

Appendix B

**Customer Care (Concerns and Complaints)
Dealing with Persistent, Serial, Vexatious
Complainants Procedures**



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1. Introduction:

- 1.1. Walsall CCG takes seriously all concerns and complaints raised by members of the public and is committed to dealing with all patients, complainants and other members of the public in a fair and equitable way, with courtesy, sensitivity and professionalism. In all our transactions we behave according to our values which include to respect and value people; and to listen to local people.
- 1.2. Frequent users of services are entirely distinct and separate from persistent, serial or vexatious complainants. In the case of frequent users it is necessary to offer support with each concern.
- 1.3. However, on rare occasions an individual may attempt to pursue concerns or complaints in a manner which could be considered by an independent observer to be unreasonably persistent, unnecessary, disproportionate, unproductive or even vexatious. Similarly, from time to time complainants may seek to maintain a relentless communication through raising serial complaints. Prolonged engagement in dealing with such complainants is not only de-motivating and stressful for staff and departments, but may detract resources from legitimate activities, creating an adverse impact for other patients, complainants, members of the public and Walsall CCGs priority functions. In outcome terms, such contacts are also ultimately unhelpful to the individual themselves.
- 1.4. It is not the role of Walsall CCG staff to make judgements about individuals, and every effort should be made to deal with each situation as it presents as courteously and professionally as possible, applying organisational standards in regard to information governance. However, staff are not expected to tolerate abuse of the processes in place, such as long-term, overly demanding, unreasonable requests from an individual.

2. Purpose of the Procedure:

- 2.1. Such situations arise only rarely, but it is important to have procedures in place to deal with them when they do. These procedures provide a framework to deal with Persistent, Serial or Vexatious complaints with equity, fairness and consistency.

3. Management of Persistent, Serial or Vexatious Complainants:

- 3.1. Examples of behaviour that may indicate a persistent, serial or vexatious complainant may include:
 - 3.1.1. Excessive contact with Walsall CCG, on an almost daily basis, and particularly serial and persistent calls being made to different staff about the same issue, frequently one straight after another.
 - 3.1.2. Violent, aggressive or abusive behaviour towards staff, or have subjected staff to harassing, belittling or offensive comments or behaviour in respect of a concern or complaint, or multiple complaints. Staff should be encouraged to report such incidents to their line manager or the customer care officer.
 - 3.1.3. Insistence that he/she has not had an adequate response in spite of numerous contacts specifically answering their questions.
 - 3.1.4. Raises new concerns which did not appear in the original concern or presents the same concern in a different way in order to keep the contact going.
 - 3.1.5. Makes excessive and disproportionate requests for information in respect of a concern, complaint or multiple complaints.

- 3.1.6. Repeatedly refuses to allow the issue to be investigated as a formal complaint, or, despite support from Walsall CCG does not clearly define the precise issues they wish to be investigated, or repeatedly focuses on trivial or peripheral issues.
 - 3.1.7. Persistently maintains contact in respect of a complaint that has already been fully investigated under the NHS complaints procedure and a response provided.
 - 3.1.8. Seeks an unrealistic outcome or demand and intends to continue until that outcome is achieved. For example, is insistent that a member of staff is dismissed, a service or contract de-commissioned or that treatment is carried out on demand.
 - 3.1.9. Persistently attempts to access confidential information to which they are not entitled, such as patient information about a third-party without evidence of consent or legal rights of access, or details of outcomes of internal proceedings.
 - 3.1.10. Persists in seeking to raise concerns and obtain comments or answers about matters which do not fall within the responsibilities or jurisdiction of Walsall CCG.
 - 3.1.11. Challenges written documentation by claiming that records have been altered. Refuses to accept contemporaneous notes even when different people have made them.
 - 3.1.12. Persistently attempts to have complaints which are well out of time investigated.
- 3.2. This list is not exhaustive, and Walsall CCG may consider other behaviours which have not been listed to fall within the categorisation of persistent, serial or vexatious in nature. It should also be noted that in order to be deemed persistent it is not necessary to meet all of the criteria, but the majority of complainants who are deemed to be persistent, serial or vexatious complainants will ordinarily display more than one of these behaviours.
 - 3.3. Of course, it will not always be the case that a complainant who is persistent in their contacts or who raises a number of concerns or complaints should be dealt with via this procedure. Neither do the characteristics listed always indicate a persistent, serial or vexatious complainant. On the contrary, Walsall CCG believes that the decision to apply the procedure for dealing with a complainant as a persistent, serial or vexatious complainant should be taken rarely, and never lightly. However, in a small number of cases Walsall CCG will use such procedures to limit or restrict an individual's access to Customer Care systems and complaints processes.
 - 3.4. Application of the procedure for dealing with a complainant as a persistent, serial or vexatious complainant will only be invoked when there is clear, documented evidence that reasonable efforts have been made to respond to the complainant's concerns within the usual processes. If appropriate, legal advice will first be obtained from Walsall CCGs solicitors.

4. Persistent, Serial, Vexatious Complainant letter:

- 4.1. In the event that a decision is taken to limit or restrict a complainant's access they will be informed in writing and in an alternative appropriate medium if it is known, or should be known, that a written response is unlikely to be effectively understood. Ordinarily the letter will outline in some detail the substance of the original concerns or complaint, the responses and actions of Walsall CCG, the behaviour of the individual which is considered to be unreasonable, and details of the limitations and restrictions being put in place.
- 4.2. Under no circumstances should such letters be prepared and sent without the Customer Care Department's involvement. All such letters will be prepared in co-operation with the Customer Care Department, and will be approved and signed by the Accountable Officer.

5. Right of Appeal:

- 5.1. The complainant will have a right of appeal; letters of appeal should be submitted within one month of the persistent, serial, vexatious complainant letter.

6. Complaints from people who have problems with social communication

- 6.1 Walsall CCG recognises that some people find social communication difficult, and that this can be made more uncomfortable when dealing with organisations where there is a perceived authority or an imbalance of power. This policy does not seek to discriminate or unfairly penalise people who may exhibit behaviours which differ from current social conventions where these arise from, for example, a psychosocial disability, an intellectual or learning disability or a developmental disorder. Communication difficulties may be exhibited in many different ways, which may include shouting, struggling to make sense of surroundings or relationships, becoming distracted, being scared, aggressive or abusive or simply finding it very difficult to talk. In these situations we will recognise that the person is potentially vulnerable, and care must be taken in the application of these procedures to ensure that the complainant is also appropriately supported at each stage.

7. Further Advice:

- 7.1. Further discussion or advice may be obtained from the Customer Care/Governance Department.