



# VEXATIOUS COMPLAINTS POLICY AND PROCEDURES

## 1. Introduction

1.1 Most complaints are made in good faith, with the complainant believing that a member (the Subject) may have contravened the Code of Professional Conduct and that this merits investigation by CIEEM. Occasionally someone may make or pursue complaints in a vexatious or persistent way which can create significant mental distress for the Subject(s), the Institute's staff or can have significant resource issues for the Institute. This policy is to ensure unreasonable or unreasonably persistent complainants are dealt with fairly. It sets out how such complaints will be identified and handled and how we will monitor instances of vexatious and/or persistent complaints.

1.2 In considering when to use this policy it is important to be sure that

- we have understood the complainant's concerns,
- we are satisfied that the original complaint or previous complaints have been investigated properly in accordance with our Professional Conduct Inquiry Procedures, and
- there is no information, or additional information, provided that might justify an inquiry or further inquiry.

## 2. Policy

2.1 A vexatious complainant is either someone who raises a complaint, without grounds, in order to cause annoyance or disruption to a member or to undermine their reputation or someone who corresponds with the members of the Complaints Team in an aggressive, abusive or derogatory manner.

A persistent complainant is someone who unreasonably raises similar complaints on more than one occasion against the same member or on multiple occasions against different members. Multiple times is defined as more than three separate occasions.

Examples of vexatious or unreasonably persistent behaviour are as follows:

- Making complaints against a member about the same or similar issues, regardless of whether or not an inquiry has found the Member in breach of the Code of Professional Conduct;
- Refusing to accept the outcome of a professional conduct inquiry and seeking to have the inquiry reopened;
- Failing to provide any reasonable evidence in support of a complaint;
- Making a complaint against a member who has made a professional conduct complaint about you, where the basis of your complaint is the fact that the first

complaint has been made and the manner in which this has been made<sup>1</sup>.

- Making an unreasonable number of contacts with the Institute or unreasonable demands on Secretariat staff in relation to a specific complaint or complaints, either during or after inquiry;
- Adopting an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Institute but at the same time with a Member of Parliament, a competent authority, the police, and a regulator;
- Refusing to co-operate with the complaints inquiry while still wishing their complaint to be investigated;
- Making the same complaint repeatedly, perhaps with minor differences, after the inquiry procedure has been concluded and insisting that the minor differences makes this a 'new' complaint.
- Using inappropriate language, tone or insults in communications.

2.2 Actions that could be taken if a complainant is assessed as behaving vexatiously or being unreasonably persistent include:

- Refusing to start or continue a professional conduct inquiry;
- Requesting contact or a particular form or contact (e.g. email or letter only to a named person);
- Informing the complainant that the Institute will not reply to or acknowledge any further contact from them on the specific topic or Subject of the complaint.

2.3 Actions taken in respect of vexatious or persistent complainants will be anonymized and reported to the Professional Standards Committee and Governing Board at least annually.

### **3. Procedure**

3.1 Should a member of staff have reason to believe that a complainant is behaving vexatiously or is unreasonably persistent they will make the Head of Professional Practice, the Chief Executive Officer or another senior officer aware, outlining their concerns and the evidence to support them.

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<sup>1</sup> There may be exceptions if, at the conclusion of the inquiry into the original complaint, it was not referred for further inquiry at a hearing and it can be shown that it was made in a vexatious manner. In such instances the Preliminary Investigation Panel that looked into the original complaint will be asked to decide whether there is any basis for action against the complainant. A complaint that is referred to a hearing for further inquiry cannot be regarded as vexatious.

- 3.2 The Head of Professional Practice, Chief Executive Officer or other senior officer will contact the complainant to:
- advise them that a concern has been raised,
  - explain the nature of the concern,
  - make them aware of this policy and procedure, and
  - request their response.
- 3.3 The Head of Professional Practice, Chief Executive Officer or other senior officer will attempt to reach an agreement with the complainant as to the next steps, with an emphasis being on trying to address the complainant's issues in an appropriate and fair (to all parties) way.
- 3.4 The Head of Professional Practice, Chief Executive Officer or other senior officer will complete a Vexatious or Persistent Complaint record outlining the concern, the response from the complainant and the action to be taken, including any period for review. They may request advice from a Joint Chair of the Professional Standards Committee and/or a legal adviser. They will notify the complainant of that action in writing, including any timescales involved and any potential future action if their behaviour does not change. If a consensus on next steps cannot be reached, the Head of Professional Practice, Chief Executive Officer or other senior officer is authorised to end the communication with the complainant on this issue, after notifying them as to why this decision has been reached. In reaching this decision the test of reasonableness will apply, in so far as the Head of Professional Practice, Chief Executive Officer or other senior manager must be able to show that the decision to end communication is lawful and no other reasonable remedy is available.
- 3.5 There is no right of appeal in relation to the application of this procedure.

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