



<b>Vexatious Complaints Policy</b>	
<b>Responsible Person:</b>	PA to CEO
<b>Date Reviewed by Board of Trustees:</b>	June 2023
<b>Date to be implemented:</b>	July 2023
<b>Next Review Date:</b>	June 2026

# **Policy on dealing with abusive, persistent or vexatious complaints and complainants.**

## **1. Introduction**

- 1.1 Bipolar UK is the national charity dedicated to supporting individuals with the much misunderstood and devastating condition of bipolar, their families and carers.
- 1.2 We aim to work to the highest possible standards working with and supporting individuals affected by bipolar, but we appreciate individuals may not always be satisfied. We have a comprehensive complaints policy (a copy of this policy is available on request), but in a small minority of cases people pursue their complaints in a way which can either impede the investigation of their complaint or refuse to accept the conclusions reached in the complaints process. This can happen either while their complaint is being investigated, or once Bipolar UK has finished dealing with the complaint. This policy addresses vexatious complaints.
- 1.3 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner consistent with our complaints policy.
- 1.4 We do not expect staff to tolerate unacceptable behaviour. 'Unacceptable behaviour' includes behaviour which is abusive, offensive or threatening and may include:
  - Using abusive or threatening language on the telephone
  - Using abusive or threatening language face to face
  - Sending multiple emails
  - Leaving multiple voicemails
- 1.5 We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.
- 1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to appeal consistent with our complaints policy, should not cause him or her to be labelled vexatious or unreasonably persistent.

## 2. Aim of this policy

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, volunteers, service users and stakeholders.

## 3. Definitions

- 3.1 We have adopted the Local Government Ombudsman's (LGO) definition of ***“unreasonable complainant behaviour”*** and ***“unreasonable persistent complaints”***
- 3.2 We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with Bipolar UK, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
- 3.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
- 3.4 Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

### **An unreasonably persistent and/or vexatious complainant may:**

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious).
- refuse to specify the grounds of a complaint despite offers of assistance.
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- refuse to accept that issues are not within the power of Bipolar UK to investigate, change or influence (examples could be a complaint about something that is the responsibility of another organisation).

- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints and seek to have them dismissed or replaced.
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints.
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or using offensive or racist language.
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- deny statements he or she made at an earlier stage in the complaint process.
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved.
- adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with Bipolar UK, but at the same time with a Member of Parliament, other charities, elected councillors, Bipolar UK's independent auditor, the police, solicitors, and the Charity Commission.
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- persistently approach Bipolar UK through different routes about the same issue

- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- refuse to accept documented evidence as factual.
- complain about or challenge an issue based on a historic and irreversible decision or incident.
- combine some or all of these features.

#### **4. Imposing restrictions**

- 4.1 We will ensure that the complaint is being, or has been, investigated properly according to Bipolar UK's Complaints Policy.
- 4.2 If the disruptive behaviour continues, Bipolar UK will issue a letter to the complainant advising them that the way in which they will be allowed to contact us in future will be restricted and if this is not adhered to the charity will no longer respond. The Chair of Trustees, with the Chief Executive, will make this decision and inform the complainant in writing. A copy of this policy will also be enclosed with the letter.
- 4.3 Where a complainant continues to behave in a way which is unacceptable, the Chair of Trustees, in consultation with the Chief Executive, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 4.4 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we 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.

#### **5. New complaints from complainants who are treated as abusive, vexatious or persistent**

- 5.1 New complaints from people who have come under this policy will be treated on their merits. The Chair of Trustees will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a "blanket policy" of ignoring genuine service requests or complaints where they are founded.
- 5.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within Bipolar UK.
- 5.3 If the complainant is unwell then they may be offered support from the team or signposted to a crisis team.

## **6. Record keeping**

6.1 Adequate records will be retained by the Chief Executive of the details of the case and the action that has been taken. The Chief Executive will retain a record of

- The name and address of each individual who is treated as abusive, vexatious or persistent.
- When the restriction came into force and ends
- What the restrictions are
- When the complainant was advised

6.2 The Board of Trustees will be provided with an annual report giving information about individuals who have been treated as vexatious/persistent as per this policy.