HYTHE AQUA SWIMMING CLUB – VEXATIOUS COMPLAINTS POLICY

Hythe Aqua Swimming Club is committed to ensuring all complaints are dealt with in a fair, effective, and timely manner, and in accordance with Swim England Rules 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 volunteers who have to deal with them.

All volunteers at Hythe Aqua Swimming Club 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. [

Hythe Aqua Swimming Club expects its 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; 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 an individual who:

i. ii. is raising a complaint contentiously, without reasonable grounds or with little merit or substance, and with the purpose of causing annoyance or disruption;

or is 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 the club's processes before escalating;

3. refusing to accept that issues do not come within the complaints policy, 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 Hythe Aqua Swimming Club to investigate, change or influence;

5. insistence on the complaint being dealt with in ways which are incompatible with Swim England Guidance or with good practice (e.g. insisting that Hythe Aqua Swimming Club 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) and seeking to have them 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 volunteers 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 or complaints not only with Hythe Aqua Swimming Club but at the same time with Swim England as the governing body.

11. refusing to accept the outcome of the complaint process after its conclusion and attempting to escalate it.

Process for declaring a complaint to be vexatious: If a member of Hythe Aqua Swimming Club is concerned about a complaint potentially being vexatious, the matter should be referred, up to their Chair with a note explaining the member's concerns and attaching any relevant emails/documents.

Where the complaint concerned relates to the Chair, the matter should be referred to an independent panel to deal with it. The Chair should consider the matter including all the documents and decide whether the complaint comes within the above definition of vexatious.

Where the Chair/independent panel has decided that a complaint is vexatious, the course of action will be as follows:

1. the Chair/Independent Panel will record the decision in writing giving brief reasons;

2. the Chair/Independent Panel will ensure that any outstanding steps under the Clubs Complaints Procedure are completed;

3. the Chair/Independent Panel 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 Complaints 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 will be acknowledged but not answered;

6. in some circumstances it may be necessary for the Club Executive Committee to consider suspending or ceasing the individuals club membership.

7. Hythe Aqua Swimming Club reserve the right to refuse admission or renewal of membership to any member who has been declared to be vexatious.

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