

Management of Vexatious Complainants process

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This document requires the following approvals.

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Key reviews / approvals:

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Document Circulation / Readership

The intended circulation / readership for this document are as follows:

- Chief Operating Officers
- Governance, Assurance, Risk and Information
- All stakeholders involved in complaints management

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1. Background

- 1.1 UKRI aims to uphold high standards in the management of complaints submitted to the organisation, in line with best practice. We treat any expressions of dissatisfaction seriously and value feedback which may help us identify learning points and improve the way in which we work.
- 1.2 In line with The Parliamentary and Health Service Ombudsman (PHSO): Principles of Good Complaint Handling guidance, public bodies should have arrangements for managing 'unacceptable behaviour'. This only applies to a small minority of complainants who can be unreasonably persistent or behave unacceptably in pursuing their complaint¹.
- 1.3 For the purpose of this process, we have defined unreasonably persistent complainants as "those who, because of the frequency or nature of their contact with an authority, hinder the authority's consideration of their or other people's complaints". This process has also been developed taking into account the Information Commissioner's Office (ICO) guidance about 'vexatious' requests.

2. Purpose of having a process to manage Vexatious complainants

- 2.1 The purpose of this process is to enable UKRI to have a clear and fair process for dealing with situations where a complainant might be vexatious and to recommend ways of handling those situations.
- 2.2 All staff are expected to treat complainants with courtesy, respect and fairness; however, our staff have the right to undertake their work free from abuse, threats and / or repetitive complaints, which may cause them distress. It is UKRI's duty to protect the health, safety and welfare of their employees, in line with Health and Safety at Work Act 1974. Whilst rare, violence, threats or abuse towards staff are unacceptable.
- 2.3 This process is intended for use as a last resort and after all reasonable steps have been taken to try and resolve a complaint under the UKRI Complaints Policy. In applying this process, it is important to distinguish those complainants who are being vexatious or habitual in raising issues and where the complaints policy has not been fully utilised and exhausted.
- 2.4 Where a complainant is deemed to be vexatious, this will impact on the approach taken with the complainant and their future engagement with the organisation. This may include informing the complainant that further telephone communication is not appropriate and will be terminated or signposting them to an independent organisation who may be able to review their complaint.
- 2.5 Reasonable adjustments will be made, as appropriate, to this process where a protected characteristic under the Equality Act 2010 may affect a complainant's approach. We are often dependent on the complainant voluntarily disclosing this information, but it is a consideration we should take in to account once we become aware of any disability or other factor such as language difference.
- 2.6 A desk note regarding to this process will also be published to support staff managing complaints. This will summarise the definition of 'vexatious', key steps of the process and who to contact for support.

¹ <https://www.ombudsman.org.uk/sites/default/files/page/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf>

3. Definition of Vexatious complainants

- 3.1 The term “vexatious” describes those complainants who are persistent or habitual.
- 3.2 Based on the strength of various factors taken with consideration of the history of a complaint, a complainant may be deemed vexatious. The below is not an exhaustive list; however, examples of ‘unreasonable behaviour’ may include one or more of the following:
- Making excessive demands in terms of organisational resource (e.g. continued contact with staff during the investigation and expecting immediate update)
 - Where the complainant does not identify clearly the concerns they want investigated despite reasonable efforts by staff.
 - Repeated alteration of the basis of a complaint or introducing new issues.
 - Refusal to accept evidence as being factual. This may include complainants who do not accept that facts can sometimes be difficult to verify after a long period of time has passed.
 - Allegations made by the complainant that they have not received an adequate response despite correspondence answering their concerns.
 - Continued complaints/enquiries after the underlying issues have been addressed. These go beyond what is reasonable for resolution.
 - Harassing, threatening or being verbally aggressive / abusive towards staff. This may include written abuse in emails or letters.
 - Threats or acts of physical violence towards staff. This may cause personal contact with the complainant to be stopped and the complaint to be pursued through written communication only, if appropriate.
 - We recognise that dealing with vexatious complainants can be upsetting and burdensome for staff, especially if contact is made by phone. Staff should be encouraged to seek support from their line managers for advice and escalation where needed.

