

Professional Conduct Procedure

PR2 - Protocol for Frivolous or Vexatious Complaints Protocol

The Case Manager will consider whether a complaint is frivolous or vexatious in line with paragraph 2.4(b)(ii) of the Professional Conduct Procedure (PCP). If they decide a complaint is frivolous or vexatious it will not be pursued.

The complaint should be sufficiently investigated by the Case Manager, so they can distinguish between complaints that are frivolous or vexatious and genuine complaints. The Case Manager may take advice from a relevant person as appropriate. If a complaint is declared frivolous or vexatious, the Complainant will be informed of the reasons why in writing. After a decision has been made, the Association will not enter any further correspondence on the subject.

Frivolous or vexatious complaints

A complaint may be regarded as frivolous or vexatious, where the complaint is intended to harass, distress, annoy, tease, agitate, disturb or otherwise cause trouble for the Member who is the subject of the complaint. This may include:

- complaints which have already been investigated by the Association and contain no new or material information
- cases where the Complainant changes the substance of a complaint or raises further trivial or unrelated concerns or questions while the complaint is being addressed
- complaints with no clear substance or where the Complainant does not articulate the precise issues, which may need to be investigated, despite reasonable efforts by the Association to conduct such investigations
- complaints which focus solely on trivial matters
- complaints which are malicious, false or otherwise intended to cause harm or distress to a Member

