Policy on dealing with vexatious complaints

1. As set out in the Complaints Policy, Calderdale Badger Protection Group (CBPG) aims to:

- *To ensure that making a complaint is as easy as possible*
- *To ensure complaints are treated seriously, fairly and consistently*
- *To ensure any complaint is dealt with in a timely manner and in confidence*
- *To learn from any complaints and use feedback to review and improve our service*

We recognise that all CBPG members have the right to be treated with respect so that they participate in the Group free from abuse or harassment.

The time devoted to handling complaints should be reasonable. Judgement of what is 'reasonable' time must take account of:

- The severity, complexity or urgency of the subject of the complaint, and
- The time required to conduct other CBPG business, and
- Personal circumstances of the volunteers who investigate complaints

If a Complainant refuses to accept these conditions, then they may be considered unreasonable or unreasonably persistent.

CBPG's policy on vexatious complaints is informed by Local Government Ombudsman's identified characteristics for unreasonable or unreasonably persistent complainants. CBPG's vexatious complaints definition is:

"A vexatious complaint is one that is pursued, regardless of its merits, in order to harass, or subdue somebody, or which makes an unreasonable allegation, or an allegation which is without foundation, or is repetitive."
It should be noted that raising a complaint about CBPG or expressing criticism about the complaints process does not in itself constitute unreasonably persistent behaviour.

2. Examples of unreasonable, or unreasonably persistent complainant behaviour

(The following list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of CBPG's jurisdiction or within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making unjustified complaints about Committee or other members who are trying to deal with the issues, or seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds

- Denying or changing statements he or she made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions, and 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 various members of CBPG and/or organisations
- Making excessive demands on the time and resources of volunteers with lengthy phone calls, emails to numerous volunteers, or detailed letters every few days, and expecting immediate responses
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints
- Refusing to accept that CBPG complaints process has reached its end in relation to a complaint
- Repeatedly arguing points with no new evidence

3. Examples of abusive and/or vexatious complainants

CBPG will take steps to protect its members from members of the public, or other CBPG members 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 (note this list is not exhaustive):

- Speaking to the member of CBPG in a derogatory manner which causes offence
- Swearing, either verbally or in writing despite being asked to refrain from using such language
- Using demeaning or threatening language towards CBPG members which provokes fear
- Repeatedly contacting a member of CBPG regarding the same matter which has already been addressed

4. Managing unreasonable complainant behaviour

CBPG will invoke its policy on dealing with vexatious complaints if a Complainant has behaved in a manner which is deemed unreasonable (see above sections).

Committee may take actions against a Complainant that it considers reasonable and proportionate. The types of action may include:

- Where the Complainant tries to reopen an issue that has already been considered through CBPG's Complaints Policy, they will be informed in writing that the procedure has been exhausted and that the matter is now closed
- Limiting the Complainant to one type of contact (e.g. telephone, letter, email, etc.)
- Placing limits on the number and duration of contacts with Committee or other members of CBPG per week, or month

- Requiring any face-to-face contacts to take place in the presence of a witness and in a suitable location

There may be occasions when we choose not to respond to a complaint at all. These include:

- When a complaint is about something that CBPG has no direct connection to
- When someone unreasonably pursues a complaint that we have already responded to; we will always inform you of our decision to do this
- When a complainant is being obviously abusive, prejudiced or offensive in their manner
- When a complainant is harassing a member of the CBPG
- When a complaint has clearly been sent to us and numerous other organisations as part of a bulk mailing or email. In this instance we can choose whether it is necessary for us to reply or not
- Committee cannot respond to complaints made anonymously. However, we will investigate the complaint and use the information to improve in any way that we can

5. Imposing restrictions

In the first instance the Committee will seek to manage unreasonable or unreasonably persistent complainant behaviour and will communicate to the Complainant in writing to explain why this behaviour is causing concern and ask them to change this behaviour.
If the complainant continues with the unreasonable behaviour the Committee may impose restrictions on the Complainant. The Complainant will be informed in writing:

- Why this decision has been taken
- What action the Committee will be taking
- The duration of that action

In most cases restrictions will apply for between three and six months but in exceptional cases may be extended, and which may include one or more of the following (note this is not an exhaustive list):

- Exclusions from contacting any member of CBPG
- Exclusion from attending CBPG meetings and activities
- Access to CBPG's social media groups removed
- Expulsion from CBPG

Where the behaviour of the Complainant is considered so extreme, unreasonable persistent, or threatens the safety/wellbeing of any Calderdale Badger Group member the matter will be reported to the Police or legal action may be undertaken.