



# **Corporate Complaints**

## **Dealing with Vexatious complainants**

**April 2012**



## **Vexatious complainants**

### **About this procedure**

Many complainants are angry and aggrieved, sometimes with good cause. Most behave reasonably. A very small minority make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Council 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.

This paper sets out some steps that can be taken for dealing with vexatious complainants. It does not cover how to deal with the few complainants who are orally abusive or physically threatening.

The One Stop Shops have a useful 'Difficult Customer Policy' (April 2000), and the Council has a Health and Safety Technical Standard on 'Dealing with violence and aggression in the workplace' (Health, Safety and Licensing, May 1998).

Both of these documents cover the approach that should be taken when faced with, and to avoid encountering, oral and physical abuse.

### **Is a complaint vexatious?**

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult.

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 it is vexatious or genuine. There is no way of avoiding reading and evaluating each piece of correspondence. This need not be time consuming, but it must be done.

### **Complaints about the same matter**

#### ***No new information***

If a complaint is about essentially the same matter that has already been considered, with only very minor differences, and does not contain any new information, the following action should normally be taken

- If the complainant has not exhausted the Council's complaints procedure, they should be referred to the next stage of the procedure. Another officer should then check that the decision on the complaint is correct, and write to tell the complainant telling them how to appeal further in the normal way
- If they have exhausted the complaints procedure but not been to the Ombudsman, they should be referred to the Ombudsman

- If they have been to the Ombudsman, and they do not agree with the Ombudsman's decision, they should be referred back to the Ombudsman.

If the complainant does not pursue the complaint at the next stage, and continues nonetheless to correspond, the correspondence must be read. If it raises no significant new matters and presents no new information, refer to earlier advice. The complainant should be informed that the Council will not enter into any further correspondence about the matter, other than as set out above.

If the complainant still does not take this advice, any further correspondence that does not raise any significant new matters or present any new information should simply be acknowledged as noted.

### ***New information***

If the complaint contains new information, this must be evaluated. A response should then be sent the complainant. The letter must include telling the complainant of the next appropriate stage in the complaints procedure.

### **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 complainant keeps making complaints about different matters, each complaint should normally be considered in the usual way under the complaints procedure.

However, if the new complaints are about entirely trivial matters, or matters that have clearly not caused the complainant any injustice, it may be appropriate to close down the complaint at stage 1 or stage 2. This should only be done with the agreement of a member of the Corporate Complaints Team. The complainant should be told that the next stage of appeal is to the Ombudsman. Under no circumstances should a complainant be told to go straight to the Ombudsman, without first obtaining the agreement of a member of the Corporate Complaints Team.

Rarely, if a complaint is entirely trivial, and there is a history of making other vexatious complaints, it may be appropriate not to use the complaints procedure at all. The complainant should be told this, and there is no need to provide any right to appeal. Subsequent complaints could then simply be noted. This extreme step should normally only be taken after consultation with a member of the Corporate Complaints Team

### **Vexatious complaints made by phone**

A complaint to the Council does not have to be made in writing. However, if a complainant 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 ask them to put their concerns in writing.

If the problem persists, it may be reasonable to tell the complainant that the Council will, for a set period, not accept telephone calls and only deal with the complainant in writing.

If the complainant is told that the Council will only deal with his or her concerns in writing, a letter should be sent to the complainant to confirm this, how long the ban will apply, and the reason for it. At the end of the period the matter should be reviewed, and the ban lifted if appropriate.

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

The decision should be made by a suitably senior member of staff, as defined by each service area.

### **Co-ordinating dealings with vexatious complainants**

Vexatious complainants often contact many different people within the Council, and can try and take advantage of the differing responses they may receive. It is important to try and ensure that a vexatious complainant has one main contact within the Council.

The service area's designated complaints officer should be able to arrange a co-ordinated approach within a service area. If the problem covers more than one service area, a member of the Corporate Complaints Team will be able to advise on the best approach.

### **Saying 'no' and safeguarding the Council's resources**

It is important not to spend large amounts of time on vexatious complainants, but skill will be needed to try and avoid inflaming an already difficult situation.

It may sometimes be worth spending a bit of time defusing a situation, rather than taking a hard line and then spending even more time holding that line. The best way of handling the situation will be a matter for judgement.

It is not necessary to meet a complainant's unreasonable demands for information and explanations, or to answer every single point in an unreasonable letter.

Again, judgement will be required to separate a complainant's legitimate queries from those that are unreasonable, often all within the same complaint. Skill will be required to ensure that a refusal to provide information is done tactfully and sympathetically.

### **Further advice**

Advice on specific cases can be obtained from the [Corporate Complaints Team](#).