



RET VEXATIOUS COMPLAINTS POLICY

Introduction

The purpose of all RET complaints policies is to ensure that every complaint is dealt with appropriately, respectfully and consistently, and all complainants are treated in line with the RET's Code of Behaviour, Anti-Harassment & Anti-Bullying Policy, and Equity, Diversity and Inclusion policy. This Policy works with the RET's Grievance Policy, Customer Complaints Policy, and the Third Party Complaints Process.

Occasionally, the behaviour or actions of a small number of complainants makes it difficult for us to deal with their complaints.

This Policy ensures that vexatious complainants are dealt with fairly, and that both RET employees and complainants understand what is expected of them, what they can do, and who can authorise actions as a result of an identified vexatious complaint.

It is essential that all complainants can express their views and opinions. The RET must actively listen, give due consideration to their concerns, and make a genuine effort to resolve the issue. Additionally, the RET should clearly explain its position and any actions taken in response to the complaint. However, if the complainant's behaviour and actions hinder the investigation or demands considerable time and resource, the complainant's behaviours may need to be assessed against this Policy, which could result in restricting/ending the complainant's contact with the RET.

The final decision to restrict/end a complainant's access to the RET will be taken by the HR Manager and a member of the Executive.

If all processes have been utilised and exhausted, in extreme cases legal action may be taken against vexatious complainants.

What do we mean by 'vexatious'?

The legal definition of the word vexatious is, 'denoting an action, or the bringer of an action, that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

Put simply, vexatious means to cause, or intending to cause annoyance, frustration or worry.

What is a vexatious complainant?

A vexatious complainant may be someone who:

- Raises a complaint without grounds in order to cause annoyance/disruption rather than seeking to raise or resolve a complaint in good faith.
- Raises a legitimate complaint, but their behaviour is vexatious and inappropriate.

Examples include:

- Raising trivial complaints;
- The complainant refusing to cooperate with the formal investigation process while still wishing their complaint to be resolved;
- The complainant persistently seeking an outcome which we have already explained is unrealistic for policy, or other appropriate reasons;
- Complainant making excessive contact with the RET (the RET defines excessive contact as more than three times before a confirmed deadline has passed i.e. The RET states in writing they will update the complainant within ten working days, and before that deadline has passed the complainant rings/emails/comes into the building more than three times to check progress on their complaint);
- Complainant electronically recording conversations or meetings without consent;
- Complainant sending complaints to excessive / multiple parties in a scattergun approach;
- Complainant changing the substance of the complaint while it's being investigated;
- Complainant insisting on the complaint being dealt with in ways which are incompatible with RET Policies or with good practice (e.g. insisting that there must not be any written record of the complaint);
- Complainant continuing to pursue the complaint after the appropriate procedures have been exhausted, as set out in RET policies. The complainant pursuing an historic final decision;
- Complainant refusing to accept the outcome of the complaints process after its conclusion, repeatedly arguing the point, complaining about the outcome and /or denying that an adequate response has been given;
- Complainant making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insisting that the minor differences constitutes a 'new' complaint which should be put through the full RET Complaints procedure;
- Complainant being dismissive, disrespectful, aggressive, or abusive physically, verbally or in writing towards any RET employee in relation to their complaint.

Considerations

On occasion, a complainant may be behaving in a vexatious way because they are, at that moment, an 'adult at risk', and may be experiencing a specific personal circumstance or difficulty. Where this is suspected, or is explicitly indicated by the complainant, any



concerns that RET employees may have about a complainant's vulnerability must be raised immediately with the HR Manager. Under these circumstances reasonable adjustments may be discussed and/or an advocate might be helpful to both parties.

Possible actions against a vexatious complainant

Based on the circumstances and behaviour of the complainant and their complaint, restrictive actions will be tailored accordingly.

Actions that could be taken against a vexatious complainant include:

- Requesting contact in a specific way i.e. in writing only;
- Limiting the number of times a complainant can contact;
- Placing restrictions on the amount of time RET employees will spend investigating their complaints;
- Refusing to deal with future correspondence on the same matter from the complainant;
- Requesting the complainant uses an advocate to deal with the complaint and/or any future complaints;
- Requiring RET contact with the complainant to take place with one named RET employee only;
- Requiring face to face contact to take place only in the presence of a witness;
- Writing to the complainant to explain the decision and what it means for future contact i.e. the RET will not acknowledge or reply to further contact from them on a specific resolved complaint.

Possible further action

In some circumstances, the RET may decide it is appropriate to restrict, or completely stop, responding to a complainant. This decision will be made by the HR Manager and a member of the Executive, after reviewing a report and supporting evidence from the Complaint Officer.

If the decision is made to end communication with the complainant, the HR Manager and member of the Executive will write to the complainant, outlining the discussion that has taken place with the Complaint Officer, along with a copy of this Policy. The letter will include:

- Details (with supporting evidence) on why we have taken the decision;
- What specific action we are taking;
- The duration of that action;
- Whether we will continue to investigate their complaint without their input, or



whether we are closing their complaint with no further action;

- The complainant's right to appeal against the decision to apply this Policy within five working days of receipt of the letter, and
- The name and contact details of the Appeals Officer (a nominated RET Trustee) they can lodge their appeal with.

Appealing the RET's decision to sever contact with a vexatious complainant.

If the complainant wishes to appeal, they should write to the Appeals Officer within five working days. The Appeals Officer will acknowledge receipt of the appeal within 20 working days and will explain how they intend to conduct their investigation. They may request an interview with the complainant, if appropriate. The HR Manager will be present as witness and note taker at any interviews. When necessary, the Appeals Officer may also take independent advice.

On conclusion of their investigation, the Appeals Officer will send the complainant an Appeals Hearing Outcome letter confirming the Appeals Officer's findings.

The Appeals Officer's decision is final, and complainants cannot appeal this decision.

Privacy - who has access to your data & how is it stored?

All information that relates to a complaint will be sensitively handled in line with the Data Protection Act 2018. When complaints are received to shared email inboxes, only staff members involved in looking into and resolving a complaint will handle confidential information in line with GDPR.

The organisation may share your data with an independent third party if we seek assistance at any stage of the complaints process. However, we will gain your authorisation before doing so.

The organisation will not transfer your data outside of the European Economic area.

After your complaint has been closed, the organisation will hold your data secure on file for six months after the end of the complaints process. If you believe that the organisation has not complied with your data protection rights, you can complain to the Information Commissioner.

REVIEW DATE	REVIEWED BY	NEXT REVIEW DATE
March 2025	HR Manager, Deputy Chief Executive.	March 2026