

## **Unusually Persistent Complainants against the Police in Scotland**

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## **Contents**

Foreword	3
Acknowledgements	4
Introduction	5
Project governance	7
Aims	8
Literature review	9
Methodology	17
Results	19
Discussion	30
Limitations	33
Recommendations	34
Conclusions	35
References	36
Appendix A	38
Appendix B	50

## Foreword

The research on which this report is based arose from my view, shared by many others, that increasingly organisations are required to manage people who make persistent complaints. This small group of individuals can consume a disproportionate amount of an organisation's resources, pursuing what they believe are legitimate complaints, for longer and with more intensity than the majority of the population would consider reasonable.

The issue of managing persistent or querulous complainers faces almost every public and some private sector organisations. Public sector organisations are however subject to greater transparency and operate within an often more fixed customer service framework, than private companies.

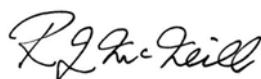
While the benefits of a transparent and accessible complaints system are obvious and unquestionably right in terms of public accountability, there are those whose expectations can never be met. Trying to resolve complaints from this challenging group often leads to a disproportionate amount of time and resource being directed towards satisfying these often unreasonable or unrealistic expectations, sometimes at the expense of the majority of service users. For anyone not directly involved in managing complaints from this group it is hard to comprehend the enormity of the task, as well as the emotional and physical strain that it can place on individuals within the organisation.

This issue was originally examined by researchers in New South Wales and published in an article "Unusually Persistent Complainers" in the *British Journal of Psychiatry* in 2001<sup>1</sup>. As Police Complaints Commissioner for Scotland, I commissioned the School of Forensic Mental Health (SoFMH) to carry out research that would build on that piece of work. I wanted to see if it might be possible to identify at an early stage individuals who were likely to become persistent complainers. The ultimate aim is to develop a response model that combines both preventive and reactive elements for complaint handlers to use when managing the expectations of these individuals, as well as a mechanism for effective management of case closure in a way that is consistent with best value while at the same time improving the individuals' complaint handling experience.

This report also helps us to frame new questions such as, has there been a dramatic change in writing style or can we recognise an increase in frequency and timing of correspondence, and identify them as signals that someone might become a persistent complainer and divert them to an appropriate management strategy.

This research report provides signposts to the answers to questions such as can we pick up on early warning signs, but not the answers themselves. These may come through further work that the PCCS now wants to carry out in developing a practical training manual for complaint handlers and case workers that they can use to when working with this group. This will be certain to include one of the messages from the New South Wales Ombudsman research report of 2009 that inspired this project, namely that 'the key to managing unacceptable complainant conduct is to manage your own response to it.'

I hope that this report contributes to the greater understanding and effective management of persistent complainers to the benefit of all parties.



Professor John McNeill  
Commissioner

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<sup>1</sup> Lester G, Wilson B, Griffin L, Mullen PE, Unusually Persistent Complainants, *British Journal of Psychiatry*, 2004, 184.

## **Acknowledgements**

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## Introduction

An effective system for handling complaints against the police is essential for securing the accountability of the police, and strengthening public confidence (Waters and Brown, 2000). The issue of complaints against the police attracts national media attention (BBC News Online, 2011). The challenges posed to complaints' handlers by unusually persistent complainants or 'querulants' are well recognised across the public sector. This is evidenced by the existence of specific policies and procedures to address what are variously referred to as 'unacceptable actions' (Police Complaints Commissioner for Scotland, 2010, Scottish Public Services Ombudsman, 2009, and Scottish Legal Complaints Commission, 2010), 'unreasonable complainers' (Fife Constabulary, 2009), 'persistent corresponders' (Ministerial Correspondence Unit, 2009), 'unreasonably demanding or persistent complaints' (The State Hospitals Board for Scotland, 2009) or 'vexatious complaints or allegations' (General Medical Council, 2009). Anecdotal evidence from a wide range of organisations and jurisdictions suggests that the problem is widespread and on the increase. In addition, the issues that complaints departments are addressing are increasingly complex (New South Wales Ombudsman, 2009A). Complaints against the police in Scotland are at a three year low (Police Complaints Commissioner for Scotland, 2011), however reports suggest an increasing amount of police time and resource is taken up dealing with unusually persistent complainants (Newcastle Journal, 2010). Whilst the unusually persistent comprise only 1-5% of all complainants, it is estimated that they consume 15-30% of professional standards resources (Mullen and Lester, 2006). This has a significant impact on both the handling of these particular complaints and on the service available to other complainants. In addition, there is evidence that complainants themselves experience significant adversity as a result of their persistent engagement in the complaints process (Lester *et al*, 2004). The need to manage such individuals proactively has been recognised internationally, with increasing demand for specific training in this issue for complaints handlers across several countries and cultures (Barbour, 2010).

