



Isle of Man Government

Policy for managing vexatious complaints, correspondence and behaviour

**Issued on behalf of the Council of Ministers by the Office of
Human Resources, Cabinet Office**

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1.0 Policy Statement

Isle of Man Government is committed to providing high quality, accessible and responsive services but recognises that where persons are unreasonably persistent in their enquiries or submit groundless, vexatious or multiple complaints then it may be necessary to limit the time spent and/or to restrict future contact to ensure that a disproportionate amount of resources is not expended to the detriment of the delivery of services to the community as a whole.

Government also recognises that unacceptable behaviour by enquirers and complainants cannot be tolerated, and that, as appropriate, proportionate action must be taken to protect political or lay members of Government bodies, and public servants and to preserve publicly funded property and other assets, and protect the integrity of processes.

This policy should be read in conjunction with, and is subordinate to, the Code of Practice on Access to Government Information and the Freedom of Information Act 2015, which contain separate procedures for handling vexatious requests for information.

2.0 Policy Aims

This policy is intended to:

- i) support and underpin Government's commitment to deal with genuine enquiries in a timely manner, and to handle genuine complaints fairly and impartially, through established procedures;
- ii) ensure that a disproportionate amount of staff time and resources are not used to deal with persons who make unreasonable enquiries or who submit groundless, vexatious or multiple complaints to the detriment of the work of the Department, Board or Office concerned. Dealing with such enquiries and complaints inevitably leads to resources being diverted away from dealing with genuine enquiries, requests for information or complaints, and the provision of public services generally;
- iii) assist enquirers, complainants, members of staff and others to understand what is considered by Government to be unreasonable or unacceptable conduct in pursuing enquiries or complaints; and
- iv) provide a framework through which unreasonable enquiries, groundless, vexatious or multiple complaints or unacceptable behaviours exhibited by enquirers or complainants can be addressed.

3.0 Scope

This policy document applies in respect of all authorities as set out below:

"authorities" means all "designated bodies" and "departments of Government" within the meaning of the Treasury Act 1985. The following are "designated bodies":

all Departments (Department of Economic Development, Department of Education and Children, Department of Environment, Food and Agriculture, Department of Health and Social Care, Department of Home Affairs, Department of Infrastructure and the Treasury);

all Statutory Boards (the Communications Commission, Office of Fair Trading, Financial Services Authority, Gambling Supervision Commission, , Isle of Man Post Office, the Manx Utilities Authority and the Public Sector Pensions Authority);

any other Body or Authority (other than a local authority) constituted by any enactment for any purposes involving the expenditure of public moneys or the receipt of public moneys for the purposes of that body or authority for the public revenue;

Note: i) the term "*departments of Government*", for this purpose, includes the Cabinet Office, Attorney General's Chambers, General Registry, Office of the Data Protection Supervisor, and the Manx Industrial Relations Service.

This Guidance is not intended to apply to Tynwald or its branches.

- ii) the contents of this policy document do not take precedence over relevant procedures established by individual Departments, Boards and Offices for the management of:
- a) multiple or unreasonably persistent enquiries and enquirers;
 - b) groundless, vexatious or multiple complaints and complainants;
 - c) enquirers or complainants who exhibit unacceptable behaviour.

4.0 Definitions

For the purpose of this policy:

someone who is '*unreasonably persistent in their enquiries*', includes a person who:

- makes repeated enquiries about the same or similar issues;
- makes an excessive number of contacts concerning an enquiry. Such contacts can be in person, by telephone, letter, fax or electronically;
- places excessive demands on time and resources by their enquiries;
- makes unreasonable demands and/or has unreasonable expectations as to the timescale applicable to a response (particularly responses in respect of lengthy and/or complex letters or e-mails);
- is repeatedly unwilling to accept documentary evidence provided to them;
- refuses to accept that an enquiry cannot be answered (e.g. because of the provisions of legislation or because the matter falls outside the remit of the recipient of the enquiry or request);

someone who makes '*groundless, vexatious or multiple complaints*' includes a person who makes complaints:

- that appear to be groundless, frivolous or trivial;
- about issues that have already been dealt with;
- repeatedly in relation to a specific issue or makes many complaints about different issues;
- designed to cause disruption, annoyance or embarrassment;
- intended to make Government incur significant costs in dealing with them;
- in relation to which the complainant refuses to specify their grounds for complaint, or changes the basis for their complaint during the complaints investigation process;

