

Vexatious Complaints and Persistent Complainants – Complaints Handling and Managing Complainants' Needs

Introduction

1. Police complaints handlers sometimes deal with vexatious complaints and persistent complainants as part of their work and the IPCC has been asked for advice on how they can be handled.
2. Vexatious complaints are defined in the [Statutory Guidance](#) and are discussed at paragraph five below. The Statutory Guidance does not refer to or define persistent complainants, but this is a topic on which advice has been sought from us. We have, therefore, collated examples of forces' practices which allow them to manage the demands of complainants who initiate high volume or frequent levels of contact, while maintaining their obligations for access to the complaints system.
3. This note references the current Statutory Guidance and refers to several issues of our [Focus](#) publication, which supports police forces in handling complaints. It is based on the current legislation and does not aim to pre-empt any changes new legislation may bring.
4. There is no single model that will be appropriate for every circumstance. Ultimately, all complaints must be considered and complainants' needs identified and responded to on an individual basis. There are however approaches that have been successful in helping some forces manage these

issues to minimise demands on resources. These are shared in this note as they may provide models for others to follow.

We will explore:

- vexatious complaints
- mental health issues, learning difficulties, disabilities and vulnerabilities
- managing persistent complainants
- managing service user contact
- managing staff welfare

Vexatious complaints

5. The definition of a vexatious complaint is included in the Statutory Guidance and in issue four of Focus and is set out below:

A complaint is vexatious if it is possible to demonstrate it is without basis

And

It would tend to, or is being made with an intention to cause worry, upset, annoyance or embarrassment.

If it is clear the person making the complaint genuinely believes their complaint has merit (even if the appropriate authority knows it is without foundation), then it is not a vexatious complaint. The complaint should be recorded and the outcome of a proportionate investigation would be that the evidence does not support it, and it is not upheld.

6. It is important to note that it is the complaint allegation itself which must be vexatious, it is not an assessment of the person making the complaint.
7. This means that there is a distinction between a vexatious complaint and a persistent complainant. While there may be similarities to both, it is not simply the case that an individual making a high volume of complaints should be considered to be doing so in order to be vexatious.

Deciding whether an allegation is vexatious

8. As with any complaint, you must first make a recording decision. If you determine that a complaint should not be recorded on the basis that it is vexatious, the definition set out above should be applied and the complainant informed, in writing, of the reasons for the decision not to record the complaint and of the right of appeal to the IPCC.
9. If the test set out in the definition above cannot be met and no other exemptions apply¹, then the complaint should be recorded. Any non-recording appeal will be assessed against the exemption(s) applied. If the rationale provided for the recording decision does not demonstrate that the complaint is vexatious, this increases the chances of it being upheld by the IPCC, with a subsequent direction that the complaint be recorded.
10. It is also worth noting that for a recording exemption to apply, a complaint has to be either vexatious, *or*, oppressive, *or* an abuse of procedure - it does not have to be all three. But it is also important to note that these instances, particularly abuse of procedure, are rare.
11. Again, it is important to note that it is the *complaint itself* that must be judged vexatious, oppressive or an abuse of procedure, not the complainant.
12. Consideration of this ground should therefore focus primarily on the current complaint allegation. The complainant's past complaint history may, however, be taken into account where it is relevant to show that the current complaint is vexatious, oppressive or an abuse. For example, to show whether there have been a series of similar complaints that have been addressed, either directed at the person subject to the current complaint, or are similar to allegations made against another person.
13. The IPCC will require that complaints are recorded if the appropriate authority decision is focused on the complainant, unless it also shows that the current complaint is vexatious, oppressive or an abuse of procedure, or that another exemption applies.

¹ The exemptions are defined at paragraph 3.19 of the [Statutory Guidance](#).
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14. There are still certain limited circumstances in which a recorded complaint does not have to be dealt with under the *Police Reform Act 2002*. Even if a complaint has been subject to an IPCC direction to record a complaint, the options to disapply or discontinue some or all of the complaints are still available.

However, recording a complaint with the intention to disapply or discontinue falsely raises the complainant's expectations. It also creates issues of fairness and is a misuse of the legislation because it removes the complainant's right to appeal to the IPCC against a non-recording decision.

