Frivolous, Vexatious or Persistent Complaints Policy

Introduction

The Society of Homeopaths is committed to high professional standards, to enhancing public safety and delivering an efficient service for its members and the public. The Society promotes the reputable practice of homeopathy. It is responsible for ensuring that its members abide by its Codes of Ethics and Practice, which exist for the protection of the public, and act as guidance for practising members. We have a policy and procedure in place to handle complaints when it is suspected that members may have breached the Society’s Codes of Ethics and Practice. Investigating these is an important part of the Society’s role.

Most people who make complaints do so in a reasonable manner. However, on occasion, the Society receives complaints from people who:

- are unhappy with the outcome of a previous complaint, and submit minor additions which appear to be a new complaint, but on further investigation are clearly about the same issue or theme, or
- submit complaints that are inconsequential in nature, or
- submit complaints that cause considerable and unwarranted disruption to our work, disproportionate cost and time to handle and have an adverse impact on the wellbeing of our staff.

Deciding if a complaint is frivolous, vexatious or persistent

Even if we decide that the complaints raised have become frivolous, vexatious or persistent, that does not preclude any new concerns being raised and, if they are genuinely new, we would still consider those concerns in line with our usual policies and procedures.

Our focus will therefore be on the complaint or complaints in question.
To help us decide whether a complaint is frivolous, vexatious or persistent, we will take into account the full history and context of our interactions with the complainant. 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 previously considered by the Society without providing significant new information
- changes the nature of the complaint or further minor or unrelated concerns being raised while a complaint is being considered
- excessive or abusive contacts with, or requests to, staff
- unreasonable demands or expectations on Society 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 members’ social media, or comprise opinions about Homeopathy
- complaints which are without substance, or that a reasonable assessment would consider trivial or inconsequential
- complaints which are malicious, false or otherwise intended to cause harm or distress to a member
- coordinated complaints that amount to a vendetta against a particular member

**Continued refusal to accept explanations or decisions or prolonging a complaint**

If this happens, we will consider:

- the history of our interactions with the complainant
- 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/or advised that we do not intend to respond further on the same or similar issues.
Excessive or abusive contacts and/or unreasonable demands or expectations on Society 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 frivolous, vexatious or 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 Society members when the dissatisfaction is actually with the legitimate advertising and practice of Homeopathy itself
- making further associated complaints repeatedly or including minor pieces of further information about a complaint or concern which has already been dealt with
- making persistent or abusive telephone calls and/or emails, etc to discuss a complaint or to discuss further complaints
- attempts to implement unreasonable deadlines on Society staff or putting pressure on staff and resources with large amounts of repeat correspondence.

Handling frivolous, vexatious or persistent complaints

As part of our procedures for considering a complaint under our Professional Conduct Procedures, the Professional Conduct Supervisor (PCS) may determine that a complaint is frivolous, vexatious or persistent, as defined by this policy, and reject the complaint. Complaints forwarded by the PCS to the next stage of the complaints process may be rejected for the same reason by the Professional Conduct Committee (PCC).

A complaint rejected under this policy by the PCS will be forwarded to the Society Professional Standards Lead (PSL) for review. If the PSL decides the complaint should not be rejected under this policy it will be returned to the PCS for entry into the Society complaints process as detailed by the Professional Conduct Procedures. If the PSL confirms that a complaint falls under this policy, they will respond directly to the complainant explaining their reasons for rejection of the complaint and that no further responses will be sent about this/these complaints. The Society will also consider whether communication with the complainant should be restricted (see below).

The decision to reject a complaint under this policy will be noted on the Society complaint database with the reasons for doing so for future reference.
Any decision refers to the complaint in these specific interactions with the complainant; any genuinely new complaints or concerns will still be considered in line with our policies and procedures.

The Society carries out an annual independent review of complaints that have been categorized under this policy to ensure that the way this is being implemented does not lead to complaints being unreasonably rejected.

**Restricting future contact**

If a complaint has been rejected under this policy, 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
- not responding to persistent emails which contain no new information

**Challenging a decision made under this policy**

If the complainant wishes to challenge the decision made on their complaint, they can do so in writing to the Society CEO, explaining why the complaint should not be rejected under this policy. The CEO will consider the complainant’s explanation alongside the Society’s decision, and decide either that the complaint should be referred back to the Society complaints process as detailed by the Professional Conduct Procedures, or that the decision to dismiss the complaint should be upheld. The CEO’s decision is final and there is no further form of appeal.

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