

## **PERSISTENT OR VEXATIOUS COMPLAINTS POLICY**

*(Adopted February 2024)*

### **PURPOSE**

Bristol and West Athletic Club exists to give everyone who wants to enjoy running and athletics the opportunity to be the best they can and want to be. Our aim is to provide a supportive, inclusive, environment that allows athletes of all levels to explore their potential and enjoy their sport. Whether you are a complete beginner or an international athlete, we are here to help you achieve your goals.

Bristol and West Athletic Club works hard to provide an efficient and effective service to all. However, we recognise that there may be occasions where we fall short of expectations and individuals may not be completely satisfied.

In making complaints most people act entirely reasonably. Occasionally, we receive complaints that are vexatious in that they cause disruption to our work, disproportionate cost and time to handle and impact on the wellbeing of our volunteers.

We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

This policy sets out Bristol and West Athletic Clubs approach to dealing with persistent or vexatious complaints.

### **SCOPE**

This policy applies to all stakeholders who wish to make a complaint about any of Bristol and West Athletic Clubs services or activities.

### **OUR AIM**

To ensure that:

- We deal with all complaints promptly, politely and, when appropriate, confidentially.
- To decide which complaints will be treated as persistent or vexatious and what we will do in those circumstances.

### **What are Persistent and Vexatious Complaints?**

Features of the type of complaint and behaviour that this policy covers can include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

- Persisting in a complaint after being advised that there are insufficient or no grounds for their complaint.
- Refusing to co-operate with the complaints process whilst still wanting their complaint to be resolved, including a failure or refusal to specify the grounds of the complaint despite offers of assistance, changing the basis of the complaint or introducing trivial or irrelevant new information and expecting this to be considered and commented on.
- Submitting repeat complaints, after the complaints procedure has been completed, essentially about the same issues, with additions/variations which the complainant insists on being treated as new complaints and put through the complete complaints procedure again.
- Refusing to accept the outcome of the complaint procedure after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

- Harassing or otherwise seeking to intimidate individuals dealing with their complaint or correspondence, by using inappropriate language or behaviour, by use of racist or offensive language and/or making what would appear to be groundless complaints about our members.
- Making an unreasonable number of contacts with us, by any means, in relation to a specific complaint or correspondence including making persistent and unreasonable demands or expectations of individuals and/or the procedure after the unreasonableness has been explained (such as insistence on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- Recording meetings and conversations without the prior knowledge and consent of the other person involved.

### **Handling Persistent or Vexatious Complaints**

Managing vexatious complaints can be very time consuming. Bristol and West Athletic Club is not obliged to meet a complainant's unreasonable demands, for example, by answering every single point in an unreasonable letter.

The most difficult vexatious complaints to deal with are those where the complaint is slightly different from the original complaint, but about the same broad area of activity. A careful decision will have to be made as to whether or not the matters are sufficiently different to justify being considered as a new complaint. If they are considered as a new complaint then the Bristol and West Athletic Club Disciplinary Policy and Procedure will be followed.

Equally if the complainant keeps making complaints about different matters, each complaint should be considered in the usual manner unless they are about entirely trivial matters.

#### **Stage 1**

In the first instance, the Club Secretary will consult with the Club Chair and Vice Chair prior to issuing a warning to the complainant. The Club Secretary will contact the complainant in writing to explain why their behaviour is causing concern and the actions that may be taken if the behaviour does not change.

#### **Stage 2**

If the Persistent or Vexatious Complaint persists then the Club Chair will contact the complainant in writing advising them of the way in which they will be allowed to contact Bristol and West Athletic Club in future, if and what procedures have been put in place and, if applicable, for what time period. The Club Chair may consult with the Safeguarding and Welfare team and/or Club Committee, if required.

Possible restrictions will be tailored to deal with the individual circumstances and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor or friend acting on their behalf.
- Banning the complainant from sending emails to members of the Bristol and West Athletic Club Committee or insisting they only correspond by letter.
- Banning the complainant from accessing Bristol and West Athletic Club premises.
- Requiring contact to take place with one named club individual only.
- Restricting telephone calls to specific days/times/duration.
- Requiring any personal contact with a Bristol and West Athletic Club Committee member to take place in the presence of an appropriate witness.
- Letting the complainant know that Bristol and West Athletic Club will not reply to or acknowledge any further contact from them on the specific topic of that complaint.
- Informing the complainant that any further complaints submitted by the individual will only be considered if the Club Chair agrees.

### **Stage 3**

If the Persistent or Vexatious Complaint persists after Stage 2, or breaches any restrictions imposed during Stage 2, the matter may advance to Stage 3. During Stage 3, in accordance with the powers granted to the Club Committee by the Club's Constitution, the Club Committee reserves the right to refuse or expel the complainant from membership.

For complaints considered Persistent or Vexatious the Club Chair's decision is final.

All records will be retained, and details of any or all of the actions taken.

**Please note: We reserve the right at any point in the process to forward the Persistent or Vexatious Complaint to our legal representatives who may respond on our behalf.**

### **Equality**

We will ensure that we meet the requirements of the Equality Act 2010 to make 'reasonable adjustments' for disabled customers.

In some circumstances disabled people may have difficulty in expressing themselves or cannot communicate appropriately in a clear and concise manner. Where we consider that there may be an indication that this is the case, we will consider the needs and circumstances of the individual in the first instance, and then use this information to make an informed decision.

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**NB: The contents of this policy will be subject to revision from time to time.**