Mental health issues, learning difficulties, disabilities and vulnerabilities

15. It is important to recognise that in some, but not all, cases involving persistent contact or vexatious complaints there may be an underlying reason for the complainant's behaviour. For instance, the person may have a mental health issue, learning difficulty or disability that makes the complaints system more difficult for them to navigate. Complainants may have specific vulnerabilities within the context of what they have experienced, but they are not vulnerable as such.
16. While we do not expect the police to tolerate abusive behaviour, you should be mindful of how different illnesses, disabilities or experiences, which leave complainants feeling vulnerable, can affect people and occasionally their behaviour.
17. You should not make assumptions about whether a person has a specific condition. You should look for opportunities to sensitively explore whether a different approach may be required. Consider the needs, specific characteristics and particular vulnerabilities of the complainant, and if necessary seek advice from staff with specialist knowledge or skills which can inform the approach that you use.
18. If a person's behaviour is problematic, it should not automatically be dismissed as simply persistent or deliberately challenging. Consider the context of them coming into contact with the police and the complaints system. You should actively consider whether there is anything you could change in the way you engage with the complainant to mitigate their behaviour while dealing with their

complaint effectively. You may also need to consider referring them to other agencies if you are concerned about their welfare or, after discussion with the complainant, signposting them to support services available.

19. It may be appropriate to use some of the techniques outlined later in this document to manage contact, but you should first consider whether there are any additional steps you can take to support the complainant during the complaints process.

What do we mean by persistent complainant?

20. There is no definition of a persistent complainant for the purposes of the current police complaints system. For the purposes of this note, the term applies to members of the public who, because of the frequency or nature of their contact with police complaints handlers, hinder forces' consideration of their or other people's complaints, or require a disproportionate level of resource to handle their complaints.²
21. It is important to differentiate between persistent complainants and vexatious complaints. Persistent complainants may submit multiple or repeat complaints through a reasonable belief that their original complaint has not been adequately addressed. Sending the police complaints may, for a variety of reasons, also become habitual due to an individual's perception of their relationship with the police or personal circumstances which drive a need to initiate and perpetuate this contact. While their belief may be reasonable, the associated actions – for example, frequent contact with forces at all stages of the complaints process, or submitting an unnecessarily high volume of complaints documentation for forces to assess – place a disproportionate burden on the resources available, impacting on the progress of their and other people's complaints.

² This definition is broadly in line with the descriptions used in Local Government Ombudsman (LGO) guidance, which has been adopted by a range of public sector organisations.

22. In contrast, vexatious complaints may stem from a complaint or grievance which are being pursued in a way which is without basis and is intended to cause worry, upset, annoyance or embarrassment. It is essential to remember that this definition applies to the complaint itself, not the complainant or their contact with the force.

Managing service user contact

23. Whether complaints are vexatious or the complainant persistent, if the volume being received becomes difficult to manage - for example, due to the frequency or excessive length of complaint documents - it is important that appropriate authorities provide a fair, consistent and accessible service to all those who come into contact with the police.
24. We recognise that there is a need to manage contact with a small minority of complainants whose actions or behavior is considered to have an undue or excessive impact on staff welfare or resources. While you may need to manage contact with individuals making vexatious complaints, or who are persistent in pursuing their complaints, access to the complaints system should remain open. Contact with complainants should not be blocked but it can be sensitively handled. It is important that access is not compromised but is managed appropriately.
25. If you feel it is necessary to manage contact with a complainant, you should be clear that this relates only to the handling of their complaints. They should not be prevented from contacting the police in relation to non-complaint issues, or be left unsure about this due to unclear or incomplete contact agreements.
26. In exceptional circumstances, consideration should be given to implementing a discrete communications policy which manages complainant contact through limited channels. This could be limiting the frequency of calls, or introducing a process which allows the complainant to send correspondence to fixed schedules, such as weekly or monthly. However, the decision to bring in any communication strategy must be justified and explained to the complainant in

writing. The decision to enforce a specific communication policy for any individual should not be taken lightly.

27. If such a course of action is considered appropriate, it is essential that any communications policy is designed to be fair, reasonable, proportionate, and must not deter access to general policing services. The individual must be fully informed of the restrictions, and where possible, their agreement to the terms should be sought.
28. Be very clear about boundaries – only deal with matters which fall within the remit of your organisation. It is equally important to keep good auditable records so that others know what has been done previously with a complaint and so they can identify if it is vexatious, repetitious or a variation on a previously made complaint.
29. The IPCC regularly engages with forces to understand their strategies for managing vexatious complaints and persistent complainants. When setting boundaries for persistent complainants, you could consider:
 - Meeting the complainant in person to get to the heart of their concerns and explain what the complaints system can offer.
 - Keeping a log of all complaints made so you can review histories and outcomes easily.
 - Introducing a contact strategy, document it and ensure the complainant is aware of the content. A strategy could include:
 - restricting complainant contact to emails or post only, using a specific email/postal address (this can assist with complainants who make unreasonable telephone/voicemail contact and helps ensure there is an audit trail of contact)
 - not giving out direct dial numbers for individual staff in your department or accepting one call on a specific day each week;
 - appointing a single point of contact within the professional standards department (PSD)

- if a complaint has been finalised and dealt with and unreasonable contact continues, explain that subsequent correspondence relating to that complaint will be read and filed but not responded to unless there is something new to consider.

