

# GPEW guidance and procedure on unreasonable, persistent, abusive, malicious and vexatious complaints (UPVAM Guidance and Procedure)

## Introduction

1 All complaints brought to the national Green Party of England and Wales (GPEW) about members of the Party are dealt with in accordance with the Party's Standing Orders for Party Discipline (SOPD). Clause 14 of the Code of Conduct states 'Making a clearly vexatious or malicious complaint; using a complaint as part of a pattern of harassment; clearly abusing the complaint system to attack a personal enemy or political opponent or another person within the Green Party are all forms of unacceptable behaviour.' The purpose of these guidance notes is to help those involved in dealing with complaints to identify those complaints that are unreasonable, persistent, abusive, malicious or vexatious and to set out a procedure for dealing with them in a summary manner.

2 These notes are to be read and understood to be consistent with the SOPD. If there is any inconsistency between them, then the inconsistency must be resolved in favour of the meaning in SOPD. SOPD states that there is a Complaints Manager who may delegate their complaint's management role to another member of staff employed by GPEW to administer the complaints process. This staff member is usually the Governance Officer.

3 From time to time complaints are made against members of the Party which are unreasonable, persistent, abusive, malicious or vexatious. It is not in the interests of GPEW or its members for such complaints to be dealt with and given the same detailed consideration as legitimate, well-founded and bona fide complaints.

4 Once identified as unreasonable, persistent, abusive, malicious or vexatious, a complaint must be dealt with in accordance with the summary procedure set out below.

### What complaints are to be treated in accordance with the procedure below?

5 An unreasonable complaint is one not based on matters which are supported by reasons or coherent evidence, and would be regarded as unreasonable by the ordinary, reasonable member of society. If a complainant pursues the complaint in any unreasonable manner, for example, by harassing by telephone or in writing any person whose role it is to deal with the complaint or any aspect of it; or by refusing, or otherwise failing, to provide the necessary evidence to support the complaint; or failing to accept a ruling or decision made by any person or persons whose role it is to make such rulings or decisions, the complaint may be treated as unreasonable and dealt with under the procedure set out below.

6 A persistent complaint is one where -

- (a) a complaint in essentially the same terms has already been made by the complainant against the same respondent (the earlier complaint);
- (b) that earlier complaint have already been dealt with in accordance with SOPD; and
- (c) the complaint in question raises essentially the same issues against the same respondent.

7 A malicious complaint is one that is made with the intention of causing harm, for example:

- (a) deliberately seeking to defame a colleague and raising a complaint with this intent;
- (b) through lying about an issue or incident in the knowledge that this will cause harm;
- (c) through knowingly basing a complaint on rumour and gossip with the intention of causing harm.
- (d) generally, conduct by the complainant which is not in good faith and does not comply with the Code of Conduct of the GPEW in force at the time.

8 A vexatious complaint is one which is pursued, regardless of its merits, solely to harass, annoy or subdue somebody. A complaint which is abusive will also be vexatious.

9 Examples: The following examples illustrate the types of complaints or conduct of the complainant liable to be dealt with summarily under the procedure set out below. These examples are indicative only, and the list is not exclusive or exhaustive:

- (a) Refusal by the complainant to co-operate with the complaints investigation process as set out in SOPD or as requested by the individual who has been charged with dealing with the complaint, while still wishing the complaint to be resolved.
- (b) There being no, or insufficient, grounds or evidence for the complaint.
- (c) Refusal by the complainant to specify the grounds of complaint.
- (d) Refusal by the complainant to accept that the issues raised in the complaint are such that the complaint does not fall within the scope of SOPD despite having been provided with the information about the scope of the policy and procedure.
- (e) Making complaints by the complainant about the staff or volunteers dealing with the complaint and seeking them to be replaced (noting that

there may be genuine grounds for expressing concern about the way that a complaint is being handled, and that raising such a concern is not inevitably a sign of a vexatious complainant).

- (f) Changing the basis of a complaint as the investigation proceeds, or denying statements made at an earlier stage.
- (g) The electronic or digital recording of meetings and conversations by the complainant without the prior knowledge and consent of other persons who are party to the meeting or conversation.
- (h) Refusal by the complainant to accept a decision made in accordance with the SOPD and combined with a refusal to take advantage of any applicable appeals process in the SOPD, but then repeatedly arguing the point and complaining about the decision.
- (i) The making by the complainant of persistent and unreasonably numerous contacts, whether by telephone calls or emails or otherwise, with staff or volunteers charged with dealing with the complaints under the SOPD.
- (j) The changing by the complainant of the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed in accordance with the SOPD.
- (k) The soliciting by the complainant of complaints from third parties relating to a specific member or group in the GPEW.
- (l) The submission by the complainant of a high volume of complaints which do not directly involve or affect the complainant.
- (m) The making of repeated complaints by the complainant in retaliation to a previous complaint against the complainant.

### The procedure for dealing with such complaints or conduct by the complainant

10 When the Governance Officer, or other member of staff employed by GPEW to administer the complaints process considers that a complaint, whether as a result of the conduct of the complainant or not, should be dealt with as unreasonable, persistent, abusive, malicious or vexatious in

accordance with this guidance note, that person must report the matter to the Complaints Manager. The Complaints Manager may then make a recommendation to the Disputes and Complaints Referral Group (DCRG) as to progressing the complaint, and any other action that may need to be taken.

11 The Governance Assistant must refer the matter to the Disputes and Complaints Referral Group (DCRG) for them to consider whether the complaint meets the criteria of being unreasonable, persistent, abusive, malicious or vexatious in line with this guidance.

12 On receipt of the reference of such a complaint, the DCRG must then deal with the matter as set out in SOPD 1.6. If the DCRG dismisses a complaint on the basis that it is unreasonable, persistent, vexatious, abusive or malicious, the complaint form and the identity of the complainant shall be disclosed to the respondent in accordance with SOPD, notwithstanding any request by the complainant for anonymity. If the DCRG dismisses the complaint, it may also decide to bar the complainant from access to the complaints process under the SOPD for such a period of time as appears to the DCRG reasonable in all the circumstances.

13 If the DCRG decides to dismiss the complaint or to bar the complainant from making future complaints for any period of time, the Governance Assistant must notify the complainant in writing of the DCRG decision and give its reasons. The decision of the DCRG is to be final.

14 If Disciplinary Committee and/or Appeals Committee are investigating and/or considering complaints previously brought by the complainant, then they must be informed of the decision to bar the complainant from making further complaints as the information may be material to their decisions regarding any current complaints.

15 Exceptionally, if a complainant has been barred from making complaints under SOPD under paragraph 13 above, the complainant may, with the prior written permission of the Complaints Manager, make a complaint about matters wholly different from those which were the subject of the dismissed complaint and which is reasonable to pursue.

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This guidance will be available in the GPRC Handbook and will be reviewed by GPRC at least biennially.