

Vexatious complaints

Policy

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1. Purpose of this document

This policy explains our approach to recognising and handling vexatious complaints about UKPHR's services and UKPHR's registrants.

2. Introduction

We are committed to providing excellent service in all interactions with our stakeholders. We recognise that sometimes we may get things wrong, or we may be unable to help stakeholders in the way they would like.

We welcome comments, complaints and compliments in a genuine spirit of wanting to use all useful feedback to improve our services. Where feedback involves any expressions of dissatisfaction, we will look for ways to put matters right and identify learning points.

We have a process in place to handle complaints about our services. Occasionally, we may receive complaints that are vexatious, in that they cause considerable disruption to our work. They may involve disproportionate cost and time for us to handle them; they may impact the wellbeing of our staff because of the way the complaint is made or because of its repetitive nature.

We will ensure that we meet the requirements of the Equality Act 2010 to make reasonable adjustments for disabled stakeholders. In some circumstances, stakeholders may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, we will consider the needs and circumstances of the individual in the first instance and use this information to inform any decisions that we make.

3. Exclusions

This policy applies in relation to vexatious complaints about UKPHR's services.

The Registrar of UKPHR will also take this guidance into account when deciding whether to dismiss a complaint about a registrant on the grounds that it is vexatious as will the Fitness to Practise and Appeals Panels on the question of whether a case before them has been brought or pursued vexatiously.

This policy does not apply to legal claims brought against UKPHR such as appeals or judicial review, where any such issues would be dealt with through the Court process.

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4. Deciding if a complaint is vexatious

Where appropriate we will consider complaints to be vexatious but would not label an individual complainant as vexatious. Even if we decide that an individual's complaint about our service is vexatious, that does not preclude that person from making a fitness to practise complaint against a registrant. We would still consider any such complaints in line with our usual procedures.

Our focus is therefore on the complaint in question. However, we cannot consider the complaint in isolation. We will have regard to the surrounding circumstances, including the complainant's previous and associated behaviour. It is important, for example, that we consider the number of repetitive complaints.

Relevant issues we will consider include whether:

- **The primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise UKPHR, its staff or an individual member of staff**

In considering the context of a complaint and whether there is a justified cause for it we will consider:

- The history of our interactions with the complainant.
- Any service failures or errors we have made, whether these have been addressed, and whether we have apologised.
- Whether we have correctly followed our complaints or other related procedures.

We will also consider whether the primary purpose or effect of the complaint is to cause disruption or distress including factors such as:

- Whether the complaint is part of a pattern of conduct likely to cause harassment or distress.
- Whether the complaint is part of a pattern or conduct that suggests a campaign against UKPHR, its staff or an individual member of staff prompted by the complainant's personal views on an issue and/or by personal animosity.
- A complaint made in retaliation against UKPHR, its staff or an individual member of staff for action taken in delivering UKPHR's functions.

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- **The primary purpose and/or effect of the way the complaint is made is to disturb, disrupt and or/pressurise UKPHR, its staff or an individual member of staff**

In considering the way the complaint is made we will consider:

- Whether the complaint seeks information previously provided or revisits matters already explained appropriately on several occasions.
- The tone of correspondence or conversations, for example if it is abusive or makes unreasonable demands.
- The extent of the work likely to be needed to respond and whether the costs and administrative burdens are disproportionate to the issues raised.
- Whether the same complaint has been sent to many members of staff in a 'scattergun' approach.
- Whether there has been unwillingness to follow the normal escalation process by repeatedly attempting to contact senior members of staff.

- **The complaint is otherwise clearly unreasonable**

If a complainant has made numerous unsubstantiated complaints against UKPHR, its staff or a UKPHR registrant, a further complaint may be vexatious. Examples include:

- Making a high number of unjustified complaints.
- Pressing complaints after the complaint's procedures have been properly implemented and exhausted.
- Making further associated complaints repeatedly or including further information amounting to minor variations on an earlier complaint that has already been dealt with.

5. Determining whether a complaint is vexatious

If at any point in the handling of a complaint, a member of UKPHR staff believes it meets the criteria to be deemed vexatious it should be referred to the Chief Executive to make the decision.

The Chief Executive will consider the complaint, may seek advice from the Company's Solicitor, and will either declare the complaint as being vexatious, or not.

Where a complaint is not deemed to be vexatious it will be returned to the appropriate point in the complaints handling process.

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6. If a complaint is declared vexatious

If a complaint is deemed to be vexatious, the Chief Executive will respond directly to the complainant explaining why it is thought to be so and explaining that the complaint will be closed with no further action. The Chief Executive will also consider if the making of a vexatious complaint also requires the application of a restriction on communication because of unreasonable behaviour.

The decision to declare a complaint as vexatious will be recorded for future reference.

Any declaration refers to the specific complaint being vexatious and any further complaints from the same individual will still be considered.

7. Challenging a decision that a complaint is deemed to be vexatious

If any individual wishes to challenge a decision made in relation to this policy, the appropriate way is to make a request in writing to the Chief Executive to reconsider the decision made.

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