4. Procedure

- 4.1 All efforts must be made to ensure that a complaint is managed appropriately in line with the UKRI Complaints policy. We anticipate that the majority of formal complaint communication from a complainant will be directed to the UKRI Central complaints team (complaints@ukri.org)
- 4.2 However, where a local team may be having difficulty managing a complainant due to the factors outlined above, those involved with the complaint management should contact the Central complaints team via email on complaints@ukri.org to inform them of the present challenges of the case and provide evidence to support this view.
- 4.3 In cases of harassment, threats (verbal or physical) or acts of violence to staff, a risk assessment should be conducted by the Manager of the team involved in liaison with the UKRI Central complaints team to ensure staff are adequately safeguarded. The Legal team should also be contacted for support, please see section [8. High risk complaints.](#)
- 4.4 There are several considerations to keep in mind when deciding whether to impose restrictions on a complainant. This must include:

- Due consideration of any changes to a complainant's health status (e.g. physical or mental health conditions).
- Ensuring the complaints process has been implemented appropriately and in line with policy.
- Assurance that the complainant has been kept up-to-date and that communication has been adequate with the complainant prior to them becoming vexatious.
- Considering the proportionality of the proposed restriction in comparison with the behaviour and the impact on staff.
- Review whether new or significant concerns are being raised that require consideration as a new complaint.

4.5 It is vital that the complainant has been clearly advised of the UKRI Management of Vexatious complainants process and has been given a chance to alter their behaviour before taking any of the below actions. This should be done in writing to ensure we have a record of this correspondence and so the expectations on the complainant are clear. Please see the Process flow in [Annex 1](#).

5. Stage 1 – Formal warning

5.1 It is important that designation of a complainant as vexatious at Stage 2 (Section 6) below should be made by the Head of Governance (HoG) only after assessment of whether any of the below actions can be taken. This may include:

- Considering a single joined-up management approach in cases where cross-departments / cross-councils are being contacted by the complainant.
- Considering whether the assistance of an advocate may be helpful. This may particularly be in view of mental or physical disability and/or language differences.
- Considering the use of ground rules for continuing contact with the complainant.

5.2 The following are ground rules which the organisation should consider, dependent on the individual circumstances of the case:

- Allocating a named contact within the organisation (with a deputy-appointed in their absence).
- Limiting the complainant to a specified mode of contact – telephone or email.
- Restricting the number of calls that will be taken or agreeing a timetable for contact.
- Suggesting contact via a third party such as an advocate (advice can be sought from Citizens Advice or suggest that the complainant may want to seek Legal input)
- Advising the complainant that UKRI does not deal with calls or correspondence that are abusive, threatening or lacks supporting evidence, so any correspondence will need to be amended or contact made via a third party.
- Asking the complainant to enter into a 'conduct agreement', which covers the above.

5.3 [Annex 3](#) provides a template for updating the complainant about the process and stating ground rules for amended behaviour.

6. Stage 2 – Formal Assessment of vexatious status

6.1 Failure to subsequently desist from inappropriate/unacceptable behaviour following the first formal written warning may result in the complainant being deemed vexatious.

6.2 In assessing the complaint against this process, a view should be given by the HoG, as lead for complaints, unless they have had personal involvement with the case. In which case,

responsibility for reviewing will be delegated to a colleague with the appropriate skills to make an assessment.

6.3 Process:

1. Those involved in the case, this will likely be the Central complaints team and the Council complaints lead(s), need to prepare the evidence of meeting the vexatious criteria above to the designated manager to review (such as notes of conversations or correspondence etc).
2. A meeting should then be arranged by the Central Complaints team involving the HoG as Chair and the Manager of the team involved with the complaint, along with any other subject matter experts (EDI or Legal) required to consider the complaint and any response(s) to it together with evidence benchmarking this against the complaints process and vexatious criteria. The aim of the meeting is to determine whether the vexatious criteria has been met and provide clear direction as to the nature of any future communication between UKRI and the complainant. At the end of this meeting, a proposed management plan should be drafted.
3. The management plan is subject to the approval of the Director of Risk and Assurance (Dir R&A), as lead for Operational Governance. If approved, the recommended steps shall be implemented.

7. Process for managing Vexatious complainants

- 7.1 Where a complainant has been identified as vexatious, the HoG will write to the complainant informing them of the management plan including the rationale and timescales for review (if applicable). [Annex 4](#) is a template letter to support this purpose. The below are possible options:
 1. Their complaint is being investigated and a response will be finalised as soon as possible within the timescales agreed.
 2. That ongoing calls regarding the complaint are not appropriate and will be terminated. Details of calls should be logged on UKRI's complaints case management system;
 3. The organisation's complaints process has been exhausted and there is nothing to be added. The complainant should be signposted to independent organisations who may be able to review their complaint and / or
 4. That any further relating to the same or similar matter will not be acknowledged but will be logged on the complaint case management system.
- 7.2 All appropriate staff involved in the complaint should be informed of the decision by the HoG (or an appropriate delegate) so that there is a consistent and co-ordinated approach across the organisation. A record and copies of correspondence with the complainant should also be added on to the complaint file on the complaint case management system.
- 7.3 If the complainant raises any new issues that are within scope of the UKRI Complaints policy, then they should be dealt with in accordance with said policy.