Members of the public who have complaints about a police force, a police officer or one of the policing bodies must first give the police organisation concerned the opportunity to consider and respond to those complaints (complaints against Assistant Chief Constables, Deputy Chief Constables or Chief Constables must be raised with the relevant police authority for the force involved). Complaints alleging criminal conduct by an officer are reported to the local police force that will note a statement and refer the matter to the Area Procurator Fiscal. Complainants can raise their complaint against the police verbally or in writing. They are then requested to complete a standardised complaint form detailing the nature of their complaint. A supervisor or senior officer unconnected to the complaint from the local area will visit or telephone the complainant to explain the complaints procedure and discuss the complaint. Straightforward complaints are often resolved at this stage. For more serious or complex complaints a supervisor or senior member of the police organisation concerned will carry out an investigation in to the complaint and prepare a report that will be passed to the officer with overall responsibility for the type of complaint concerned. This report is then fed back in a letter to the complainant. If a complainant is dissatisfied with the response from the police organisation they can notify the organisation concerned and seek further explanation. If they remain dissatisfied, they can contact the Police Complaints Commissioner for Scotland (PCCS) and request a review of the way the police organisation handled their complaint (Scottish Government, 2010).

The PCCS is an independent organisation not connected to the police. It was set up under the Police, Public Order and Criminal Justice (Scotland) Act 2006 as a non-departmental public body (NDPB). The PCCS took over the powers of Her Majesty's Inspectorate of Constabulary Scotland (HMICS) on 1 April 2007 to review the handling of complaints about the police. The main role of the PCCS is to review the way in which police organisations in Scotland deal with complaints made by members of the public. In addition, it has the general function of securing efficient and effective arrangements for the handling of relevant complaints by police bodies in

Scotland. The PCCS can make a number of recommendations, including: that the police organisation concerned carries out further investigation and provides a further response to the complainant, that the organisation reconsiders the whole complaint under the supervision of the PCCS and that the police organisation makes changes to policies and procedures to ensure the same issues do not arise again (Police Complaints Commissioner for Scotland, 2010).

Recognising the difficulties that unusually persistent complainants pose to the police bodies in Scotland, the PCCS commissioned the University of the West of Scotland to undertake a short scoping study to review the literature on the subject and make recommendations on how to develop an effective solution (Louden and Best, 2010). Following the scoping study, the PCCS invited the School of Forensic Mental Health (SoFMH) to tender to undertake an improvement project to explore what models and techniques could be introduced across Scotland to ensure the effective management of unusually persistent complainants against the police. The SoFMH was established in 2007 and is hosted by the Forensic Mental Health Services Managed Care Network (Forensic Network). The SoFMH and the Forensic Network are primarily funded by the Scottish Government Mental Health Division and NHS Education for Scotland (NES). The SoFMH aims to address the teaching, training and research needs of forensic mental health and criminal justice services in Scotland and has support from health services and other agencies, such as the Scottish Prison Service (SPS), the Association of Chief Police Officers in Scotland (ACPOS), the Association of Directors of Social Work and local authorities. In March 2010, the SoFMH successfully tendered for the PCCS project.

## **Project Governance**

The project was governed by the PCCS Research Project Steering Group. Its members included the PCCS Director, Head of Corporate Services and Policy, Performance and Research Officer as well as Forensic Network Manager for SoFMH; and the research team (Professor Lindsay Thomson, Dr Gordon Skilling and Marianne Øfstegaard). The steering group met on a 3 monthly basis to review progress and agree the timeline and objectives for the next quarter. These meetings were minuted. Preliminary data from the project were presented at the PCCS 'Shaping the Agenda' conference in October 2011.

