



Sefton CVS
Supporting Local Communities

Unreasonable and Vexatious Complaints Policy & Procedure

Other relevant CVS policies:

Comments & Complaints Policy & Procedure

Data Retention Policy & Schedule

Version: v2
Prepared By: Simone McCaskill
Approved By Board: November 2016
Last Reviewed: August 2021
To be reviewed: August 2022

POLICY

1. Overview

Sefton CVS is committed to dealing with all clients fairly, ensuring we provide high quality services, and a clear, and timely response when they contact us. The Sefton CVS Comments & Complaints Policy & Procedure is enforced to ensure that this is the case.

However, in certain cases people may pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) or otherwise disproportionately impact on the operational capacity of the organisation. These actions can occur either while their complaint is being investigated, or when the complaint investigation is finished.

1.1 Values & Principles

Sefton CVS is committed to responding with patience and sympathy to the needs of all our clients, including when they have a complaint.

In order to distinguish between clients who make a number of complaints with good cause, because they really think things have gone wrong, and clients who are unreasonably complaining without sufficient cause; Sefton CVS will:

- consider each complaint on its own terms, and decide whether it is genuine or unreasonable and/or vexatious
- evaluate each written or spoken submission
- *ensure that, if someone has made unreasonable and/or vexatious complaints in the past, it is not assumed that any subsequent complaint from them also falls into this category*

Sefton CVS cannot commit significant time responding to unreasonable complainant behaviour, but will try to avoid inflaming any already difficult situation. Sefton CVS will exercise judgement on the best way of handling each case.

2. Aim

This Policy & Procedure outlines how Sefton CVS aims to ensure a proportionate approach when responding to complaints and complainant behaviour. It supports employees (including volunteers and associates) to understand clearly what is expected of them, what options for action are available, and who can authorise these actions.

3. Scope

This Policy & Procedure covers unreasonable complainant behaviour, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

3.1 How do we identify which complaints are unreasonable and/or vexatious?

For the purpose of this policy, unreasonable and/or vexatious complaints are those which, because of the nature or frequency of the complainant's contacts, impede the organisation's consideration of their or other people's complaints or otherwise disproportionately impact on the operational capacity of the organisation.

Single incidents may be unacceptable in themselves, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

The following are examples of some of the actions and behaviours which Sefton CVS considers unreasonable and/or vexatious (this list is *not* exhaustive):

- 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 a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure.
- Making unjustified complaints about staff who are trying to deal with the issues, and/or seeking to have them replaced.
- Systematically harassing or bullying staff.
- Making audio / video recordings of staff without their knowledge.
- 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: several complainants pursuing parallel complaints on the same issue or one complainant pursuing parallel complaints on the same issue with various organisations
- Making excessive demands on staff time and resources with lengthy phone calls, emails to numerous 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.

4. Responsibilities

The Executive Board has ultimate responsibility for the implementation of the provisions of this policy; they are responsible for ensuring that the appropriate mechanisms are in place to support an open, fair and proportionate response to complainants.

The Chair, or other Board Member nominated by the Chair, will consider and approve the option for action to be taken for unreasonable and/or vexatious complaints.

The Senior Management Team will manage the operational implementation of this policy & procedure, advising the Chair, or other Board Member nominated by the Chair, of their findings and suggesting an appropriate course of action; external advice will be sought as necessary

All Employees (including volunteers and associates) have a responsibility to ensure that complaints relating to Sefton CVS are handled appropriately; complaints received, whether written or spoken, should be escalated to a line manager in the first instance.

5. Monitoring & Review

Complaints will be centrally monitored and summary information will be permanently retained / archived.

This Policy & Procedure will be reviewed annually to ensure it remains fit for purpose and compliant with current legislation and best practice.

PROCEDURE

6. Policy Implementation

6.1 Considerations Prior to Taking Action under the Policy

Prior to taking action under this policy the Senior Management Team (SMT) must conduct a thorough review of the complaint and be satisfied that:

- the complaint is being or has been investigated properly
- any decision reached on it, is the right one
- communications with the complainant have been adequate based on the Values and Principles quoted, and
- the complainant is not now providing any significant *new* information that might affect the organisation's view on the complaint

6.2 Designating a Complaint as Unreasonable and/or Vexatious

The SMT will decide when a complaint is to be designated as 'unreasonable and/or vexatious'. They will base this decision on whether the nature and/or frequency of the complainant's contacts, is impeding the organisation's consideration of their or other people's complaints, or otherwise disproportionately impacting on the operational capacity of the organisation. (See Pt. 3.1)

6.3 Options for Action

Where the complaint has been designated as unreasonable and/or vexatious, the SMT will suggest appropriate options for action to the Chair; or other Board Member nominated by the Chair, external advice will be sought as necessary.

The Chair, or other Board Member nominated by the Chair, will consider and agree the option/s proposed prior to any action being taken; if relevant, an appropriate time limit on any restrictions will also be agreed.

Any actions taken by Sefton CVS should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.

6.4 Managing Complainant Contacts

Having designated a complaint as unreasonable and/or vexatious and decided on appropriate option/s for action (eg: restricted access), the SMT will send the complainant a formal letter, which will include a copy of the policy and will explain:

- that this represents the *full and final decision* in respect of the raised complaint
- why the decision has been taken
- what it means for their contact with the organisation
- how long any restrictions will last

In order to ensure ongoing complainant contacts are managed, the SMT may also decide to adopt one or more of the following approaches:

- setting up a strategy meeting to agree an organisation-wide approach
- informing all relevant staff that contact with a named complainant is being restricted
- appointing a key officer to coordinate the organisation's response(s)

Where a full and final decision on the complaint has been reached and communicated, the complainant will be told that *future correspondence will be read and placed on file, but not acknowledged unless it contains material new information*. A designated officer will be identified who will read future correspondence to pick up any significant new information.

7. Recording Feedback and Learning from Complaints will be managed in accordance with Pt. 6.3 of the Comments & Complaints Policy & Procedure.