

SCOTTISH ROWING

VEXATIOUS COMPLAINTS POLICY

Approved by the Board: November 2024



VEXATIOUS COMPLAINTS POLICY

Scottish Rowing is committed to ensuring all complaints are dealt with in a fair, effective, and timely manner, and in accordance with our Disciplinary and Grievance Procedures.

Occasionally complainants may focus on their own concerns to the extent that persistent and vexatious complaints can place a strain on time and resources of staff or volunteers who must deal with them. All staff and volunteers are expected to deal with individuals respectfully and in a professional manner, however there are times when nothing more can reasonably be done to address a real or perceived concern.

Scottish Rowing expects its employees, contractors and volunteers to be treated with courtesy and respect at all times and will protect them from unacceptable behaviour by complainants. Unacceptable behaviour may include:

- abusive, threatening or inappropriate language, either verbally or in writing;
- sending multiple emails, especially over a short timescale;
- making multiple calls / leaving multiple voicemails;
- attempts to entrap personnel, or take items out of context in order to infer wrongdoing, where none has been committed; or
- otherwise unreasonably pursuing a complaint.

Where an individual is raising a legitimate query or criticism of a complaints procedure as it progresses, such as time scales not being met, this would not normally, on its own, be regarded as vexatious or unreasonable. A vexatious complainant is:

1. Raising a complaint contentiously, without reasonable grounds or with little merit or substance, and with the purpose of causing annoyance or disruption; or
2. Pursuing a complaint to an unreasonable degree or after appropriate procedures have been followed and exhausted.

Examples of unreasonably persistent / vexatious complainants:

1. Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
2. Refusing to follow the correct procedure at the correct level, for example not exhausting a club's processes before escalating;
3. Refusing to accept that issues do not come within the Disciplinary and Grievance Procedure, despite having been provided with information about the scope of the policy and procedure;
4. Refusing to accept that issues are not within the power of Scottish Rowing to investigate, change or influence;

5. Insistence on the complaint being dealt with in ways which are incompatible with Scottish Rowing's Disciplinary and Grievance Procedure or with good practice (e.g. insisting that Scottish Rowing does not make any written record of the complaint);
6. Making what appear to be groundless complaints about the person dealing with the complaint(s) with no verifiable evidence and seeking to have them dismissed or replaced;
7. Making an unreasonable number of contacts by any means in relation to a specific complaint or complaints;
8. 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 who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails);
9. Raising numerous subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process;
10. Adopting a 'scattergun approach' such as pursuing a complaint(s) not only with Scottish Rowing, but at the same time with **sportscotland**, the Government, a Member of Parliament, their local council, elected councillors, the police, solicitors and/or any other body;
11. Refusing to accept the outcome of the complaint process after its conclusion and attempting to escalate it.
12. Repeatedly changing stance on the requirements and outcome of a complaint.

Process for declaring a complaint to be vexatious:

If a member of staff is concerned about a complaint potentially being vexatious, the matter should be referred, up the management line to the CEO with a note explaining the staff member's concerns and attaching any relevant emails/documents. Where the complaint concerned relates to the CEO, the CEO shall refer the matter to the Chair of the Board, who shall appoint a Board Director to deal with it.

The CEO / Board Director should consider the matter including all the documents and decide whether the complaint comes within the above definition of vexatious. Where the CEO / Board Director has decided that a complaint is vexatious, the course of action will be as follows:

1. The CEO / Board Director will record the decision in writing giving brief reasons;
2. The CEO / Board Director will ensure that any outstanding steps in respect to the original complaint are completed in line with the Disciplinary and Grievance Procedure;
3. The CEO / Board Director will contact the complainant in writing to inform them that a decision has been taken that this procedure will apply to their complaint henceforth and enclosing a copy of this policy. The letter will set out the preferred method of communication for all parties involved and the way the matter will be dealt with going forward;
4. Once the letter has been sent, contact with the complainant will be restricted to specific individuals and by specific method/s, usually in writing, subject to paragraph 5 below;
5. Where the Disciplinary and Grievance Procedure has been exhausted and the concern cannot be taken any further, the complainant will be notified in writing their concern has been fully responded to, there is nothing further to add, and continuing contact will serve no useful

- purpose. Further correspondence relating to the said matter will not be answered;
6. In extreme circumstances it may be necessary to instruct external lawyers to deter the individual from further contact;
 7. The Board reserve the right to refuse admission or renewal of any class of membership to any member who has been declared to be vexatious.