

# **Vexatious and Persistent Complaints Policy & Procedure**

## **1 Introduction**

- 1.1 A key role of the Institute of Professional Willwriters (IPW) is to provide advice and guidance to complainants wishing to make a formal complaint against an IPW member under the IPW alternative Dispute Resolution Service (IPWADR). We will deal with complainants fairly honestly and impartially, and provide additional support for vulnerable persons.
- 1.2 A very small minority of complainants who make or pursue complaints do so in a persistent or vexatious way which can either slow down the progression of their complaint or be so time consuming to manage that the behaviour interferes with proper consideration of the complaint.

## **2 Scope**

- 2.1 This policy applies to all members of IPW staff and ADR Officials.

## **3 Principle and Aims**

- 3.1 The purpose of the Vexatious and Persistent Complaints Policy and Procedure is to provide a fully transparent framework which helps IPW to ensure unreasonable and unreasonably persistent or vexatious complainants are dealt with fairly and proportionately. These actions can occur either while a complaint is active, or once IPWADR has made a decision regarding a formal complaint against a member.
- 3.2 It sets out clearly for IPW staff, IPWADR officials and complainants what is expected of them, what they can do, and who can authorise actions. This policy aims to identify a clear allocation of responsibility for reporting and dealing with incidences of persistent, vexatious or unreasonably persistent behaviour.

## **4 Policy Statement**

- 4.1 IPW as a Chartered Trading Standards Approved Code Sponsor are committed to dealing with all complaints fairly and impartially, and to making our services as accessible as possible.

## **5 Definition of Vexatious and Persistent complaints**

- 5.1 A vexatious complainant is a complainant who is pursuing a complaint which is entirely without merit and is made with the intention of causing inconvenience, harassment or expense to IPW and/or IPWADR
- 5.2 'Unreasonable complaint behaviour' may include one or two isolated incidents, as well as 'unreasonably persistent behaviour'. Persistent complaints, specifically 'Unreasonably Persistent' are complaints

which have merit, but, because of the frequency or nature of their contact with complaints handlers, hinder consideration of their own or other's complaints, or require a disproportionate level of resources or time to handle the complaints raised.

## **6 Examples of Unacceptable Complaint Behaviour**

- 6.1 The following list are examples of behaviour by complainants, which may be described as persistent, vexatious or unreasonable.
- refusing to specify the grounds of a complaint, despite offers of assistance
  - refusing to co-operate with and follow the IPW's documented complaints process
  - refusing to accept that certain issues are not within the scope of the IPW's Code of Practice and/or the IPWADR complaints procedure
  - insisting on the complaint being dealt with in ways which are incompatible with the Code of Practice or the IPWADR scheme
  - making unjustified complaints about those who are trying to deal with issues, including seeking to have them replaced
  - changing the basis of the complaint as the IPWADR process proceeds
  - denying or changing statements or complaint details made at an earlier stage
  - introducing trivial or irrelevant new information at a later stage
  - raising many, detailed but unimportant questions; insisting they are all answered
  - submitting falsified documents from themselves or others
  - adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with other organisations
  - making excessive demands on the time and resources of the IPW and IPWADR with numerous or lengthy phone calls, emails to staff or detailed letters, and expecting immediate responses
  - submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints
  - refusing to accept the decision, repeatedly arguing the point with no new evidence
  - raising the same complaint via their political representative or legal representative to try to overturn a previous decision
  - using abusive, offensive or threatening language
- 6.2 Some individuals that staff may consider to be vexatious or persistent complainants may be behaving as such because of a specific circumstance or difficulty and may be vulnerable.
- 6.3 Where this is indicated, any concerns that staff may have about a customer's vulnerability must be raised immediately with their line manager.

## **7 Action Prior to invoking the Policy**

- 7.1 When considering the application of this policy, it is critical that we firstly consider and ensure we understand a complainant's circumstance, how and why they feel as they do and what it is that would resolve the matter for them. We must be sure that we have given them the right opportunity to express their views and opinions and ensure we have listened and given appropriate and proportionate thought and effort to resolving and explaining the position and our actions.

When it is necessary to designate the complainant as behaving unreasonably, consider using the following steps:

- offering the complainant a telephone call with an IPWADR official to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable
- sharing our policy with the complainant and advising them that restrictive actions may need to be applied if their behaviour continues
- advise the complainant to find a suitable independent advocate, especially if the complainant has different needs
- signpost the complainant to other routes to resolve their dispute with the business. Such as civil legal action or appropriate regulators

You must ensure that:

- the complaint is being or has been considered properly and fairly and in accordance with the IPWADR scope and processes
- communications with the complainant have been adequate
- the complainant is not now providing any significant new information that might affect our view on the complaint
- IPWADR and IPW has exhausted all possible options to find an alternative solution

## **8 Operating the Policy**

- 8.1 Based on the circumstances and behaviour of the complainant and their complaint, restrictive actions will be tailored accordingly. If a decision is taken to apply restricted access, write to the complainant with a copy of the policy to explain:
- why the decision has been taken
  - what it means for their contacts with the organisation
  - how long any limits will last, and what the complainant can do to have the decision reviewed.

8.2 When complaints about new issues are made, these should be treated on their merits. You should consider whether any restrictions previously applied are still appropriate and necessary.

### 8.3 Options for Action

Any actions taken should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be concluded quickly, without further distractions. Options included:

- placing limits on the number and duration of contacts with staff per week or month
- requesting contact in a particular form only (e.g. emailed letters only);
- placing restrictions on telephone calls to specific times and days of the week
- banning the complainant from contacting IPW
- requiring contact to take place with one named member of staff only;
- letting the complainant know that IPW will not reply to or acknowledge any further contact from them on the specific topic of that complaint.
- emails/letters or any other communication method to anyone other than appropriate point of contact will be deleted and not responded to
- refusing to register and process further complaints about the same matter

## 9 Procedures

9.1 The decision to restrict or stop a complainant's access to IPW can only be taken by IPWADR giving clear documented evidence to support this and outlining how the behaviour needs to change.

9.2 The IPWADR will send a letter to the complainant, with a copy of this policy and procedure. The letter will clearly explain to the customer the actions that IPWADR may take if their behaviour does not change.

9.3 If the behaviour continues, IPWADR, will make a decision as to the action to take. A letter will then be sent to the customer outlining this decision. All letters will include:

- why we have taken the decision we have
- the right of the complainant to appeal to IPW about the fact that they have been treated as a vexatious or persistent complainant.

## **10 Record Keeping**

- 10.1 The decision made and letters sent will be retained by IPW.
- 10.2 The IPW will keep a record of all complainants who have had this policy applied to them.
- 10.3 Adequate records will be kept to show:
- when a decision is taken not to apply the policy when a member of staff asks for this to be done, or
  - when a decision is taken to make an exception once it has been applied, or
  - when a decision is taken not to put a further complaint from this complainant through our complaints procedure for any reason and
  - when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.
  - When complaints about new issues are made, these should be treated on their merits. You should consider whether any restrictions previously applied are still appropriate and necessary.
- 10.4 Records will be retained for a period of three years.

## **11 Harassment and bullying**

11.1 Persistent and vexatious complainant behaviour may amount to bullying or harassment. All staff have the right to be treated with respect and dignity in the workplace. Behaviour by third parties that bullies, harasses or intimidates staff is unacceptable and will not be tolerated. We will take all reasonable steps to prevent such behaviour. Staff will be protected from victimisation after raising genuine complaints, whatever the outcome.