentalexams@rcseng.ac.uk and for complaints to: orep2complaints@rcseng.ac.uk or by post to: ORE Examinations Team, The Royal College of Surgeons of England, 35-43 Lincoln's Inn Fields, London, WC2A 3PE.
- 1.2 Care is taken when responding to requests from candidates to make the response as accurate and detailed as possible. It is understood that the examination is stressful and that the outcome is sometimes not that which the candidate hoped. This may lead candidates to show signs of either habitual or vexatious behaviour and they may be

unaware that their behaviour is causing unnecessary distress to others, or that it requires a disproportionate level of staff time and resource to respond. It is for this reason that this Policy has been put in place. The Consortium does not tolerate behaviour which is unprofessional and causes staff unacceptable stress or which places undue strain on resources.

- 1.3 This Policy and Procedure is intended to only be used in exceptional circumstances when all other methods of managing the situation have been exhausted.

2. Definitions

- 2.1 Consortium Staff include all of the following personnel: employees of the Consortium's member institutions, examination support staff, actors, examiners, or members of the QA team and their families or associates.
- 2.2 Correspondence or contact with the Consortium's staff is considered to be any communication either in person or by telephone, letter, email, fax or social media.
- 2.3 Habitual contact is one where an individual persistently contacts the Consortium and where the Consortium's staff consider that the contact either persistently raises new issues of low significance or raises the same issue when what the Consortium considers to be an appropriate response has been provided.
- 2.4 Vexatious behaviour is where an individual uses unreasonable language, makes threats, is abusive, acts menacingly or uses other forms of harassment when contacting and/or corresponding with the Consortium.

3. Identifying habitual behaviour

- 3.1 The Consortium will consider a candidate's contact as habitual where previous or current correspondence with them shows that they meet at least ONE or more of the following. The candidate:
- 3.1.1 Persists in pursuing a complaint or line of enquiry even though the Consortium's Complaints Procedure has been fully and properly implemented and exhausted.
- 3.1.2 Denies receipt of an adequate response despite evidence of correspondence specifically answering their question(s) or providing them with information and/or documents and/or explaining why we are unable to do so.
- 3.1.3 Does not accept that facts may be difficult to verify after a long period of time has elapsed or where differing subjective experience is at issue.
- 3.1.4 Seeks to prolong contact by changing the substance of their complaint / correspondence or continually raising new issues and questions whilst the initial complaint or correspondence is being addressed. Where this involves a complaint, the Consortium will not disregard new issues which are significantly different from the original complaint as these may need to be addressed as separate complaints or issues.
- 3.1.5 Does not clearly identify the precise issue(s) which they wish to be investigated, despite reasonable effort by the Consortium to help them specify their concerns, and/or where the concerns identified are not within the remit of the Consortium to investigate.
- 3.1.6 Focuses on a trivial matter to an extent which is disproportionate to its significance. It is understood that the decision to call a matter a 'trivial matter' may be subjective and a reasonable judgment should be made and this must be documented when applying this criterion.

- 3.1.7 Makes excessive contact either in person or by telephone, letter, email, fax or social media with the Consortium and places unreasonable demands on staff. Reasonable judgment will be made in determining the precise number of contacts applicable based on the specific circumstances of each individual case.
- 3.1.8 Makes unreasonable demands or places unreasonable expectations on the Consortium and fails to accept that they are unreasonable, for example, insisting that responses to complaints or enquiries are provided more urgently than is reasonable in the circumstances or within recognised standard procedures.
- 3.1.9 Repeatedly copies communication regardless of relevance to multiple Consortium member institutions, the GDC or to external organisations with no apparent connection to the issues in question.
- 3.1.10 Does not accept that some issues are outside the remit of the Consortium, despite being provided with information about the Consortium's and the GDC's role on a number of occasions.
- 3.1.11 Makes groundless or unsubstantiated complaints about staff.

4. Handling habitual behaviour

- 4.1 Where an individual's behaviour fulfils the criteria outlined above the Consortium will notify the individual in writing that it considers their behaviour to be either habitual and/or vexatious and will provide specific reasons for that view and attach a copy of this policy to that correspondence.
- 4.2 The Consortium will request that the individual revise their behaviour and will also make clear that failure to do so will result in the individual being classed as having made either a habitual and/or vexatious contact which could result in the implementation of one or more of the below:
 - 4.2.1 limiting contact to either letter or email;
 - 4.2.2 limiting contact to a single named member of staff;
 - 4.2.3 declining telephone contact with the individual;
 - 4.2.4 redirecting any correspondence from them to a specific email address;
 - 4.2.5 applying a 'read-only' approach to future correspondence (unless an entirely new issue is raised);
 - 4.2.6 restricting the possibility of visits to Consortium premises.
- 4.3 The individual will be asked to provide their comments within 21 days of the date of this correspondence.
- 4.4 If the individual either does not reply, or submits a response which the Consortium considers to be inadequate, the RCS Head of Examinations (or nominated Deputy) will:
 - 4.4.1 confirm the effect of that action which will be either one or any number of 4.2.1 – 4.2.6 listed above.
 - 4.4.2 advise the GDC that the candidate has made either a habitual and/or vexatious contact and the reasons for this decision. The GDC may then enter this information into the candidate's record and it may be taken into consideration should the candidate pass the ORE and make an application to have their name entered onto the Dental Register.

5. Identifying vexatious behaviour

5.1 Vexatious behaviour will be considered to have taken place towards Consortium staff:

5.1.1 Where a candidate has used or threatened physical violence.

5.1.2 Where a candidate has harassed, been personally abusive, verbally aggressive or acted menacingly.

6. Handling vexatious behaviour

6.1 Where an individual threatens or uses physical violence they will be reported to the police immediately and this policy will be invoked immediately. Where an individual displays other vexatious behaviour the process outlined in 'handling habitual individuals' will be followed.

6.2 Any action taken under this policy may be varied or revoked at any time.

P. Howell v1.6c 03/04/2017