8. High risk complaints

- 8.1 In cases where there may be criminal concern such as harassment or assault, consideration should be given as to whether the organisation should take further action. Legal and HR may need be involved in the handling of all high risk issues to ensure that the welfare and protection of the employee are properly considered.



- 8.2 UKRI should inform complainants that in extreme circumstances, it reserves the right to refer unreasonable or vexatious complaints to the UKRI Legal counsel and/or, if appropriate, the Police.
- 8.3 As outlined previously, a risk assessment should be undertaken by the Manager of the team involved in the complaint handling where action may be necessary to safeguard staff.

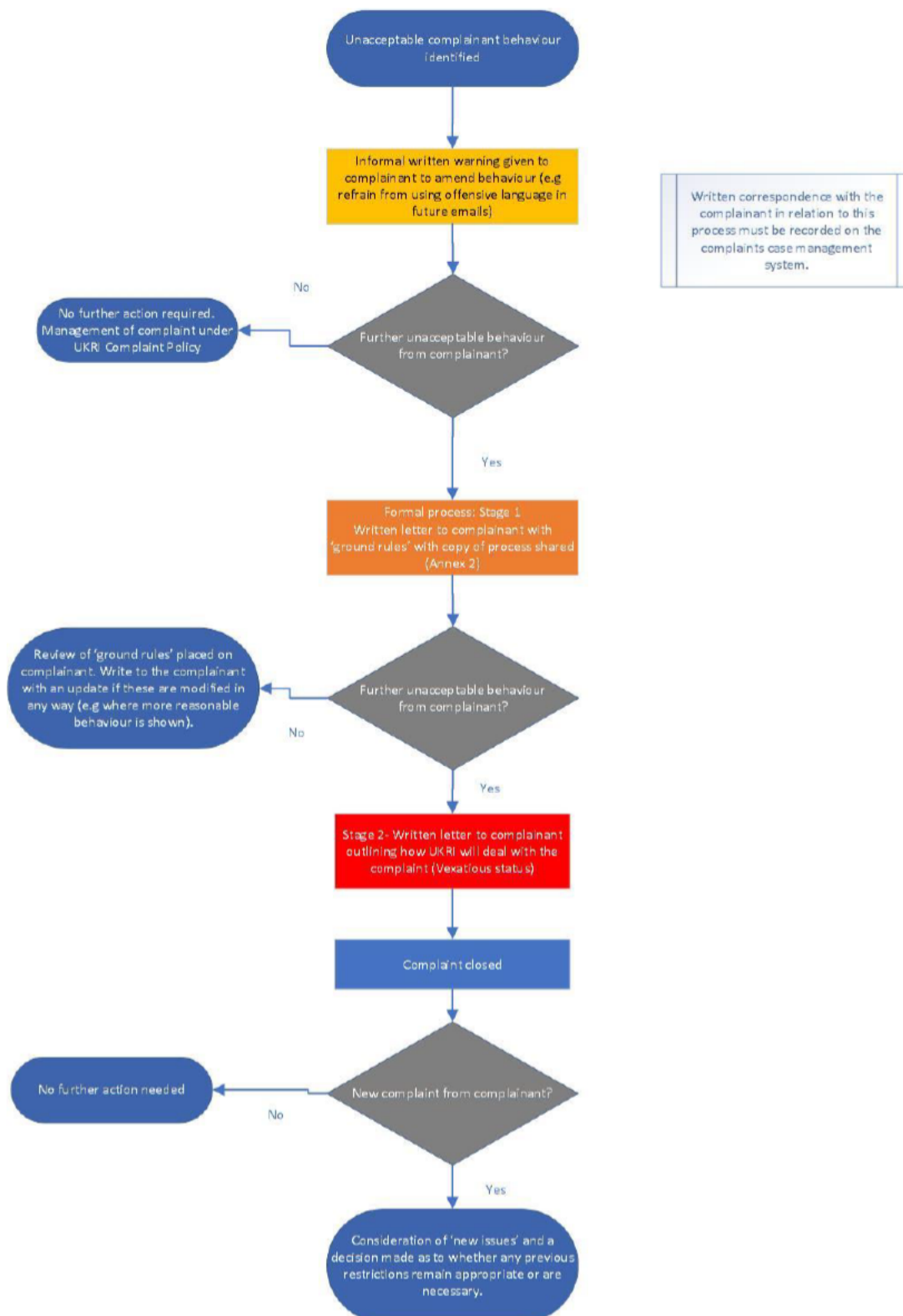
9. Appealing a decision to restrict contact

- 9.1 A complainant can appeal against restricted contact. The appeal will be considered by the Dir R&A. A letter will be written to advise the complainant whether the restricted contact arrangements still apply or whether another plan of action has been agreed.

