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# Vexatious Complaints / Enquiries, Unreasonable and Abusive Behaviour Policy

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This policy deals with the management of service complaints / enquiries which South Yorkshire Pensions Authority (the Authority) staff consider vexatious or repetitive, and behaviour which is deemed as unreasonable.

It sets out how the Authority will deal with complainants that fall within the scope of this definition. Those identified will be treated consistently, honestly, and proportionately while ensuring that other members of the Fund and staff of the Authority suffer no detriment.

It has been developed considering the Information Commissioner's (ICO) guidance under the Freedom of information Act 2000.

## **1. Vexatious or repetitive complaints / enquiries**

- 1.1 The Authority sometimes receive complaints or enquiries which can be deemed 'vexatious' or 'repetitive'. Some of these complaints can be costly to handle or responding to them may be a disproportionate use of staff's time. All complainants have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process, however, in a minority of cases, the complainant may act in a manner that is deemed unacceptable.
- 1.2 Deciding whether a complaint / enquiry is vexatious requires the Authority in each case to consider the context and history of the complaint / enquiry, considering whether the complaint / enquiry is likely to cause unjustified distress, harassment or disruption to the service offered. In particular, the following issues will be considered:
  - Could the complaint / enquiry fairly be seen as obsessive?
  - Is the complaint / enquiry harassing or causing distress to staff?
  - Does the complaint / enquiry appear to be designed to cause disruption or annoyance?
  - Does the complaint / enquiry lack any serious purpose or value?
- 1.3 The concern to be addressed is whether a complaint / enquiry is vexatious in terms of the effect of the request on the Authority and not whether the applicant is personally vexatious.
- 1.4 Not only will the complaint / enquiry itself be examined, but also its context and history. That context may include other complaints/enquiries made by the applicant, the number and subject matter of the complaints / enquiries, as well as the history of other dealings between the complainant and the Authority.
- 1.5 The following factors will be taken into consideration (not an exhaustive list) when determining whether a complaint / enquiry is vexatious:
  - where the complaint / enquiry requests information which has already been provided.
  - where the nature and extent of the complainant's correspondence suggests an obsessive approach to disclosure.

- where the tone adopted in correspondence by the complainant is confrontational or haranguing and demonstrates that the purpose is to argue and not really to obtain information.
- where the correspondence could reasonably be expected to have a negative effect on the health and wellbeing of staff.
- where the complaint / enquiry, viewed as a whole, appears to be intended simply to re-open issues which have been disputed several times before, and is, in effect, the pursuit of a complaint / enquiry by alternative means.
- Refusing to accept the decision, repeatedly arguing points with no new evidence.
- where responding to the complaint / enquiry would likely entail substantial and disproportionate financial, administrative or operational burden.
- where it is not a one-off complaint / enquiry, but a case of the same complaints / enquiries having been made repeatedly, or where on repetition, the particulars of the complaints / enquiries have been varied making it difficult to know exactly what the complainant is seeking and making it less likely that the request can be satisfied.

## **2. Types of actions the Authority may take**

- 2.1 Where the complainant tries to reopen an issue that has already been considered through one of the Authority's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- 2.2 Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.
- 2.3 Limiting the complainant to one type of contact (for example telephone, letter, email, etc.)
- 2.4 Requiring contact to take place with a named member of staff and informing the complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to but will be kept on file.
- 2.5 Requiring any face-to-face contacts to take place in the presence of a witness and in a suitable location.

### **3. Managing unreasonable behaviour**

- 3.1. The Authority understands that people may act out of character in times of distress or due to frustration and does not view behaviour as unreasonable just because a complainant is forceful or determined. The Authority, however, will take steps to protect its staff from people who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):
- Speaking to the member of staff in a derogatory manner which causes offence.
  - Swearing, either verbally or in writing despite being asked to refrain from using such language.
  - Using threatening language towards Authority staff which provokes fear.
  - Repeatedly contacting a member of staff regarding the same matter which has already been addressed.
- 3.2 Authority staff will end phone calls if the caller is considered aggressive, abusive, or threatening. The complainant will first be told that their language is considered offensive, or their behaviour unacceptable, and will be asked to stop using such language or behaviour.
- 3.3 This policy may be invoked if the Authority considers that a complainant has behaved in a manner which is deemed unreasonable (see above). The Authority may take any actions against a complainant that it considers to be reasonable and proportionate in the circumstances.
- 3.4 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the Authority will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, the complainant may not be given warning of that action.

### **4. Matters to consider before acting**

- 4.1. Before taking a decision to invoke this policy consideration should be given to whether any further action is necessary, such as:
- Consideration about whether it is appropriate to convene a meeting with the complainant and a senior officer in order to seek a mutually agreeable resolution.
  - If it is known or suspected that the complainant has any special needs, then consider offering an independent advocate who may assist the complainant with their communication with the Authority.
- 4.2. Staff must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been considered including such issues as age, disability, gender, race and religion or belief.

## **5. New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent complainants.**

- 5.1 Any new complaints received from complainants who have come under this policy will be treated on their merits. The Authority does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant.

## **6. Decisions and Record Keeping**

- 6.1 The decision to invoke this policy and treat a complainant as being unreasonably persistent, abusive and/or vexatious will be approved in accordance with the Scheme of Delegation under the Authority's Constitution.
- 6.2 The Customer Feedback Officer will keep a record of all complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period.