



Birmingham Parent Carer Forum CIC

Vexatious Complaints Policy

Introduction

Birmingham Parent Carer Forum Management Committee deal with specific complaints as part of their management of Birmingham Parent Carer Forum C.I.C in accordance with Birmingham Parent Carer Forum Complaints Procedure, and other relevant policies.

Complaints are small in number, and majority are handled informally wherever possible or formally using the complaints procedure. Most are resolved quickly and sensitively with an outcome acceptable to both parties.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are the actions of the complainants begin to impact negatively on the day-to-day running of the forum and directly or indirectly the overall well-being of the members of the forum. In these exceptional circumstances Birmingham Parent Carer Forum may take action in accordance with this policy.

Aims of Policy

The aims of this policy are to:

- Uphold the standards of courtesy, language and reasonableness that should characterise all communication between the organisations and person who wish to express a concern or pursue a complaint.
- Support the well-being of all Directors, Committee Members, Employees, Representatives and Volunteers and everyone else who has legitimate interest in the work of the forum.
- Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints, and those who harass, threaten or use inappropriate language towards or concerning Birmingham Parent Carer Forum Directors, Committee Members, Employees, Representatives or volunteers while ensuring that other stakeholders suffer no detriment.

Who is a Persistent Complainant?

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains repeatedly about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the forum, and whose behaviour is unreasonable.

Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious.

- Prolific correspondence or excessive e-mail, posts on social media or telephone contact about a concern or complaint, including negative online reviews of the forum.
- Repeated GDPR subject access requests for their data.
- An insistence upon pursuing unsubstantiated complaints and/or having unrealistic or unreasonable outcomes.
- An insistence upon pursuing complaints in an unreasonable manner, including the use of inappropriate language.
- An insistence on only dealing with the chair on all occasion irrespective of the issue and the level of delegation in the forum to deal with such matters.
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example of the desired outcome is beyond the remit of the organisations because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of the organisations.
- Cause on-going distress to individual member (s) of the organisations and/or
- Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

Birmingham Parent Carer Forum Actions in Cases of Persistent or Vexatious Complaints or Harassment.

Initially the Chair will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing. The chair also reserves the right to deal with the complainant under the bullying and harassment policy.

If the behaviour is not modified the Chair, in consultation with the regional adviser for Contact, will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the organisations:

- a) inform the complainant in writing that his/her behaviour is now considered by the forum to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy
- b) inform the complainant that all meetings with a member of the Management Committee will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties.
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the organisations should be by letter only.
- d) (in the case of physical, or verbal aggression) take advice from a Legal adviser and consider warning the complainant about being banned from the forum; or proceed straight to a temporary ban.

- e) consider taking advice regarding pursuing a case under Anti-Harassment legislation.
- f) put in place a single point of contact for the complainant through which all correspondence must go through.
- g) take legal advice regarding putting in place a specific procedure for dealing with complaints from the complainant, i.e., the complainant will not be able to deal directly with the Chair but only with a third party to be identified by the Management Committee of the forum, who will investigate, determine whether or not the concern/ complaint is reasonable or vexatious and then advise the Chair accordingly.

New complaints raised by the vexatious complainant that have already been investigated by the organisations will not be reinvestigated.

New complaints that have not in the Chair's view, already been considered under the organisations Complaints Policy will proceed straight to appropriate level within the complaints procedure.

If a complainant's persistent complaining harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the Chair will resume the process identified above at an appropriate level. In these circumstances advice will be sought from the Legal advisers.