## Aims

The project had three main aims:

1. To devise a set of early warning signs to allow for the identification of complainants likely to become unusually persistent
2. To consider appropriate training methods for the police on the material developed for the first aim, and
3. To advise on the implementation of the research findings in to complaints handling practice.



## Literature Review

### Methodology

A literature search to identify all relevant publications was carried out. Medical and legal databases were searched using key text words and phrases. Titles and abstracts of papers were then reviewed for relevance. Papers containing original research or reviews on unusually persistent or querulous complainants were deemed relevant. Full text of all relevant papers published in English was then accessed electronically or in hard copy. A total of 15 journal articles were included in the literature review. Table 1 details the results of the literature search.

**Table 1: Number of publications identified by search term and database (relevant publications in brackets)**

Search term	Medline	Embase	PsycINFO	Westlaw	LexisNexis	HeinOnline
Complainers	85 (0)	66 (1)	91 (0)	1 (0)	2 (0)	0
Complainants	115 (4)	124 (4)	272 (7)	47 (3)	7 (1)	0
Persistent complainers	1 (0)	0	0	0	0	0
Persistent complainants	2 (2)	2 (2)	5 (5)	0	0	0
Querulous	24 (6)	10 (5)	46 (9)	0	0	0
Querulants	2 (1)	2 (2)	10 (2)	0	0	0
Querulousness	5 (0)	1 (0)	9 (0)	0	0	0
Paranoid querulants	0	0	0	0	0	0
Paranoid querulousness	0	0	0	0	0	0
Paranoia querulans	0	1 (0)	0	0	0	0
Vexatious	31 (6)	25 (5)	27 (4)	64 (2)	5 (2)	1 (0)
Vexatious litigants	2 (2)	1 (1)	3 (3)	16 (1)	4 (1)	0
Litigious paranoia	2 (1)	0	3 (1)	0	0	0

In addition to searching for medical and legal journal articles, we conducted an online search to identify existing policies and procedures on the management of unusually persistent complainants. A list of the most relevant agencies was drawn up and their websites searched for relevant policies. If policies were not available online, then agencies were contacted by email or telephone and a copy of their policy requested. A total of seven policies were included in the review.

**Table 2: Summary of documents identified by literature search**

Policies and Procedures			
Author	Date	Title	Area covered
Fife Constabulary	2009	<i>Policy on Unacceptable or Vexatious Actions by Complainants</i>	Policy document adapted from Scottish Public Services Ombudsman (SPSO) guidance (see below).
General Medical Council	July, 2009	<i>Vexatious Allegations – Guidance on the Application of Rule 4(3)(c) of the General Medical Council (Fitness to Practice) Rules 2004</i>	Guidance on the power of the General Medical Council to dismiss vexatious allegations at the initial consideration stage. Aimed at helping the Registrar deal fairly, objectively, proportionately and effectively with vexatious complaints.
Ministerial Correspondence Unit	November, 2009	<i>Ministerial Correspondence Step by Step Guide</i>	Guidance on the management of persistent corresponders to ministers, including process for classifying someone as a persistent correspondent. Does not define “persistent correspondent”.
Police Complaints Commissioner for Scotland	February, 2010	<i>Unacceptable Actions Policy</i>	Policy document adapted from SPSO guidance (see below).
Scottish Legal Complaints Commission	November, 2010	<i>Unacceptable Actions Policy, version 1</i>	Policy document adapted from SPSO guidance (see below).
Scottish Public Services Ombudsman	March, 2009	<i>Unacceptable Actions Policy</i>	Sets out aims policy and defines “unacceptable actions”. Describes management of such actions, including process for restricting contact with complainants and complainant’s right to appeal against such restrictions.
The State Hospitals Board for Scotland	May, 2009	<i>Patient and Carer Feedback Systems Incorporating the NHS Complaints Procedure</i>	Details the NHS complaints procedure, including dealing with unreasonably demanding or persistent complaints. Describes the process of classifying someone as unreasonably demanding or persistent and the steps to be taken before and after.

