

Dealing with Abusive, Persistent or Vexatious Behaviour

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Introduction

Healthwatch Cornwall (HC) is committed to dealing with all contact from the public equitably, comprehensively, and in a timely manner. In general, HC will not normally limit contact that individuals have with us. There are however occasions when the behaviour of the individual inhibits dealing with their particular concern or where dealing with their concerns may have significant resource issues which are not justified by the nature of the concern.

This policy is intended to deal with those individuals who persist in making unreasonable demands either by way of website submissions, e-mails, letters or phone calls.

For the purpose of this Policy we use a combination of the Oxford definition of 'vexatious' which is "causing or tending to cause annoyance, frustration or worry".

The key question is whether the complaint or other contact is likely to cause a disproportionate or unjustified level of disruption, irritation or distress.

This policy sets out guidance on when contact might be 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. It must be recognised that complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone (or their complaint) being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to



challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

There are however times when reasonable persistence in pursuing an issue or a complaint becomes unreasonable. This policy gives examples of when this might be the case and sets out a process for dealing with contact that has become unreasonable.

Abusive, Persistent or Vexatious

Features of the types of complaint and behaviour that this policy covers can include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

- (i) Persisting in a complaint after being advised that there are insufficient or no grounds for their complaint or that HC is not the appropriate authority.
- (ii) Refusing to co-operate with HC process without good reason whilst still wanting their complaint to be resolved. Submitting repeat complaints, after the concerns have been addressed, essentially about the same issues, with additions/variations which the complainant then insists on being treated as new complaints and put through the full process again.
- (iii) Refusing to accept the outcome or actions taken after conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

Harassing or verbally abusing or otherwise seeking to intimidate staff dealing with their complaint or correspondence, by using foul or inappropriate language, by the use of offensive and racist language and/or making what would appear to be groundless complaints about those staff.

Making an unreasonable number of contacts with HC, by any means, in relation to a specific complaint or correspondence. This could include making persistent and unreasonable demands or expectations of staff and/or the procedure after the unreasonableness has been explained (such as insistence on immediate responses to numerous, frequent and/or complex letters, , telephone calls or emails).

Recording meetings and conversations without the prior knowledge and consent of the other person involved.



Imposing Restrictions

HC will firstly ensure that correspondence and/or complaints are being, or have been, progressed properly according to the appropriate procedure. HC recognises that failing to deal with an issue promptly or properly can lead people to behave in ways we might otherwise characterise as vexatious.

Different processes will apply depending on whether the issue requires signposting or further research. The complainant will always be informed of any actions being taken.

Prior to any decision to treat a complaint or correspondent as vexatious etc. the relevant member of staff will issue a warning to the complainant. The complainant will be contacted either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. They will also be warned of the actions that may be taken if the behaviour does not change.

If the behaviour continues, the Management Team will decide whether to limit contact from the individual and to what extent. Any restriction that is imposed on contact with HC will be appropriate and proportionate and may be subject to review. The kinds of restriction which may be imposed are:

- (i) Limiting contact to a specific mailbox or one named member of staff
- (ii) Refusing to accept telephone calls
- (iii) Only accepting telephone contact through a third party for example via a solicitor/advocate/friend acting on their behalf
- (iv) Indicating that correspondence will not be responded to unless substantially new matters are raised (this implies that all incoming correspondence will be read)
- (v) Blocking the individual's e mail address so that it is not received by HC (this should only be done in extreme cases after all other avenues have been tried)

When the decision has been taken to apply this policy, the individual will be written to with reasons for the decision and what action HC is taking. That decision may be amended if the individual continues to behave in a way which is unacceptable.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, HC may consider other options, for example reporting the matter to the police or taking legal action. In such cases, HC may not give the individual prior warning of that action.



New complaints from individuals who are (or whose complaints are) treated as abusive, vexatious or persistent

New issues raised by people who have come under this policy will be treated on their merits. Any imposed restrictions will not apply to new matters although the individual may be warned not to repeat behaviours which led to those restrictions.

Review

The status of an individual judged to be unreasonably persistent or vexatious will be reviewed by HC's CEO after six months and at the end of every subsequent six months.

The individual will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

Record keeping

Adequate records will be retained by the appropriate service manager of the details of the case and the action that has been taken. The Business Support manager will retain a record of:

- (i) The name and address of each individual who is (or whose complaint has been) treated as abusive, vexatious or persistent;
- (ii) When the restriction came into force and ends;
- (iii) What the restrictions are; and
- (iv) When the individual and members of staff were advised.

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