

Vexatious and Habitual Complaints Policy

Overview

A policy on how to handle vexatious and habitual complaints.

Purpose

The purpose of this policy is to:

- Provide definitions of 'habitual' and 'vexatious'.
- Provide a clear criterion to assist with the identification of habitual and/or vexatious behaviour.
- Outline the steps the BPC will take to restrict contact with individuals who continue to display habitual and/or vexatious behaviour.

Introduction

The BPC is committed to providing excellent customer service in our work. We recognise that all complainants have the right to have their concerns reviewed in line with the relevant complaints procedure whether that be against employees, members or registrants registered with us.

Very occasionally we receive complaints and enquiries that are vexatious in nature that can cause substantial disruption to our work and can take up a disproportionate cost and time to handle. The BPC believes that everyone including employees and members of the public should be treated with dignity and respect. Our employees should not have to tolerate unacceptable behaviour.

'Vexatious complaints' is a term that may also be used to describe complaints that are persistent, frivolous, or malicious. Individuals who make such complaints may show signs that their behaviour is causing unnecessary distress to others or that it requires a disproportionate level of employees time and resource to respond. The BPC will not tolerate behaviour that causes BPC employees unacceptable stress or behaviour which places undue strain on its resources.

This policy explains BPC's approach to recognising and handling vexatious and habitual complaints about our work, employees, or members.

What is a vexatious complaint?

A vexatious contact is an individual who uses unreasonable language, makes threats, is abusive, acts menacingly or uses other forms of harassment when contacting and/or corresponding with BPC staff.

However, the person making a complaint cannot themselves be considered vexatious. Even if a person's complaint is found to be vexatious this doesn't preclude that same person from raising a separate complaint. This is important as we may deal with individuals who may be going through a difficult time or who are unwell and may genuinely not think that their complaint is vexatious.

Whether a complaint is vexatious will be determined on a case-by-case basis. In assessing this we will have regard to:

- whether its primary purpose is to cause distress, disturb or pressurise
- whether the complaint seeks to revisit matter(s) already responded to. This includes situations where multiple associated complaints are received with minor variations
- whether there is an unwillingness to follow normal procedures and/or repeated attempts to contact senior staff or officers
- whether there is a refusal to provide information requested relevant to the complaint
- whether the administrative burdens are proportionate to the issues raised
- any intimidating, aggressive or threatening behaviour.

What is habitual behaviour?

A habitual contact is an individual who persistently contacts the BPC, and the BPC considers that they either raise new issues of low significance or raise the same issue despite appropriate closure (e.g., through the Fitness to Practise complaints process).

Identifying vexatious and/or habitual behaviour

Habitual

The BPC may consider an individual as habitual where previous or current contact with them shows that they meet at least two of the following:

- a) Persists in pursuing a complaint/line of enquiry even though the BPC's complaints process has been fully and properly implemented.
- b) Seeks to prolong contact by changing the substance of their complaint/correspondence or continually raising new issues and questions whilst the complaint/correspondence is being addressed.
- c) Denies receipt of an adequate response despite evidence of correspondence specifically answering their questions or providing them with information and/or documents and/or explaining why we are unable to do so;
- d) Does not accept that facts can sometimes be difficult to verify when a long period of time has elapsed or where differing subjective experience is at issue;
- e) Does not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of BPC staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the BPC to investigate;
- f) Focuses on a trivial matter to an extent which is disproportionate to its significance (determining what may be considered as a 'trivial' matter can be subjective and reasonable judgement must be applied and a documented record made in applying this criterion).
- g) Has made excessive contact (either in person or by telephone, letter, email or fax) with the BPC and places unreasonable demands on staff (reasonable judgement must be used in determining the precise number of contacts applicable based on the specific circumstances of each individual case);

- h) Makes unreasonable demands or places unreasonable expectations on BPC and fails to accept they are unreasonable for example insisting responses to complaints or enquiries are provided more urgently than is reasonable in the circumstances or within recognised standard procedures
- i) Repeatedly copies communication to multiple BPC contacts, regardless of business area, and often to external organisations with no apparent connection to the issues in question;
- j) Does not accept that issues are not within the remit of the BPC being provided with information about the BPC's role on a number of occasions;
- k) Makes groundless or unsubstantiated complaints about staff.

Vexatious

An individual will be considered as vexatious if one of these apply:

- a) Has threatened or used physical violence towards staff or their families or associates at any time;
- b) Has harassed, been personally abusive, verbally aggressive or acted menacingly on more than one occasion towards staff or their families or associates.

Dealing with vexatious and habitual complaints

If the BPC decides that an individual is vexatious and/or habitual, the person will be informed in writing and reasons will be provided. The BPC would 'warn' the individual that their behaviour is unacceptable and failure to revise their behaviour will result in the individual being classed as either habitual and/or vexatious. They will be informed that BPC will limit any further communication with them, as and when deemed appropriate the BPC will block their e-mail address and/or telephone number if further communications are received thereafter.

Data protection

All correspondence received by vexatious and/or habitual complainants will be retained in accordance with BCP's data retention policy.

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