Journal Articles					
Author	Date	Title	Method	N	Main findings
Astrup C.	1984	<i>Querulant Paranoia: A Follow-Up</i>	Prospective cohort study with case series	2107 patients with functional psychoses  (22 cases of querulous paranoia identified)	Prevalence of 1%  Not related to functional psychoses  Conventional treatments ineffective
Bonner H.	1951	<i>The Problem of Diagnosis in Paranoid Disorder</i>	Retrospective cohort study	125 patients with paranoid disorder	Significant sociogenic and psychogenic trends in patient group
Freckleton I.	1988	<i>Querulant Paranoia and the Vexatious Complainant</i>	Review of clinical and legal issues by manager of Police Complaints Authority, Victoria	n/a	Highlights change to culture of complaining and need for quick identification and firm management
James D. et al.	2011	<i>Stalkers and harassers of British Royalty: An exploration of proxy behaviours for violence</i>	Retrospective cohort study	222	Querulous complainants over represented in those exhibiting proxy behaviours for violence
Lester G., Wilson B., Griffin L., Mullen P.E.	2004	<i>Unusually Persistent Complainants</i>	Retrospective controlled cohort study	52	Persistent complainants aims fit badly with complaints systems  They suffer significantly adverse consequences  Methods of early detection and management should be developed
Lorentzen S.	1978	<i>Paranoia querulans</i>	Review of clinical issues with illustrative case histories	n/a	Disorder caused by predisposition in personality triggered by adverse event  Prevalence estimated at <1% of patients with psychosis

McKenna P.J.	1984	<i>Disorders with overvalued ideas</i>	Review of clinical concept of overvalued ideas	n/a	Querulous paranoids have overvalued idea rather than delusion
Mullen P.E.	2004	<i>Authors reply (correspondence)</i>	Correspondence  (author's reply)	n/a	Reinforced aim of research was to understand and assist complainants
Mullen P.E., Lester G.	2006	<i>Vexatious Litigants and Unusually Persistent Complainants and Petitioners: From Querulous Paranoia to Querulous Behaviour</i>	Review article	n/a	Outlines phenomenological and nosological issues and emphasises risks of threatening and violent behaviour
Pal R.	2004	<i>In Defence of Complainants</i>	Correspondence	n/a	Defends complainants and criticises Lester <i>et al's</i> (2004) research as stigmatising and damaging to complainants
Rowlands M. W. D.	1988	<i>Psychiatric and Legal Aspects of Persistent Litigation</i>	Review article with case series	5	Divides persistent litigators into four types and illustrates with cases  Proposed the term 'querulous syndrome'
Stalstrom O.W.	1980	<i>Querulous Paranoia: Diagnosis and Dissent</i>	Review article	n/a	Explores the possible misuse of the diagnosis of querulous paranoia for political and social purposes
Ungvari G.S., Hollokoï R.I.M.	1993	<i>Successful Treatment of Litigious Paranoia with Pimozide</i>	Case report	1	Questions the modern categorisation of querulousness as a delusional disorder  Long term use of medication may be beneficial
Waters I., Brown K.	2000	<i>Police Complaints and the Complainants' Experience</i>	Complainant survey	230	Most dissatisfaction was around length of time to address complaints and not being kept informed of progress
Winokur G.	1977	<i>Delusional disorder (paranoia)</i>	Retrospective cohort study	21000 general psychiatric patients	Only 5 cases of querulous paranoia identified

## Findings

### Definitions and Psychopathology

The word 'querulous' derives from the late 15<sup>th</sup> Century Latin '*queri*' meaning 'to complain'. Chronic complainants or 'querulants' were well described in 19<sup>th</sup> and 20<sup>th</sup> Century European psychiatric literature (Lester *et al*, 2004). In a detailed review of the subject published in 1978, Lorentzen highlighted that the term 'querulous paranoia' first appeared in a Prussian legal code of 1793 (Stalstrom, 1980).

