

Vexatious complaints policy

Introduction

We are committed to providing excellent service in all interactions with our customers although we recognise that sometimes we may get things wrong or are unable to help customers in the way they would like. 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 that are vexatious in that they cause considerable disruption to our work, disproportionate cost and time to handle and impact the wellbeing of our staff (because of the way the complaint is made or because of its repetitive nature).

This policy explains our approach to recognising and handling vexatious complaints about GMC and MPTS services.

We will ensure that we meet the requirements of the Equality Act 2010 to make 'reasonable adjustments' for disabled customers. In some circumstances, customers may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, we will consider the needs and circumstances of the customer in the first instance, and use this information to inform any decisions that we make.

Exclusions

This policy only applies to vexatious complaints about our service, and specifically excludes:

- complaints about doctors under the GMC's fitness to practise (FTP) procedures;
- requests for information to the GMC, under the Freedom of Information Act 2000 ("FOIA") or the Data Protection Act 1998 ("DPA"); and
- challenges to decisions where there is a right of appeal or where some other legal recourse is available.

Vexatious complaints

Deciding if a complaint is vexatious

This policy is consistent with our guidance on dealing with vexatious fitness to practise (FTP) allegations.

In line with the vexatious FTP allegations guidance, where appropriate we will consider complaints to be vexatious but would not label an individual complainant as vexatious. This is appropriate in the context of our work; often the individuals we deal with may be unwell and undergoing ongoing treatment or care. Even if we decide that an individual's complaint about our service is vexatious, that does not preclude that person from making an FTP complaint against doctors. We would still consider any such complaints in line with our usual procedures.

Our focus is therefore on the complaint in question. However we cannot consider the complaint in isolation. There must be some regard to the surrounding circumstances including the complainant's previous and associated behaviour. It is important, for example, that we consider the number of repetitive complaints.

To help us decide whether a complaint is vexatious we will take into account the full history and context of our interactions with the individual making the complaint and will look at both the nature of the complaint and the manner in which it is made. The particular issues that will inform our decision will include whether:

- the primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise the GMC, its staff or an individual member of staff;
- the primary purpose and/or effect of the manner in which the complaint is made is to disturb, disrupt and or/pressurise the GMC, its staff or an individual member of staff.
- the complaint is otherwise clearly unreasonable.

The primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise the GMC, its staff or an individual member of staff

In considering the context of a complaint and whether there is a justified cause for it we will take into account:

- The history of our interactions with the complainant
- Any service failures or errors we have made, whether these have been addressed, and whether we have apologised

- Whether we have correctly followed our complaints or other related procedures

In light of the above we will consider whether the primary purpose or effect of the complaint is to cause disruption or distress. Factors are likely to include:

- Whether the complaint is part of a pattern of conduct likely to cause harassment or distress.
- Whether the complaint is part of a pattern or conduct that suggests a campaign against the GMC, its staff or an individual member of staff prompted by the complainant's personal views on a particular issue and/or by personal animosity.
- A complaint made in retaliation against the GMC, its staff or an individual member of staff for action taken in delivering the GMC's functions

The primary purpose and/or effect of the manner in which the complaint is made is to disturb, disrupt and or/pressurise the GMC, its staff or an individual member of staff

In considering the manner in which the complaint is made we will take into account:

- Whether the complaint seeks information previously provided or revisits matters already explained appropriately on a number of occasions
- The tone of correspondence or conversations – e.g. abusive or making unreasonable demands.
- The extent of the work likely to be needed to respond and whether the costs and administrative burdens are disproportionate to the issues raised
- Whether the same complaint has been sent to many members of staff in a 'scattergun' approach
- Whether there has been unwillingness to follow the normal escalation process by repeatedly attempting to contact senior members of staff

The GMC also has a policy that aims to tackle unreasonable behaviour by those using the GMC's services which may help in deciding if a complaint is vexatious as a result of the manner in which it is being made.

Otherwise manifestly unreasonable

If a complainant has made numerous unsubstantiated complaints against the GMC, its staff or an individual member of staff a further complaint may be vexatious. Examples include:

- Making a high number of unjustified complaints

- Pressing complaints after the complaints procedures have been properly implemented and exhausted.
- Making further associated complaints repeatedly or including further information amounting to minor variations on an earlier complaint that has already been dealt with.

A decision about whether a complaint is vexatious will be made by the Head of the Corporate Review Team (CRT), within the Office of the Chair and Chief Executive.

What to do if you believe a complaint about our service is vexatious

If at any point in the handling of a complaint, a member of staff believes it meets the criteria to be deemed vexatious it should be referred to the Head of the CRT to make the decision.

The complaint should be referred to the Head of the CRT with a summary of why it is thought to be vexatious.

The Head of the CRT will consider the complaint, may seek advice from the Assistant Director in the relevant area of the business and will either declare the complaint as being vexatious, or not. Where a complaint is not deemed to be vexatious it will be returned to the appropriate point in the complaints handling process.

If a complaint about our service is declared vexatious

If a complaint is deemed to be vexatious, the Head of CRT will respond directly to the complainant explaining why it is thought to be so, and explaining that the complaint will be closed with no further action. The Head of CRT will also consider if the making of a vexatious complaint also requires the application of a restriction on communication under our unreasonable behaviour policy.

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

Any declaration refers to the specific complaint being vexatious and any further complaints from the same individual will still be considered.

Challenging a decision that a complaint is deemed to be vexatious

If any individual wishes to challenge a decision made in relation to this policy then they may do so in writing to the Head of the CRT.