- in relation to which the complainant refuses to cooperate with the complaints investigation process while continuing to insist that their complaint is resolved;

someone who exhibits '*unacceptable behaviour*' includes a person who:

- electronically records meetings and conversations without the prior knowledge and consent of those present;
- makes enquiries or complaints that can fairly be seen as obsessive or manifestly unreasonable;
- refuses to accept that a complaint falls outside of the scope of the applicable complaints procedure;
- refuses to accept the outcome of a complaints procedure, repeatedly arguing points in relation to the complaint, the procedure or its outcome, or complaining about the outcome and/or the individual who investigated the complaint;
- demands to see representatives of a Department, Board or Office without reasonable notice and/or without due cause;
- engages in any act of written or verbal abuse, including those of a discriminatory nature (notwithstanding any legal action);
- engages in deceitful, offensive, threatening or intimidatory behaviour;
- engages in serious or persistent harassment;
- attempts or carries out a physical assault;
- damages property;
- behaves in a way that causes offence to the recipient or causes them to feel threatened, frightened or physically at risk and which is directed at them because of their work in Government.

Note: Unacceptable behaviour that takes place outside of the workplace, including during non-working hours, which is connected to the work of Government also falls within the scope of this policy.

The foregoing examples, while comprehensive, are not exhaustive and other actions and/or behaviours may be taken into account in determining what may amount, in terms of this policy, to:

- i) unreasonable persistence in pursuing enquiries;
- ii) the submission of groundless, vexatious or multiple complaints; or
- iii) unacceptable behaviour.

Note: The above classes are not exclusive and for the purpose of this policy conduct can be examined cumulatively.

5.0 Management Procedure

In general, Departments, Boards and Offices encounter relatively few enquirers who are unreasonably persistent in their enquiries or who submit multiple or unreasonable enquiries. Equally they encounter relatively few persons who submit groundless, vexatious or multiple complaints or whose behaviour is unacceptable.

However, when such situations occur they all too often have a disproportionate impact on resources and the wellbeing of those who have to deal with them. Because of this it is necessary to set out a procedure through which such occurrences can be effectively managed:

5.1 Persons Who Are Unreasonably Persistent in their Enquiries

➤ *Initial Advice and Warning*

In most instances where a person is considered to be unreasonably persistent in their enquiries we will explain why we consider this to be the case and ask them to change their behaviour.

We will also warn them that, if such behaviour continues, we will consider taking action to restrict their contact with us.

5.2 Persons Who Have Submitted Groundless, Vexatious or Multiple Complaints

➤ *Initial Advice and Warning*

Where a person is considered to have submitted a groundless complaint or a complaint that is vexatious, they will be informed of this, and we will explain why we consider this to be the case and give them the opportunity to withdraw their complaint or complaints.

Where a person has submitted multiple complaints we will, where we consider this to be inappropriate, give them the opportunity to withdraw a complaint or complaints.

If, in relation to what are considered to be groundless or vexatious complaints, or multiple complaints, the complainant declines to withdraw them then we will warn them that we will consider taking action to restrict their contact with us.

5.3 Persons Who Have Exhibited Unacceptable Behaviours

Unacceptable behaviours, exhibited by enquirers or complainants, will not be tolerated and, as appropriate, proportionate action will be taken to protect the wellbeing of political or lay members of Government bodies and members of staff, preserve property and other assets, and protect the integrity of processes.

➤ *Initial Advice and Warning*

Where practicable, when a person exhibits unacceptable behaviour they should be requested to change their behaviour immediately and warned that if their behaviour continues action may be taken to restrict or terminate their contact with us.

5.4 Deciding to Restrict Contact

A decision to restrict future contact with a person who is considered to be unreasonably persistent in their enquiries, whose complaints are considered vexatious or who exhibits unreasonable behaviours can only be taken after careful consideration of the situation by the Accounting Officer concerned or by such other senior manager of the Department, Board or Office, as authorised by the Accounting Officer.

When a decision to restrict future contact has been made the person concerned will be notified in writing by the officer making the decision. They will also be told:

- i) why the decision has been made;
- ii) whether (in the case of vexatious complaints) whether the matter will be investigated in accordance with established complaints procedures;
- iii) what the restricted contact arrangements are to be;
- iv) when the decision to restrict contact will be reviewed; and
- v) how to appeal against the decision to restrict contact.