Current psychiatric diagnostic guidelines classify querulous paranoia as a persistent delusional disorder (World Health Organisation, 1992) or a delusional disorder (American Psychiatric Association, 1994). Historically, there were two schools of thought on the underlying psychopathology of the querulant. The first, whose proponents included Krafft-Ebing and, in the earlier stages of his career at least, Kraepelin, regarded querulous behaviour as a symptom of paranoid illness, and classified such individuals as delusional (Ungvari and Hollokoi, 1993, Stalstrom, 1980). The second believed that querulous behaviour was not a process psychotic illness, but was the prototypical expression of the 'overvalued idea' and was related to abnormal personality development and environmental factors (Ungvari and Hollokoi, 1993, Stalstrom, 1980, Rowlands, 1988). Karl Jaspers (1959), in his seminal work on the description and classification of psychopathology, defined overvalued ideas as "convictions that are strongly toned by affect which is understandable in terms of personality and its history". In the latter stages of his career, Kraepelin had been persuaded by the alternative view (Ungvari and Hollokoi, 1993).

In a 1952 publication, Von der Heydt subdivided querulous patients into those with 'normal' querulous behaviour, which was situational; 'genuine' querulous behaviour, when the symptoms were closely related to character and personality; and 'symptomatic' querulous behaviour, connected with psychosis or other major mental illness (Stalstrom, 1980). Lorentzen considered that Von der Heydt's 'genuine' querulousness corresponded to querulous paranoia, in that there was a predisposition in the individual's personality, which was triggered by one or more precipitating factors (Stalstrom, 1980).

McKenna (1984) supported the concept that those with querulous paranoia had an overvalued idea, and not a delusion, by stating that "the central belief lacks a specifically delusional quality". Rowlands (1988) proposed a new term, 'querulous syndrome', which he defined as, "A condition in which there is an overvalued idea of having been wronged, that dominates the mental life, and results in behaviour directed to the attainment of justice, and which causes significant problems in the individual's social and personal life. It usually, but not always, involves petitioning in the courts or other agencies of administration".

### Querulousness as a Problem Behaviour

Debate on how best to understand and classify the core psychopathology of these individuals was never satisfactorily resolved. Part of the resulting legacy is a confusing range of, largely interchangeable, terms such as 'querulants', 'querulous paranoids', 'paranoid litigants', 'litigious paranoids', 'vexatious paranoids' and 'vexatious litigants', all of which appear in the literature. More recently, Mullen and Lester (2006) shifted the focus from the underlying brain disorder to the behaviour itself. They used the term 'querulousness' to refer to a constellation of behaviours and attitudes, which may, or may not, arise secondary to a major mental disorder. The key is that it is a problem behaviour, the causes of which can be many and varied. The behaviour involves "the unusually persistent pursuit of a personal grievance in a manner seriously damaging to the individual's economic, social, and personal

interests, and disruptive to the functioning of the courts and/or other agencies attempting to resolve the claims” (Mullen and Lester, 2006).

### Studies of Querulousness

Most studies of querulousness have tended to focus on those with a psychotic or delusional form of the disorder. The first detailed study of the clinical presentation, course and outcome of querulous states was published in Germany by Kolle in 1931 (Ungvari, 1993). His findings were based upon information obtained on 49 patients from several German psychiatric clinics who had been diagnosed with querulous paranoia. He concluded that the disorder was rare and was not genetically related to psychotic illnesses such as schizophrenia. He also found that it was not a deteriorating condition, with few patients to be found chronically ill in psychiatric hospitals (Rowlands, 1988). He coined the phrase ‘querulous reaction’, regarding it not as a disease but as abnormal development of personality (Ungvari, 1993).

Winokur (1977) and Astrup (1984) also studied patients with querulant delusions and arrived at similar conclusions to Kolle. They found it to be a rare condition. Winokur reviewed over twenty thousand case histories of psychotic patients from the Psychiatric Hospital of the University of Iowa, and identified only 5 cases of querulous paranoia. Astrup identified 15 cases of querulous paranoia in a cohort of 2107 patients with functional psychoses in Oslo. Most sufferers were males aged between 40 and 60 years and had a chronic course of illness, though few required long term hospitalisation. Treatment with psychotropic drugs and/or ECT had very little effect. In highlighting the high rates of pre-morbid personality pathology, Astrup regarded these patients as “self-assertive and other psychopaths who, because of some unlucky circumstances, developed querulant delusions”. Other pre-morbid personality traits highlighted in the literature include an inability to compromise, meticulousness, high aspirations, hostility, distrust, ego-centricity, mercilessness, emotional coldness and hypersensitivity to criticism (Ungvari, 1993). Circumstantiality and a stilted, pompous style of expression coupled with a marked rigidity of cognitive functioning were emphasised in the earlier literature (Ungvari, 1993).

