

Saada

Smaller Authorities' Audit Appointments

Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy

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1. Introduction

- 1.1. SAAA is committed to dealing with all complaints equitably, comprehensively, and in a timely manner. SAAA will not normally limit the contact which complainants have with its staff.
- 1.2. SAAA's agreed Complaints Policy and Procedure sets out how SAAA will manage complaints and is at Appendix A for information. This policy considers only abusive, persistent or vexatious complaints and complainants.
- 1.3. SAAA does not expect staff to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour, which is abusive, offensive or threatening and may include:
 - 1.3.1. Using abusive or foul language in any form of communication
 - 1.3.2. Using abusive or foul language face to face
 - 1.3.3. Sending multiple emails in a short period which are repetitive
 - 1.3.4. Leaving multiple voicemails in a short period which are repetitive
 - 1.3.5. Sending multiple communications in a short period which are repetitive
- 1.4. SAAA will take action to protect staff from such behaviour. If a complainant behaves in a way that is abusive, unreasonably persistent or vexatious, SAAA will follow this Policy.
- 1.5. Dealing with a complaint can be a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for SAAA. This can happen either while their complaint is being investigated, or once SAAA has finished dealing with the complaint.
- 1.6. Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.
- 1.7. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it should not necessarily cause them to be labelled vexatious or unreasonably persistent.

2. Aim of this Policy

- 2.1. The aim of this Policy is to contribute to SAAA's overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 2.2. It sets out how SAAA will decide which complainants will be treated as vexatious or unreasonably persistent, and what it will do in those circumstances. The Policy is for the information of staff and directors, as well as complainants.

3. Definitions

- 3.1. SAAA has adopted the Local Government Ombudsman (LGO)'s definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"
- 3.2. SAAA defines unreasonably persistent and vexatious complainants as those complainants who, because of their behaviours, hinder SAAA's consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

4. Examples of Abusive, Unreasonably Persistent and/or Vexatious Behaviours

- 4.1. As stated SAAA has adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints".
- 4.2. Below are examples of actions which are likely to evidence abusive, unreasonably persistent or vexatious behaviour. This list is not exhaustive, nor does one single feature on its own necessarily imply that the complainant will be considered as being in this category.
 - 4.2.1. Having insufficient or no grounds for a complaint and making the complaint only to annoy (or for reasons that the complainants do not admit or make obvious)
 - 4.2.2. Refusing to specify the grounds of a complaint despite offers of assistance
 - 4.2.3. Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
 - 4.2.4. Refusing to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
 - 4.2.5. Refusing to accept that issues are not within the power of SAAA to investigate, change or influence (for example because they are the responsibility of another organisation)
 - 4.2.6. Insisting on a complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)
 - 4.2.7. Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them dismissed or replaced
 - 4.2.8. Making an unreasonable number of contacts with SAAA, by whatever means, in relation to a specific complaint or complaints
 - 4.2.9. Making persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been

explained to the complainant (an example of this could be a complainant insisting on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)

- 4.2.10. Harassing or verbally abusing or otherwise seeking to intimidate staff dealing with a complaint, by use of foul, inappropriate, offensive or racist language
- 4.2.11. Raising subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- 4.2.12. Introducing trivial or irrelevant new information whilst a complaint is being investigated and expecting this to be taken into account and commented on
- 4.2.13. Changing the substance or basis of a complaint without reasonable justification whilst the complaint is being addressed
- 4.2.14. Denying statements made at an earlier stage in the complaint process
- 4.2.15. Electronically recording meetings or conversations without the prior knowledge and consent of the other person or persons involved
- 4.2.16. Adopting an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with SAAA, but at the same time with a Member of Parliament, audit firms, SAAA's independent auditor, the police, or solicitors.
- 4.2.17. 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
- 4.2.18. Making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insisting that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- 4.2.19. Persistently approaching SAAA through different routes about the same issue
- 4.2.20. Persisting in seeking an outcome which SAAA has explained is unrealistic for legal or policy (or other valid) reasons
- 4.2.21. Refusing to accept documented evidence as factual
- 4.2.22. Complaining about or challenging a historical and irreversible decision or incident
- 4.2.23. Combining some or all of these features

5. Managing Abusive, Unreasonably Persistent and/or Vexatious Complainants

- 5.1. Before any action is taken, the CEO will ensure that the complaint is being, or has been, investigated properly according to SAAA's agreed Complaints Procedure.
- 5.2. When a complainant begins to demonstrate behaviours, such as listed above, the CEO will consult with the Dealing With Abusive, Persistent or

Vexatious Complaints and Complainants Policy Subcommittee. The Subcommittee's Terms of Reference are shown at Appendix B.

