**VEXATIOUS COMPLAINTS**

**VEXATIOUS COMPLAINTS POLICY AND GUIDANCE**

Date: 01/07/2024

Date of review: 01/07/2024 Date of next review: 01.07.25

1. **Introduction**
   1. We are pleased to hear from people when its services are appreciated, but we also want to know when things go wrong. We are committed to dealing with complaints fairly and impartially and to providing a high-quality service to those who make them.
   2. However, a very small minority of people make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the staff working at our care home rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters or continuing to raise the same or similar matters over and over again. The frequency of contact with the home can hinder the consideration of their complaints and the ability of our staff to provide a quality service to other residents, families and advocates as a whole.
   3. How we manage these people will depend upon their nature and extent. If their persistence adversely affects our ability to do our work and provide a service to others, we may need to address unacceptable behaviour by restricting contact with the home.
2. **Policy commitment**
   1. We recognise that it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are simply being difficult. We acknowledge that complainants will often be frustrated and aggrieved, and it is therefore important to consider the merits of their case rather than their attitude.
   2. Similarly, even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered, and a decision made as to whether its vexatious or genuine.
3. **Aim and scope of the policy**
   1. This policy and guidance covers all complaints made to us. It sets out our approach to dealing with vexatious complaints so that both staff and customers can be clear what to expect.
4. **Review**
   1. This policy and the guidance will be reviewed annually or when an incident occurs. This will help us ensure that these documents are up to date and fit for purpose.

**How to handle different types of vexatious complaints**

**Complaints about the same matter**

If the person

* Refuses to pursue the complaint in accordance with out new complaints procedure or if the complaint has raised no significant new matters and presents no new information, we will write to the customer to warn them that we will not enter into any further correspondence about the matter.

**Complaints about similar matters**

The most difficult vexatious complaints to deal with are often complaints that are slightly different from the original complaint, but about the same broad area of activity. A decision will have to be made as to whether or not the matters are sufficiently different to justify being considered as a new complaint (see below).

**Complaints about different matters**

If a person keeps making complaints about different matters, each complaint should normally be considered in the usual way under the complaint’s procedure. The following are potential exceptions to this rule:

* If the volume of correspondence starts to impact on our resources. We will hold a meeting with the complainant to find if there is a more effective way for the correspondence to be dealt with. This may bring to light an underlying, common cause for the various complaints.
* If the new complaints are about entirely trivial matters or matters that have clearly not caused the person any injustice, it may be appropriate to close down the complaint. We will tell the person what we intend to do.
* A complaint to us does not have to be made in writing. However, if a person keeps telephoning either to discuss an existing complaint or to make a new complaint, and this is proving time consuming and disruptive, it may be reasonable to consider restricting future contact.

**Restricting contact**

Any restrictions will be agreed by the Manger and will be appropriate and proportionate to the nature of the complainant’s contacts with us at that time. The following are examples of the types of restriction which may be used:

* Placing time limits on telephone conversations and personal contacts
* Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week)
* Limiting the complainant to one medium of contact (telephone, letter, e-mail etc.)
* Requiring the complainant to communicate only with a named person – the manager of the home.
* If a complaint is currently going through our complaint’s procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed.
* Requiring any personal contacts to take place in the presence of a witness.
* Closing the investigation into a complaint.
* Refusing to register and process further complaints providing the customer with acknowledgements only of further letters, or e-mails received after a particular point.
* Banning a person from our care home.
* Involving the police in cases where we believe the customer has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave the care gome and surrounding premises.

Where this policy is applied, the person will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements, the length of time that these restrictions will be in place and what they can do to have the decision reviewed.

There should never be a blanket ban for an unspecified period of time.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other customers and our employees do not suffer any disadvantage and our resources are used as effectively as possible.

Restricting contact by the person does not mean that their correspondence will not be read at all. Any further letters, or e-mails from the customer will need to be read in case they contain any significant new information.

When persistent complainants make new complaints about new issues these will be treated on their merits and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

**Threatening and abusive complaints and Harassment**

We believe that everyone has the right to be treated with dignity and respect and that harassment is totally unacceptable. We will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include the following:

* Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power or authority that attempts to undermine or injure an individual or group of individuals.
* Discrimination/victimisation is essentially any act of inappropriate differential treatment, intentional or otherwise, direct or indirect, which is based on an individual’s identity.

If staff are subjected to any threatening or abusive complaints restriction on contact by the person may be imposed with immediate effect. Depending on the nature of severity of the incident we may also call in the police.

**APPENDIX 1**

**Some examples of the behaviour of persistent complaints**

* Refusal to specify the grounds of a complaint, despite offers of assistance with this from staff.
* Refusal to co-operate with the complaint’s investigation process or insistence on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
* Making what appear to be groundless complaints about the employees, dealing with the complaints or attempting to use the complaints procedure to pursue a personal vendetta against an employee or team.
* Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated.
* Refusal to accept information provided, for no apparent good reason.
* Changing the basis of the complaint as the investigation process goes on and/or denying statements he/she made at an earlier stage.
* Making statements or providing manufactured ‘evidence’ the person knows are incorrect or persuading others to do so.
* Raising at a late stage in the process, significant new information which was in the complainants possession when he or she first submitted a complaint.
* Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
* Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure.
* Refusal to accept that issues are not within the remit of a complaint’s procedure or demanding outcomes which the complaint procedure cannot in itself provide such as the overturning of court decisions, dismissal or criminal prosecution of staff.
* Electronically recording meeting, telephone calls and conversations without the prior knowledge and consent of the other persons involved.
* Pursuing a complaint or complaints with the home and at the same time with a Member of Parliament/ a Councillor/ the authority’s independent auditor/ the Standards Board/ local police/ solicitors/ the Ombudsman.
* Seeking to coerce, intimidate or threaten staff or other people involved, whether by use of language, tone or voice or behaviour including body language.
* Submitting repeat complaints, after the complaints process has been completed, essentially about the same issues, with additions/ variations which the person insists make these ‘new’ complaints which should be put through the full complaint’s procedure.
* Using valid new complaints to resurrect issues which were included in previous complaints.
* Persistence in contacting the home and demanding responses or action long after the home has closed the investigation into a complaint and all rights of review and appeal have been exhausted.