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Vexatious and frivolous complaints, and unreasonable client conduct policy

This policy sets out the way the Parliamentary Workplace Support Service (PWSS) will manage certain types of complaints and behaviours – particularly complaints that are considered vexatious or frivolous, and unreasonable client conduct.

The PWSS has a responsibility to protect the health and safety of people involved in the complaint process, including PWSS staff and clients, and will not accept any form of harassment or aggression.

Vexatious complaints

A vexatious complaint can be, but is not limited to, a groundless complaint that causes distress, detriment or harassment to the subject of the complaint; or a complaint that is unduly repetitive, burdensome, or unwarranted when compared to its merits.

A complaint may be regarded as vexatious if the complainant:

- continues to pursue a complaint that has already been addressed and provides no new information that warrants further action; or
- after reasonable efforts, fails to furnish additional information which would be likely to be available, relevant to, and supportive of, the issues raised in the complaint; or
- lies or gives misleading information to the PWSS or the independent reviewer.

This list is not exhaustive.

Once a complaint has been found to be vexatious it will not be progressed further and where the respondent is aware of the complaint they will be advised. Clients will continue to be offered support from the PWSS.

Frivolous complaints

A frivolous complaint may be one that:

- is trivial in nature; or
- has no serious purpose or value; or
- is sufficiently meritless that further action would be a waste of time or cost; or
- the extent of the complaint is out of proportion to the significance of the matter.

This list is not exhaustive.

Once a complaint has been found to be frivolous, the PWSS may decide not to facilitate a local resolution or progress the complaint to an independent review. Clients will continue to be offered support from the PWSS.

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Unreasonable client conduct

It is possible that in the course of working with the PWSS a client may demonstrate 'unreasonable conduct'. Conduct might be considered unreasonable because of its nature or frequency, or because it raises health and safety concerns.

Unreasonable conduct may include:

- high levels of repetitive contact with the PWSS; or
- aggressive conduct directed towards staff of the PWSS; or
- unreasonable expectations or demands about timeframes, or outcomes beyond the remit of the PWSS; or
- behaviour which indicates a lack of good faith engagement with PWSS.

Amended service offering

The PWSS understands that a client whose conduct is unreasonable may still have a valid concern about a workplace issue. The PWSS is committed to working with all clients requiring assistance, and in circumstances where unreasonable conduct is present, may amend our service offering to ensure the safety of the PWSS staff.

An amended service offering will only be implemented following consultation with the Head of the PWSS, and may include limiting contact arrangements available to the client.

If the PWSS intends on providing a client with an amended service offering, the client will be provided notice in writing, setting out the terms of the amended service offering, the reasons for the amended service offering and the timeframe for the amended service offering to be reviewed.

Decisions a complaint is vexatious or frivolous and will not be progressed

If a member of the PWSS forms the preliminary view that a complaint may be vexatious, frivolous or otherwise unreasonable, they will consult with Director Case Coordination or Assistant Head PWSS as appropriate. Where reasonably practicable, the client will be notified of the concerns about the complaint and invited to provide further comment or information within 7 days to demonstrate their complaint is genuine and made in good faith. The client's submission (if any) will be considered before a decision is made that their complaint is vexatious, frivolous or unreasonable.

In some instances, such as threatening client behaviour or an assessment of imminent risk, it may not be appropriate to offer the client the opportunity to comment before deciding not to progress a complaint, or deciding to amend the service offering.

The PWSS may decide to take no further action in respect of a complaint that is vexatious, frivolous or unreasonable. In such instances the client will be advised in writing of the reasons for reaching that decision. Where a workplace review has been commissioned, a finding that a complaint is vexatious or unreasonable may

include recommendations for remedial action. Clients will continue to be offered support from a PWSS team member as appropriate.

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