Given the consistency in the literature of abnormal personality as a predisposing risk factor to querulousness, it is reasonable to highlight the role of childhood experience in the aetiology of the disorder. Previous authors have suggested that the roots of the disorder may lie in childhood experience (Rowlands, 1988). Astrup (1984) stated that most querulants had experienced a strict upbringing with disturbed relationships with their parents and that their resulting personal insecurities were masked by aggressive attitudes. In a large sample of paranoid patients (not necessarily querulous paranoids), Bonner (1951) found that 71% reported a harsh upbringing and emotionally cold parents.

### Research into Persistent Complainants

The most detailed study of querulousness was carried out by Lester *et al* published in 2004. They analysed data on 52 persistent complainants and 46 controls from six ombudsmen’s offices across Australia. The data were collected by experienced complaints professionals. Lester *et al* identified significant differences between the groups in terms of the volume of communications, the nature and aim of the complaints, the form of the complaints, the behaviour of the complainants and the impact of the process on the complainants.

The persistent complainants communicated more frequently and at far greater length with the complaints agencies. They were more likely to turn up without an appointment and to communicate by email. Their aims differed substantially from those of the controls. They

more frequently sought recognition of the wider social implications of their complaint and public recognition of their struggles. They sought retribution or revenge for their perceived wrong and demanded justice for themselves based upon claims of principle. They were also more likely to vary the nature and grounds of their complaint over time.

Lester *et al* identified dramatic differences in the form and style of the persistent group's communications. They were more likely to use excessive and unusual forms of emphasis, such as multiple capitals, bolding and underlining. They made copious marginal notes and used colour highlighting excessively. An additional finding was the high frequency of difficult, intimidating or threatening behaviour by the persistent group. They were often overtly offensive and overly dramatic or ingratiating. Threats to both self and others were not uncommon, with more than half of the unusually persistent group making some form of threat of violence to complaints handlers. Mullen and Lester (2006) emphasised that threats were a frequent accompaniment of querulous behaviour and, though serious violence was uncommon, it was usually preceded by a period of threatening. Threats should therefore never be ignored. In their study of stalkers and harassers of Royalty, James *et al* (2011) found that querulants were significantly over-represented among those breaching security barriers, those gaining close proximity to a Royal Family member and among those carrying weapons, behaviours considered to be proxies for attack. They were reported as having far greater investment in their claim and, by pursuit of their claim, were more likely to have suffered damage to their relationships, social lives and finances.

In attempting to study the impact of the initial management of the complaints on their subsequent course, Lester *et al* could identify no significant differences between the persistent and control groups in terms of how their complaints were initially handled. They did highlight the possibility that bias on the part of the complaints professionals collecting the data may have been a factor in their inability to demonstrate any such difference.

They concluded that the behaviours that differentiated the unusually persistent cases from the controls were nearly always apparent by the time the complaint reached the complaints agency and that, in theory at least, it should be possible to identify early many of those at risk of becoming abnormally persistent. Lester *et al* (2004) identified the need for further research on methods of complaint management aimed at preventing the emergence of querulousness.

#### Modern Management of Persistent Complainants

Building on Lester *et al*'s (2004) work, the New South Wales Ombudsman (2009B) conducted a quality improvement project on the management of "unreasonable complainant conduct". Unreasonable complainant conduct included unreasonable persistence, unreasonable demands, unreasonable lack of cooperation, unreasonable arguments and unreasonable behaviour. The project included a detailed review of the literature and management strategies and led to the production of the comprehensive *Managing Unreasonable Complainant Conduct Practice Manual* (New South Wales Ombudsman, 2009A). The manual is an informative guide to a systematic and consistent approach that aims to discourage unreasonable complainant conduct. It is based around twenty key elements, including that the focus should be on the conduct rather than the person and that the most effective way for complaint handlers to manage such conduct is to manage their own response to it. No data on the impact of the manual is available as yet, though it has proved extremely popular with complaint handling agencies in several countries (Barbour, 2010).