5.5 Appealing Against a Decision to Restrict Contact

An appeal against a decision to restrict contact, along with the grounds for such appeal, must be submitted in writing to the Accounting Officer of the Department, Board or Office concerned, within 28 calendar days of the date of the notification of restriction of contact. The appeal can be considered by the Accounting Officer, if they have not been involved in the original decision, or by a senior manager of the relevant Department, Board or Office, not involved in the original decision, appointed by the Accounting Officer for the purpose. If circumstances require, the Accounting Officer concerned can appoint an Accounting Officer or a senior manager of another Department, Board or Office to consider the appeal.

Having considered the appeal the officer concerned will inform the appellant in writing of their decision which can be that either i) the restricted contact arrangements will continue to apply, ii) the restricted contact arrangements have been set aside; or iii) that a different course of action is to be implemented, along with reasons for adopting such course of action. There is no appeal against this officer's decision.

Note: These actions can be initiated by a section head or more senior manager, as appropriate.

6.0 Options for Action

Any action taken must be proportionate to the nature and frequency of a person's current contacts with the Department, Board or Office concerned. Taking these into account the following list of options, while not necessarily exhaustive, may be appropriate, depending on circumstances:

- a) placing restrictions on the number and duration of contacts with the Department, Board or Office concerned e.g. daily, weekly, monthly;
- b) offering a restricted time slot for any necessary calls e.g. by telephone, at a public counter or pre-arranged meeting;
- c) limiting a person to a specific medium of contact e.g. telephone, letter, e-mail etc. to a specified person or post;
- d) requiring a person to enter into an agreement in relation to their future behaviour, breaches of which would result in restrictions on contact being implemented or contact terminated;
- e) requiring a person to communicate with one named officer only;
- f) requiring any personal contacts to take place in the presence of a witness and in a suitable location depending on circumstances;
- g) declining to register and process further complaints or correspondence about a complaint or complaints;
- h) declining access to a building or area within a building occupied by the Department, Board or Office concerned;
- i) terminating all contact whether face to face or by other means.

Note: Depending on circumstances it may be appropriate to apply either a single restriction or a number of restrictions, in combination.

7.0 When Legal Action Has Been Initiated:

- **Against a Department, Board or Office and /or its Officers; or**
- **By a Department or Board, or Officer with Statutory Authority**

Where there is the capacity to do so and legal action has been initiated, either by a person against a Department, Board or Office and /or its officers, or by a Department or Board, or officer with statutory authority, against a person, then additional steps may be necessary to be implemented in order to manage correspondence and or communications between the parties.

In general, a Department, Board or Office and /or its officers should not engage in correspondence or communications with the person concerned but such correspondence /communications should be via appointed legal representatives e.g. Attorney General's Chambers or other legal representatives appointed for the purpose. The appointed legal representatives will advise on this.

8.0 Monitoring

Each Department, Board and Office shall maintain a register of decisions made under the provisions of this policy, which shall include a record of:

- a) each decision made to restrict or terminate contact, and the reasons for such decision; and
- b) each appeal received in respect of a decision to restrict or terminate contact and the outcome of that appeal (where a different course of action is to be implemented from that determined by the officer who decided to restrict or terminate contact then reasons for this will be recorded).

Implementation of the policy will be monitored at an appropriate management level within each Department, Board and Office to ensure that it is being applied correctly and that decisions made are proportionate to the nature and frequency of a person's current contacts which are causing concern.

9.0 Further Information

9.1 Complaints Handling Processes

Each Department, Board and Office has its own individual complaints handling processes - information about which can be obtained direct from the Department, Board or Office concerned or from its website.

9.2 Code of Practice on Access to Government Information

There is an established Code of Practice on Access to Government Information (Government Circular No. 20/96) which is intended to support Government's policy of extending access to official information, and responding to reasonable requests for information, except where disclosure would not be in the public interest.

The Code of Practice on Access to Government Information can be found on the Isle of Man Government website at <http://www.gov.im/lib/docs/cso/codeofpractice.pdf>

[The Freedom of Information Act 2015, which comes in to force in a limited manner from 1 February 2016](http://www.gov.im/lib/docs/cso/codeofpractice.pdf) can be found on the Isle of Man Government website at:
http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2015/2015-0008/FreedomofInformationAct2015_1.pdf

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