- 5.3. The CEO will provide sufficient information to the Subcommittee for it to determine whether the complainant fulfils the definition in Clause 3.2 above. If the Subcommittee determines that the complainant fulfils the definition the CEO will contact the complainant either by phone, in writing or by email to explain why a behaviour is causing concern and ask them to change that behaviour. The CEO will explain the actions that the Company may take if the behaviour does not change.
- 5.4. If the disruptive behaviour continues, the CEO will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact SAAA in future will be restricted.
- 5.5. If following this letter, the behaviour continues the CEO will inform SAAA's Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy Subcommittee. The Subcommittee will then determine what restrictions are to be imposed on the complainant and for how long. This will be communicated to the complainant in writing.
- 5.6. Any restriction that is imposed on the complainant's contact with SAAA will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on an annual basis.
- 5.7. In the event of the Chair being actively involved in investigating a complaint under the Complaints Policy, they will not attend the Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy Subcommittee, and consultation and decision-making process will fall to other members of that subcommittee.
- 5.8. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - 5.8.1. Banning the complainant from making contact by telephone except through a third party e.g. a solicitor/friend acting on their behalf
 - 5.8.2. Banning the complainant from sending emails to specified SAAA officers, or collectively to all SAAA officers, and insisting they only correspond by letter
 - 5.8.3. Requiring contact to take place with one named member of staff only
 - 5.8.4. Restricting telephone calls to specified days / times / duration
 - 5.8.5. Requiring any personal contact to take place in the presence of an appropriate witness
 - 5.8.6. Letting the complainant know that SAAA will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence, this will usually be the CEO)
- 5.9. When the decision has been taken place restriction on a complainant, the CEO will contact the complainant in writing to explain:
 - 5.9.1. Why SAAA has taken the decision,

- 5.9.2. What action SAAA is taking,
- 5.9.3. The duration of that action,
- 5.9.4. The review process to be followed
- 5.10. The CEO will enclose a copy of this Policy in their letter to the complainant.
- 5.11. Where a complainant continues to behave in a way which is unacceptable, the CEO, in consultation with the Chair may decide to refuse all contact with the complainant and stop any investigation into their complaint.
- 5.12. Where the behaviour is so extreme that it threatens the safety and welfare of staff, the Company will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, SAAA may not give the complainant prior warning of that action.

6. New Complaints from Complainants who have been judged to be Abusive, Vexatious or Persistent

- 6.1. New complaints from people who have previously been judged to be abusive, unreasonably persistent or vexatious will be treated on their merits. The CEO will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. SAAA does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.
- 6.2. The fact that a complainant is judged to be abusive unreasonably persistent or vexatious, and any restrictions imposed on contact with them, will be recorded and notified to those who need to know within SAAA who need to know.

7. Review:

- 7.1. The status of a complainant judged to be abusive, unreasonably persistent or vexatious will be reviewed by the CEO after six months and at the end of every subsequent six months within the period during which the Policy is to apply.
- 7.2. The complainant will be informed of the result of this review if the decision to judge them as abusive unreasonably persistent or vexatious has been changed or extended.

8. Record Keeping

- 8.1. Adequate records will be retained by the CEO of the details each case and the action that has been taken. The CEO will retain a record of:
 - 8.1.1. The name and address of each person who has been judged to be abusive, unreasonably persistent or vexatious
 - 8.1.2. When any restrictions came into force and when it ends
 - 8.1.3. What the restrictions are

8.2. The CEO will provide an annual report to the Board giving information about complainants who have been judged to be abusive, unreasonably persistent or vexatious.

Appendix A



Smaller Authorities' Audit Appointments

Complaints Policy and Procedure

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05	1	CEO	17 Apr 2024	Website	Apr 2027

1. Introduction

- 1.1. The SAAA Board is responsible for approving a complaints policy and procedure.
- 1.2. The Chief Executive reports annually to the Board about the nature and number of complaints and the responses, unless the volume of complaints increases markedly than this should be reported as soon as possible.

2. Complaints about auditors

- 2.1. SAAA is responsible for monitoring the performance of the audit firms within its audit regime. However the audit firms remain responsible for the work and conduct of their staff.
- 2.2. Audit firms are required to report any complaints to SAAA as part of the contract monitoring process.
- 2.3. Each audit firm already has its own complaints process and complaints about auditors should be dealt with under those processes in the first instance.
- 2.4. If SAAA receives a complaint that has not already been investigated by the relevant firm, it will be passed to the firm's contact partner to consider.
- 2.5. The complaint should be progressed through all stages of the audit firm's own complaints process, until either a satisfactory resolution is found, or it is clear that the firm will be unable to satisfactorily resolve matters.
- 2.6. If the firm is unable to resolve matters, it should refer the complainant to SAAA.

