



Mediation
Buckinghamshire



A P O S I T I V E C H O I C E

Vexatious or Habitual Complaints Policy & Procedures

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Vexatious or Habitual Complaints Policy & Procedure

1. About this Policy

1.1. This policy concerns the management of abusive, persistent and/or vexatious complainants. It sets out how Mediation Buckinghamshire (MB) will deal with complainants that fall within the scope of this definition. Those identified will be treated consistently, honestly and proportionately while ensuring that other clients/staff and volunteers and MB as a whole suffer no detriment. This policy applies to all areas of the service.

1.2. MB believes that all complainants have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process; however in a minority of cases, the complainant may act in a manner that is deemed unacceptable. By this, we mean that they act in a way that is considered abusive, unreasonably persistent or vexatious and by doing so it may hinder the MB's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

1.4. The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable

1. How is unreasonable complaint behaviour defined?

2.1. It should be noted that raising a complaint about MB's service does not in itself constitute unreasonably persistent behaviour and neither do complainants who escalate through all stages of the relevant complaints procedure or those who express criticism about the complaints process itself.

2.2. MB has adopted the Local Government Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent complainants:

"For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints".

2.3 .Examples of unreasonably persistent behaviour:

The following list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of MB'S jurisdiction or within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

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- Making unjustified complaints about staff/volunteers who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff/volunteers and/or organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous MB staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

2.4. Examples of abusive and/or vexatious complainants

MB will take steps to protect its staff/volunteers from members of the public who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse. The following list is not exhaustive :

- Speaking to the MB of staff/volunteer in an inappropriate and/or derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards staff/volunteers which provokes fear.
- Repeatedly contacting MB regarding a matter which has already been addressed by MB

3. Managing unreasonable complainant behaviour

3.1. This policy may be invoked if the considers that a complainant has behaved in a manner which is deemed unreasonable (see above). The MB may take any actions against a complainant that it considers to be reasonable and proportionate in the circumstances.

3.2. Types of actions the MB may take:

- Where the complainant tries to reopen an issue that has already been fully considered through MB's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.

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- Limiting the complainant to one type of contact (e.g. telephone, letter, email, etc.).
- Placing limits on the duration of contacts with MB per week or month.
- Assigning a complaints lead to read the complainant's correspondence, in order to ensure appropriate action is taken.
- Offering a restricted time slot for necessary calls to specified dates and times.
- Requiring any face to face contacts to take place in the presence of a witness and in a suitable location.

4. Matters to take into account before taking action

4.1. Before taking a decision to invoke this policy, consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the complainant and a senior manager in order to seek a mutually agreeable resolution
- If it is known or suspected that the complainant has any special needs then consider offering an independent advocate who may assist the complainant with their communication with the MB

4.2. Staff/Volunteers must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

1. Imposing restrictions

5.1. In the first instance, the Chief Executive Officer (CEO) in consultation with the Chair of Trustees will communicate to the complainant either by phone or in writing to explain why this behaviour is causing concern, and ask them to change this behaviour. The CEO will explain what actions the MB may take if the behaviour does not change.

5.2. If the complainant continues with the unreasonable behavior, the CEO will consult with MB Trustees about whether it is necessary to take appropriate action by invoking this policy.

5.3. When the decision has been taken to apply this policy to a complainant, the CEO will contact the complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken
- what action the MB will be taking
- the duration of that action
- the review process of this policy

And

- The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a persistent/vexatious complainant.

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5.4. Any restriction that is imposed on the complainant's contact with the MB will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for.

5.5. If the complainant continues to behave in a way which is deemed unacceptable then the CEO, in consultation with the Chair of Trustees, may decide to refuse all contact with the complainant and cease any investigation into his or her complaint.

5.6. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the MB will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

6. New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent complainants.

6.1. Any new complaints received from complainants who have come under this policy will be treated on their merits. The MB does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant.

7. Ceasing Contact with a Complainant

There may be occasions where the relationship between the MB and unreasonably persistent or vexatious complainants breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the MB will advise the complainant that they may approach the Charity Commission or Local Government Ombudsman who may be prepared to consider a complaint before the procedure has run its course.

8. Record Keeping

8.1. MB will keep a record of all complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.

8.2. Anonymised information will be reported in the complaints annual report.

Review of Effectiveness

The implementation and effectiveness of this policy and the requirements that stem from it will be monitored by the Trustees at least annually, to identify any trends which may need further action.

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The CEO is responsible for ensuring appropriate reporting to the Trustee Board and will recommend and implement any improvement actions required.

1. Supporting Documents

2. History and Approvals

Revision History

Date	Document Version	Document Revision History	Document Author / Reviser
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Approvals

Date	Document Version	Approver Title	Approver Name & authorisation
27/01/2022	V.1.0	Chair of Trustees	Phyllida Middlemiss
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