

VEXATIOUS COMPLAINTS PROCEDURE

LAST REVIEW	23 August 2018
NEXT REVIEW	23 August 2021

Canoe Wales is responsible for setting and maintaining the standards of service delivery to our members, stakeholders and the wider public and is committed to dealing with any complaint equitably, comprehensively and in a timely manner.

Unreasonably Persistent or Vexatious Complaints

Canoe Wales does not expect employees or key volunteers to tolerate unacceptable behaviour by complainants at any time during the general complaints procedure or disciplinary process. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or inappropriate language on the telephone or face to face
- Sending multiple emails
- Leaving multiple voicemails

Raising legitimate queries or criticisms of a complaints procedure as it progresses, e.g. if agreed timescales are not met, should not in itself lead to someone 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.

Canoe Wales will take action to protect employees and key volunteers from inappropriate behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, this procedure will be followed.

Canoe Wales defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of the complaints, hinder the work of the organisation. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant. Examples include the way or frequency that complainants raise their complaint with employees, or how complainants respond when informed of a decision about their complaint.

Features of an unreasonably persistent and/or vexatious complainant are listed below. 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.

An unreasonably persistent and/or vexatious complainant may result from a combination of some or all of these features:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious);
- refuse to specify the grounds of a complaint despite offers of assistance;

- refuse to co-operate with the complaints investigation process or disciplinary investigation process while still wishing their complaint to be resolved;
- refuse to accept that issues are not within the remit of the general complaints or policy and procedure or disciplinary regulations despite having been provided with information about the scope of the policies and procedures;
- refusal to accept that issues are not within the power of Canoe Wales to investigate, change or influence (examples could be a complaint about Sport Wales, or something that is the responsibility of another organisation);
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure, the disciplinary regulations or with good practice (e.g. that there must not be any written record of the complaint);
- make what appear to be groundless complaints about the person dealing with the complaint(s) and seek to have them dismissed or replaced;
- make an unreasonable number of contacts by any means in relation to a specific complaint or complaints;
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails);
- raise numerous subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process;
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on;
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed;
- adopt an excessively 'scattergun' approach, e.g. pursuing a complaint or complaints not only with Canoe Wales, but at the same time with Sport Wales, the Welsh Government, a Member of Parliament, their local council, elected councillors, the police, solicitors and/or any other body;
- refuse to accept the outcome of the complaint process or disciplinary process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given;
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure or disciplinary procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints or disciplinary procedure;
- persistently approach Canoe Wales through different routes about the same issue;
- persist in seeking an outcome which has been explained is unrealistic for legal or policy (or other valid) reasons;
- refuse to accept documented evidence as factual;
- complain about or challenge an issue based on a historic and irreversible decision or incident.

If it is suggested that a complainant is acting in an unreasonably persistent or vexatious way the CEO will ensure that the complaint is being, or has been, investigated properly according to the complaints procedure or the disciplinary regulations before any further action is taken.

The CEO will contact the complainant in writing or by email to explain why their behaviour is causing concern and ask them to change this behaviour. The CEO will explain the actions that Canoe Wales may take if the behaviour does not change.

If the disruptive behaviour continues, the CEO will issue a reminder letter to the complainant advising them that the way in which they will be dealt with by Canoe Wales in future will be restricted. The CEO will make this decision following consultation with the Chair and inform the complainant in writing of what measures have been put in place and for what period.

Any restriction that is imposed on the complainant's contact will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will cover. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- prohibiting the complainant from making contact by telephone except through a third party acting on their behalf;
- prohibiting the complainant from sending emails to individual and/or all employees and insisting they only correspond by letter;
- requiring contact to take place with one named member of staff only;
- restricting telephone calls to specified days/times/duration;
- requiring any face-to-face contact to take place in the presence of an appropriate witness;
- letting the complainant know that Canoe Wales will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff may be identified who will read future correspondence);

When the decision has been taken to apply this policy to a complainant, the CEO will contact the complainant in writing (and/or as appropriate) to explain:

- why Canoe Wales has taken the decision;
- what action(s) are being taken;
- the duration of that action;
- the right of the complainant to contact the Board of Directors about the fact that they have been treated as a vexatious/persistent complainant;

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff and/or volunteers Canoe Wales will consider other options, e.g. reporting the matter to the police or taking legal action. In such cases, Canoe Wales may not give the complainant prior warning of that action.

In every case, full and complete records of all decisions and actions will be maintained in line with the Canoe Wales Data Protection Policy and Privacy Notice.