3. Complaints that SAAA can consider

- 3.1. SAAA can consider complaints:
 - 3.1.1. that relate to a failure in service or maladministration by one of our firms of appointed auditors; or
 - 3.1.2. about how a concern or query has been dealt with by SAAA
- 3.2. Service failure or failure to follow proper procedures by an appointed audit firm may include:
 - 3.2.1. failure to comply with standards (relevant parts of the Code of Audit Practice and AGN 02);
 - 3.2.2. discourtesy or rudeness;
 - 3.2.3. discrimination;
 - 3.2.4. unreasonable delay;
 - 3.2.5. not responding to phone calls, emails or letters;
 - 3.2.6. not providing answers to reasonable questions;
 - 3.2.7. not answering complaints fully and promptly; or
 - 3.2.8. failure to recognise and rectify mistakes.

4. Complaints that SAAA cannot consider

- 4.1. As appointed auditors are statutorily independent SAAA cannot consider complaints about:
 - 4.1.1. the judgements and decisions of auditors;

- 4.1.2. the process followed by auditors of smaller authorities who are exercising their specific powers in relation to electors' objections to items in an authority's accounts; nor
- 4.1.3. the process by which those decisions are made.
- 4.2. SAAA cannot:
 - 4.2.1. influence an appointed auditor's professional skill and judgement in performing statutory functions;
 - 4.2.2. substitute its own judgements for those of an appointed auditor in the exercise of those functions;
 - 4.2.3. direct an appointed auditor to act or to review decisions; nor
 - 4.2.4. consider any complaint that relates to an ongoing audit investigation, until the investigation has been concluded.
- 4.3. SAAA cannot consider complaints about individual smaller authorities - these must be raised with the body concerned.
- 4.4. SAAA reserves the right not to investigate complaints that it considers to be frivolous, vexatious or without merit. The CEO will record the rationale for any such decision.
- 4.5. SAAA will not usually accept complaints that are made more than six months after the event in question.
- 4.6. If you have any queries about whether SAAA can deal with a specific complaint, please contact us via email at admin@saaa.co.uk

5. Making a complaint

- 5.1. If you wish to make a complaint, please e-mail SAAA at admin@saaa.co.uk
- 5.2. Alternatively, you can write to SAAA at:

Smaller Authorities' Audit Appointments Ltd
The Bloomsbury Building
10 Bloomsbury Way
LONDON
WC1A 2SL

6. Complaints about auditors

- 6.1. Complaints in respect of any of the audit suppliers appointed by SAAA will be handled in the first instance by the Chief Executive, liaising with the nominated contact partner at the audit firm if appropriate.
- 6.2. If we are able to consider your complaint, we will respond to you in a timely manner by letter or email, usually within 5 working days, explaining the process for handling the complaint and when you can expect to receive a full reply.
- 6.3. If the complaint is straightforward, we will usually send you a full reply within 20 working days. If the issue is more complex, we will contact you to clarify your concerns and a response may take longer than 20 working days
- 6.4. If SAAA determines that your complaint is justified, you will receive details of steps that will be taken to meet your concerns and explain what will be done to prevent the problem happening again.

6.5. If you are not satisfied with the response, it will be referred to the Independent Director responsible for Quality Assurance for final determination.

7. Complaints about SAAA

- 7.1. Complaints about SAAA will be handled in the first instance by the Chief Executive.
- 7.2. If any complaint is received relating to the operations or staff of SAAA, it will be handled in the first instance by the Chair liaising with the Chief Executive if appropriate.
- 7.3. However, if you are not satisfied with action taken by the Chief Executive, you should write to the Chair of the Board via our address or website. The Chair will review the complaint, and all of the paperwork relating thereto, and if they believe it appropriate will submit the complaint to the Board for consideration

8. Complaints about SAAA Board members

- 8.1. The Chair is responsible for investigating and responding to complaints against Board members.
- 8.2. If any complaint involves the Chair will be referred to the Independent Director responsible for Quality Assurance.

Appendix B



Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy Sub Committee Terms of Reference

1. Purpose:

- 1.1. To determine whether a complainant fulfils the definition of a vexatious or persistent complainant as shown in para 4 of SAAA's Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy.

2. Membership:

- 2.1. The following directors will be members of the subcommittee
 - 2.1.1. The Chair of the Board
 - 2.1.2. The Chair of the RNC
 - 2.1.3. The Chair of ARAC
 - 2.1.4. The Independent Director for Quality Assurance

3. Attendance:

- 3.1. The CEO will attend and provide information to subcommittee as shown in para 5 of SAAA's Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy.

4. Accountability:

- 4.1. The CEO will provide with an annual report to the Board giving information about complainants who have been treated as vexatious as show in para 9.2 of SAAA's Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy

5. Meetings:

- 5.1. The CEO will call a meeting when a decision is required.
- 5.2. Meeting will be online.
- 5.3. Information will be provided to the subcommittee in advance of the meeting as shown in para 5 of SAAA's Dealing With Abusive, Persistent or Vexatious Complaints and Complainants Policy.