Do not re-visit complaints if it is not appropriate to do so. This could raise unrealistic expectations of different outcomes.

Any strategy should clearly explain that it relates only to complaints and that police assistance can still be requested through emergency or non-emergency routes if an incident occurs. Correspondence should not be ignored if there are concerns about welfare or criminal matters. Emphasise the strategy has been implemented to ensure any genuine complaints raised are recorded and dealt with promptly and accurately. Explain that failing to comply can frustrate the handling of complaints.

30. There can be some degree of crossover between vexatious complaints and persistent complainants. Complainants can become frustrated when the outcome of a complaint is not what they had hoped for. This can sometimes lead to further, possibly vexatious, complaints in the hope that this approach will assist in getting the original complaint re-visited. In some instances complaints may be made against an investigating officer or an entire PSD department, again in the hope that their original complaint will be escalated, passed to another police force or referred to the IPCC for investigation.
31. These are amongst the most difficult and resource intensive matters that complaints handlers may have to deal with. The IPCC advocates being open and honest about possible outcomes to manage expectations from the outset, and adhering to the principle of getting it right first time.

Missing complaints or incomplete responses

32. A vexatious complaint can be misinterpreted for a complaint that is made out of frustration for lack of thoroughness in the response to an earlier complaint. Forces should ensure that any previous complaints concerning similar matters have been dealt with thoroughly, that no complaints have been missed, and

that complex complaints have not been misunderstood and therefore not dealt with fairly or thoroughly.

33. Not addressing complaints in their entirety means that complainants may make the same complaint again, if they have not already raised this through the appeal process. Through no fault of the complainant, these can sometimes be classed as repetitious complaints when in fact the complaint was not addressed in the first place.
34. Receiving extensive correspondence on a daily basis can be resource intensive and sometimes oppressive. The genuine concerns of the complaint can be buried in pages and pages of text and difficult to identify. Communicating in this way may be because the complainant does not know how else to communicate their concerns or frustrations about the service they have received.
35. Care should always be taken to ensure that complaints are defined and recorded accurately. Checking a force's understanding of the complaints by making early contact with the complainant is one effective way of achieving this, with the added benefit of improving satisfaction levels through direct engagement and rebuilding trust. Further guidance can be found in Section 2 Engaging with the complainant, of the [IPCC's guidelines for handling allegations of discrimination](#).
36. If you are dealing with people who do not have English as their first language, you may need to arrange in interpreter or have your written communication translated to ensure it is understood.

Case Study

A man made a number of vexatious complaints about an officer on his local borough. An inspector went to meet him and established that he was the victim of hate crime from individuals living in his neighbourhood. He had made a vexatious complaint about the local officer out of frustration because he did not feel the local officer had taken any action to support him.

As a result the Inspector liaised with the local officers and the council to put support in place for the complainant. He also gave advice on how any future hate crime incidents should be recorded/dealt with.

The man was happy that he was being taken seriously and was not alone in dealing with these incidents. Although his original complaint was vexatious there was also a genuine issue about how the local officer had dealt with the original hate crime incidents. It was only through meeting and speaking with the complainant that this was borne out.

Staff welfare

37. It is accepted that a small minority of complainants may take out their frustrations on police staff answering calls or responding to enquiries. This could be in the form of abusive or threatening words and behaviour.
38. Although there is a perhaps an assumption that police staff and officers will have a higher resilience to such behaviour, it is still the case that abusive communications can increase stress and anxiety levels. You should therefore take reasonable measures to minimise such pressures such as the following:
 - The provision of training in handling difficult and abusive callers.
 - Ensuring that there is a clear line of escalation procedures.
 - Mechanisms to document and record details of difficult and persistent callers.
 - Taking proactive action against abusive callers.

39. For further guidance on all of the grounds for recording complaints and the recording exemptions, please refer to IPCC Statutory Guidance, as well as issues [two](#), [four](#) and [eight](#) of our publication Focus.

40. If you require general advice about recording decisions on individual cases, please contact your local oversight liaison. While they cannot advise whether specific complaints should be recorded – this would compromise our independence and could be viewed as prejudicing appeal rights – they can signpost you to the guidance available.

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