

Policy for dealing with Vexatious Complaints and Abusive Complainants

Introduction

The key purpose of the Complementary and Natural Healthcare Council (CNHC) is to act in the public interest and enable proper public accountability of the healthcare practitioners that it registers. Investigation of complaints against registrants is an important part of CNHC's work and it is essential that all complaints are properly considered on their merits, regardless of their nature or source.

In making complaints to CNHC, most people act entirely reasonably. However, there can be occasions when individuals make complaints that are vexatious, in that they persist unreasonably with complaints, make complaints other than genuinely to resolve a concern or act in a manner that is inappropriate and unacceptable.

Vexatious complaints are time consuming and unnecessarily divert valuable CNHC resources from their true purpose. It is important, therefore, that such complaints are properly identified and managed.

Vexatious complaints

In identifying vexatious complaints, CNHC employees must be careful to distinguish between complainants who are raising genuine concerns and people who are simply being difficult. This can be achieved by recognising that:

- complainants may often be aggrieved, frustrated or have other reasons for their behaviour and that therefore the focus must be on careful consideration of the merits of the case rather than the attitude of the complainant; and
- every complaint must be considered on its merits and even if someone has made a vexatious complaint in the past, it must not be assumed that any other complaint they make will also be vexatious.

The need to consider every complaint on its merits cannot be over-emphasised. However, a complaint may be regarded as vexatious where the complainant:

- persists in pursuing a complaint which has already been investigated by the CNHC and provides no new material information;
- seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions while the complaint is being addressed;
- fails to clearly identify the substance of a complaint or the precise issues which may need to be investigated, despite being given every opportunity by CNHC to do so;
- complains solely about trivial matters to an extent that is out of proportion to their significance;

- makes excessive contact with CNHC or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.

Handling vexatious complaints

The management of vexatious complaints can be very time consuming but to a large extent must be a matter of professional judgement for the CNHC employee concerned, taking advice from their line manager or the Chief Executive & Registrar as appropriate. The CNHC is not obliged to meet a complainant's unreasonable demands, for example, by answering every single point in an unreasonable letter. However, in some cases it may be worth devoting time to trying to resolve the matter at an early stage rather than seeking to draw the matter to a close and then having to spend even more time enforcing that decision.

The most difficult vexatious complaints to deal with are those where the complaint is slightly different from the original complaint, but about the same broad area of activity. A careful decision will have to be made as to whether or not the matters are sufficiently different to justify being considered as a new complaint.

Equally, if a complainant keeps making complaints about different matters, each complaint should be considered in the usual manner unless they are about entirely trivial matters.

In cases where it is decided that a complaint is vexatious, the matter may be closed by the Chief Executive & Registrar. This is not a power that should be exercised lightly. In the event that it is, the complainant must be informed in writing of the decision and advised that the CNHC will not enter into any further correspondence about the matter.

Disruptive Telephone Complaints

If a complainant persistently calls to discuss a complaint or to make further complaints, and this is proving time consuming and disruptive, it is reasonable for the CNHC employee concerned to ask the complainant to put their concerns in writing and to terminate the conversation.

It is also perfectly acceptable for a CNHC employee to terminate a telephone conversation if a complainant displays an unacceptable level of abuse or aggression during the conversation.

In either case the employee should remain polite and wherever possible:

- provide the complainant with the opportunity to modify their behaviour, by informing the complainant that unless they do so, the call will be terminated; and
- warn the complainant that if the call is terminated, the CNHC may no longer accept telephone calls from the complainant and will only deal with them in writing.

If a call needs to be terminated as a result of the complainant's conduct, the CNHC employee should do so politely and make a file note of what occurred.

With the consent of the Chief Executive & Registrar the complainant may be informed in writing that CNHC will no longer accept telephone calls from them and will only deal with the complainant in writing.

If correspondence is predominantly abusive or threatening, it is acceptable to not reply to it and simply leave the correspondence on file with a note explaining why a reply has not been sent. All such correspondence should be brought to the attention of the Chief Executive & Registrar, who will review the case and may decide to respond to the complainant explaining that the tone of their correspondence is unacceptable and that no further correspondence will be entered into unless the complainant amends their tone. In extreme cases, for example, where there are direct and credible threats towards an individual, the correspondence may be referred to the police.

Abusive complainants

People under stress or who are feeling angry or upset may react in an abusive or aggressive way to the person with whom they are dealing. A balance must be drawn, however, between the ability and desire to assist a complainant and what can reasonably be achieved in the circumstances.

The CNHC is committed to maintaining a working environment in which threatening, abusive, humiliating or offensive behaviour is not tolerated. A robust approach must be adopted in any case where a complainant subjects a FTP employee to:

- harassment, intimidation or verbally aggressive behaviour such as excessive swearing or foul language;
- personal abuse such as offensive sexual or racial remarks or offensive remarks about a person's disability;
- threats or use of physical violence.

Violence or threats of violence are unacceptable and will not be tolerated by CNHC. Any assault on a member of CNHC staff in the course of their duties, or threats of violence, will be reported to the police.

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