10. Reviewing decisions about restricting contact

- 10.1 As outlined above, when a decision is made to restrict contact, all those involved will be notified and a record made on the complainant's case management system file.
- 10.2 Once complainants have been classified as vexatious, there is a mechanism for withdrawing this status if necessary. For example, the status may be withdrawn if a complainant subsequently demonstrates a more reasonable approach or if they submit a further complaint for which the normal complaints procedures would be appropriate.
- 10.3 Any further correspondence from the complainant will be read and checked for any significant new information. If the complainant raises any new issues, these will be considered separately and a decision will be made by the HoG and Dir R&A as to whether any previous restrictions remain appropriate or are necessary.
- 10.4 A decision to amend the management plan will again be subject to approval by the Dir R&A.

Annex 1 Vexatious process flow





Annex 2 - Record keeping tips for recording conversations

It is important that UKRI has good records of correspondence with a complainant, which might inform its strategy for managing a complainant. In line with the PHSO Principles of Good Complaint Handling, we should keep full and accurate records.

Below are some tips for how to record verbal conversations with complainants:

- Keep clear, accurate and legible records. This can be on either an email or in a word document. This should include the date, time and method of contact.
- Make records at the time the events happen, or as soon as possible afterwards.
- Record a summary of your conversation, and the details of any action you have taken, information you have shared and decisions you have made relating to those concerns.
- Your summary should include details of abusive, threatening language used, details of repeated contacts etc

Details of these contacts should be recorded and shared with the Central complaints team on complaints@ukri.org

Annex 3 – Letter to complainant (Formal warning – Stage 1)

Dear [Name of complainant]

This letter is to advise you that due to your [insert details of unacceptable behaviour] on [insert dates / times], your complaint was reviewed under Stage 1 of UKRI's Management of Vexatious Complainants Process (the Process). Having considered your conduct, and taking into account all the circumstances, it has been determined that should your conduct continue in the same manner, there is a risk that you will be deemed to be a vexatious complainant under the Process. To avoid this, and so that your future communications with UKRI are reasonably manageable, you are now subject to the conditions outlined in UKRI's Process (Section 5).

In particular, we ask that you adhere to the following requirements from [insert date]:

- Details
- Details

A copy of the Process is included with this letter.

We shall continue to investigate your complaint in line with the UKRI Complaints policy and we will share the final response with you by [insert date].

Should you, on any occasion in the future, fail to comply with the expected standards of behaviour outlined to you above, your conduct will be reviewed under Stage 2 of the Process.

Yours sincerely

Head of Complaints
UKRI Complaints Team

Annex 4 - Letter to complainant to confirm Vexatious status (Formal – Stage 2)

Dear [Complainant name]

As we outlined in our letter to you dated the [insert date]. We provided details about the UKRI's Management of Vexatious Complainants Process (the Process). In our letter, we outlined some requirements we requested you adhere to.

Unfortunately, you have continued to pursue your complaint in a manner we have assessed is unacceptable. In line with our Process, we have reviewed your conduct since our letter of [date] under Stage 2, and in consideration of all the circumstances, we have deemed your complaint status as 'vexatious' (Section 6). This is because of the frequency or nature of your contact with UKRI, hinders UKRI's consideration of your or other people's complaints

The reasons why we have applied this status are:

- why we have taken the decision [inserting details of events / contact];

Consequently, UKRI has determined that:

- what action we are taking;
- the duration of that action (if applicable);
- In cases of harassment or threats / acts of violence, UKRI reserves the right to refer unreasonable or vexatious complaints to the UKRI Legal counsel and/or, if appropriate, the police.

We will review the Vexatious status in [insert details] time (if applicable) and we will write to you to update you about whether there have been any changes.

You have received an explanation as to why you are subject to this Process and a copy of the Process to read.

If you are not satisfied with how we have managed your complaint, and would like to escalate your concerns, you can ask your MP to contact the Parliamentary and Health Service Ombudsman (PHSO) who makes decisions on unresolved complaints about government bodies in England. The PHSO is completely independent from UKRI.

UKRI will handle any new complaints in accordance with its applicable procedures. If further complaint correspondence is received from you, we will assess this for new concerns; however, if this is deemed to be regarding similar issues, we do not intend to prepare a further response to such correspondence and instead intend simply to save such correspondence to our records.

Yours Sincerely

Head of Complaints
UKRI Complaints



Additional sources of information

<https://www.ukri.org/about-us/policies-and-standards/complaints-policy/>

<https://www.ombudsman.org.uk/sites/default/files/page/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf>

<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>