

Persistent Complaints Policy

Introduction

We are committed to providing excellent service in all interactions with our customers although we recognise that sometimes we might get things wrong or we can't help customers in the way they want us to. We treat any expressions of dissatisfaction seriously and value feedback from our customers which may help us identify learning points and improve our services. We have a process in place to handle complaints about the wide range of services we provide.

Occasionally we receive complaints which have dissatisfaction with our previous decisions at the root, but include minor additions which on the face of it appear to be a new complaint but on investigation are clearly about the same issue or theme.

Exclusions

This policy only applies to persistent complaints about our service or previous decisions, and specifically excludes:

- new concerns raised about doctors under the GMC's fitness to practise procedures
- requests for information to the GMC under the Freedom of Information Act 2000 (FOIA) or the General Data Protection Regulations (GDPR)
- challenges to decisions where the right of appeal or review has not been exhausted or where some other legal recourse is available.

Persistent complaints

Deciding if a complaint is persistent

This policy overlaps to some extent with the criteria set out in the vexatious complaints policy. Similar to that policy, we would label the complaints as persistent, not the individual who has raised the complaint. This is appropriate in the context of our work; often the individuals we deal with may be unwell and undergoing ongoing treatment or care. Individuals might also have had genuinely difficult or traumatic experiences which have been investigated through our fitness to practise processes and considered under our

internal review mechanism ('Rule 12'). Even if we decide that the complaints raised have become persistent, that does not preclude any new fitness to practise concerns being raised and, if they are genuinely new, we would still consider those concerns in line with our usual procedures and our statutory function.

Our focus is therefore on the complaints in question and whether they seem to be of a similar nature to those we have previously considered, with the same central dissatisfaction at the heart of the complaints.

To help us decide whether complaints have become persistent, we will take into account the fully history and context of our interactions with the individual. The particular issues that will inform our decision might include:

- continued refusal to accept explanations or decisions without providing any new information or evidence
- prolonging or trying to reopen a complaint without providing substantial new information
- excessive or abusive correspondence or requests to staff
- unreasonable demands or expectations on GMC resources
- raising issues which are slightly different to the original complaints but are broadly similar in nature or about the same general issue, such as a fitness to practise or registrations decision.

Continued refusal to accept explanations or decisions or prolonging a complaint

In considering this, we will take into account:

- the history of our interactions with the individual
- any service failures or errors we have made and whether we have apologised or addressed that failure
- whether we have followed our published complaints policies and other related procedures such as internal review mechanisms or rights of appeal.

In light of the above, we will consider whether we have provided sufficient explanations, appropriate signposting of our rights of appeal and advised that we don't intend to respond further on the same or similar issues.

Excessive or abusive correspondence and/or unreasonable demands or expectations on GMC resources

If, as described above, a complainant refuses to accept our responses and continues to make complaints of the same nature or theme, this might amount to a persistent complaint. Examples include:

- making a high number of complaints about the same issue(s)
- continuing to raise the complaint after the complaints policy has been implemented and exhausted
- raising continuous complaints about our service when the dissatisfaction is actually with one of our statutory decisions
- making further associated complaints repeatedly or including minor pieces of further information about a complaint or concern which has already been dealt with
- excluding customers with needs for a reasonable adjustment, attempts to implement deadlines on GMC staff or putting pressure on staff and resources with large amounts of repeat correspondence.

Handling persistent complaints

If a member of staff feels a complaint has become persistent, the matter should be referred to the Corporate Review team for their consideration in line with this policy.

If a complaint is deemed persistent, the Corporate Review team, or an assistant director, will respond directly to the complainant explaining their reasons and reiterating that no further responses will be sent about this/these complaints. The Corporate Review team will also consider whether communication with the complainant should be restricted.

The decision to declare a complaint as persistent will be noted on the Siebel complaint record for future reference.

Any declaration refers to the complaints in these specific interactions with the complaint; any genuinely new complaints or concerns will still be considered in line with our policies and procedures.

Restricting future contact

If a complaint has been deemed as persistent, it might be necessary to restrict future contact with the complainant. Options for this might include:

- no further telephone contact, subject to any reasonable adjustments in place

- automatic forwarding of emails to a specific mailbox where they can be assessed for new information
- a named contact within the Corporate Review Team who is familiar with the background to the complaints and can assess whether there is any genuinely new information.

Challenging a decision that complaints have become persistent

If the complainant wishes to challenge the decision, they can do so in writing to the Corporate Review team.