



Operational Services Policy

Handling abusive or vexatious correspondence

Introduction

Our Association is committed to dealing with all correspondence and complaints equitably, comprehensively, and in a timely manner.

This policy establishes a clear procedure that will ensure we continue to deliver a professional service to all whilst ensuring that there are robust measures in place to handle and protect all staff from abusive calls and written correspondence.

A key element of the Vexatious Correspondence and Unacceptable Behaviour Policy is to provide support and guidance for staff in handling such challenging situations.

The Vexatious Correspondence and Unacceptable Behaviour Policy will be referred to as 'the Policy' for the remainder of this document. The Policy will cover anyone who comes into contact with the BPA and includes potential complainants, complainants and their representatives, as well as members.

Definitions

We define the term "vexatious" as:

"Difficult to deal with and causing a lot of anger, worry, or argument".

We believe complainants have a right to be heard, understood and respected and we work hard to be open and accessible. However, this needs to be done with our employees' wellbeing in mind.

A very small minority of complainants pursue complaints in a persistent, vexatious or unacceptable way which can have a significant impact on our resources. When this happens, we have to take action to protect our employees and this will involve considering the impact of the actions on our ability to do our work and provide a service to others. This document sets out guidance on when we can invoke the Policy to curb vexatious correspondence and unacceptable behaviour.

It is important to note that we will invoke the Policy regarding the complainant's correspondence; however, we are not labelling the individual as "vexatious".

The term unacceptable is defined as:



“something that is not allowed to continue including but not restricted to swearing, threatening behaviour or correspondence or making threats”.

If a complainant’s behaviour adversely affects our ability to carry out our role and provide services to others, such behaviour may need to be addressed by restricting contact with the BPA.

Policy Statement

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complainant seeking our assistance. We do consider actions that result in unreasonable demands on our employees or our Association, in general, to be unacceptable. It is these actions that we aim to manage under the Policy.

It is important to be clear that the Policy does not preclude the need to ensure that any service provided is accessible to all, on an equal basis.

There is a requirement to consider whether any reasonable adjustment needs to be made to take individual circumstances into account and enable a complaint to be made.

Invoking the Policy

We understand that many complainants are angry about issues they have raised in their complaint. If that anger escalates into aggressive, abusive or vexatious correspondence and/or behaviour towards our staff, we consider this to be either unacceptable or vexatious, or indeed both.

The final decision to restrict the complainant’s communication to the BPA can only be taken by the Operational Services Management team. Any staff member who wishes to invoke the policy should refer the matter to the Operations Manager or the Customer Services Manager with a summary as to why they believe the correspondence is vexatious or unacceptable. In some instances where the matter is not related to private parking matters it may be more appropriate for the staff member to discuss with their own line manager.

Before invoking the policy Management should be satisfied that:

- The complaint is being or has been investigated adequately.
- Any decision reached has been reviewed and is found to be appropriate.
- Communications with the complainant have been adequate and in accordance with the departmental [Service Standards](#).
- The complainant is not providing any significant and new information that might affect our view on the complaint.



There are a number of scenarios where we may decide to invoke the Policy. For example, the correspondent is;

- Persistently approaching the BPA through different avenues about the same issue.
- Persistently seeking an outcome which we have already explained is unrealistic under our Code of Practice or outside of our remit to deliver.
- Complaining about an issue based on an historic and/or irreversible decision or incident.
- Refusing to specify the grounds of a complaint or providing enough details for us to investigate despite our offers of assistance.
- Refusing to accept that issues are not within the power of the BPA to investigate, change or influence.
- Insisting on the complaint being dealt with in ways which are incompatible with the BPA complaints policy and procedure.
- Refusing to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given.
- Making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insisting that the minor difference makes the complaint new.

The above list is not exhaustive.

The BPA considers access to a complaints system to be important and it will only be in exceptional circumstances that we would consider invoking this policy.

If the complainant is behaving in a vexatious or unacceptable manner as a result of a mental and/or health issue – consideration needs to be given to ensure we are meeting their requirements before invoking the Policy. In these instances, Management will consider their responsibilities under the Equalities Act.

Telephone Calls

Our employees do not have to tolerate unacceptable behaviour over the telephone. Where this occurs, employees have the right to place callers on hold or to end the call. However, before taking such action, we require our employees to tell the caller how their conduct is considered to be unacceptable and to allow the caller the opportunity to moderate their behaviour.

If the caller chooses to continue acting in a way that is considered to be unacceptable or vexatious, then a second warning should be issued to advise the complainant that the call will be terminated if they do not change their behaviour.



If this warning is further ignored, the employee can terminate the call.

Where the records contain evidence of multiple instances of unacceptable or vexatious behaviour and this continues, a more permanent restriction may be considered necessary.

In certain cases, we may take the decision to report incidents to the Police. This will always be the case if physical violence is used or threatened.

Actions Available to Restrict Access and Contact with the BPA:

- Requesting contact in a particular form (e.g. email only).
- Placing restrictions on telephone calls to specific times and days of the week.
- Placing restrictions on the amount of time BPA staff will spend investigating their complaints.
- Requiring the complainant only uses one e-mail address to correspond with.
- Requiring contact to be made with one member of staff only.
- Confirmation that we will no longer deal with any aspect of complaint regarding this issue.

Communication with the Complainant

Management can contact the complainant to warn them that their correspondence is vexatious and/or unacceptable and that they should desist before we invoke the Policy. This contact will advise why we believe the correspondence to be vexatious and/or unacceptable, and what the complainant needs to do to enable us to continue working on their complaint (if appropriate).

The correspondence warning the complainant of their behaviour will include a copy of this policy.

Closing a Complaint as Vexatious and/or Unacceptable

Management will write to the complainant explaining why it is thought to be vexatious and/or unacceptable and confirming the complaint will be closed with no further action.

The decision to file correspondence as vexatious will be recorded [here](#).

The communication will confirm why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the complainant has a record of the decision.

In exceptional cases, the BPA reserves the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in considering the complaint further.



This decision will only be taken with authorisation from the Head of Business Operations or where appropriate another member of the Senior Management Team (SMT).

Appealing a Decision

It is important that a decision can be reconsidered. A complainant can appeal in writing about a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint.

The Head of Business Operations (unless they were involved in the original decision) will consider the appeal. If they were involved with the decision, another member of the Senior Management Team would consider the appeal.

They will make their decision based on the evidence available to them. They must advise the complainant, in writing, that either the restricted contact arrangements still apply or a different course of action has been agreed.

The BPA reserves the right to make amendments to this policy from time to time.