Despite the fact that countless initiatives to give individuals more rights and to make public officials more accountable have been launched in the past three or four decades (Freckleton,

1988, Mullen and Lester, 2006), academic interest in these individuals fell away in the latter part of the 20<sup>th</sup> century (Lester *et al*, 2004). In highlighting this paradox, Mullen and Lester (2006) pointed out the difficulties of studying the pathologies of complainants, which could potentially strip an individual of legitimacy, when the cultural shift was toward increased individual rights and more accountability of public bodies. There are those who regard the persistent complainant, not as unusual or abnormal, but merely someone with the energy and commitment to pursue their rights (Stalstrom, 1980) and that pathologising them is done by those who wish to use psychiatry to silence criticism (Pal, 2004). In attempting to get the querulous back on the research agenda, Lester *et al* (2004) reinforced the need to further understand and assist those damaged by their engagement with systems of complaints resolutions.

### Summary

Unusually persistent or querulous complainants are not a new phenomenon. There is a body of academic literature on the subject, though studies are relatively few in number and many are now quite dated. Historically, academic focus has been on understanding the underlying psychopathology. More recent work has viewed querulousness as a problem behaviour which, like any behaviour, can be caused by multiple factors such as personality, mental illness or situational factors. Our study aims to contribute toward a helpful, practicable solution to the problem of unusually persistent complainants for complaints handlers. The vast majority of these complaints handlers will have no formal mental health training or experience. For the purposes of this project therefore, we have adopted the approach taken in recent work of viewing querulousness as a problem behaviour rather than as a specific psychopathology.



## **Methodology**

### **Data Collection Sheet (appendix A)**

We hypothesised that there were signs of querulousness evident immediately or very early on in the complaints process and signs that would only become manifest later on in that process. Likewise, we hypothesised that there were complaints handling strategies that should be utilised at the start of the process and those that were more relevant later on. In order to test these hypotheses we designed a data collection sheet containing five sections. The first section covered basic demographic information. The second and third sections covered what we termed 'early' and 'later' signs of querulousness respectively. The purpose of these sections was to identify what, if any, warning signs of querulousness were evident from the outset of the process, and what signs emerged later on. Early signs were defined as those present in any of the communications from, or behaviours of, the complainants *prior* to the acknowledgement of the complaints by the police force. Later signs were defined as those evident in any of the communications from, or behaviours of, complainants *subsequent* to the acknowledgement of the complaints by the police force.

To assess the influence of the manner in which the complaints were handled initially, the fourth and fifth sections of the data collection sheet covered what we termed 'preventive' and 'curative' management strategies respectively. Preventive management strategies were defined as those utilised in the acknowledgement of the complaints by the police force. Curative management strategies were defined as those utilised in any subsequent communication from the police force or the PCCS to the complainants. A copy of the data collection sheet is enclosed in Appendix A.

Our method of distinguishing between early and later signs and between preventive and curative management strategies was novel and had not previously been made utilised in other studies. It ensured that we captured any warning signs as early as possible and were able to measure differences in how complaints were managed between the groups.

### **Case selection**

Data were collected on 60 complainants; 20 'querulous' complainants, 20 'persistent' complainants and 20 control complainants. The querulous and persistent cases were selected by experienced complaints handling professionals at the PCCS. Consistent with a previous study (Lester *et al*, 2004) which identified cases based upon their extensive knowledge of the caseload. Querulous cases were those deemed most unusual in terms of their duration, complexity and use of complaints handling resources. A total of 20 querulous cases were identified. This was the total number of querulous cases known to the PCCS and therefore defined the numbers in the other two groups. Given the relatively small numbers of querulous cases identified, and the difficulties inherent in formally closing such cases, we decided that the querulous group could contain both open and closed cases. Persistent cases were selected from the group of complainants whose case had reached the PCCS but had been resolved and closed thereafter. These were cases deemed straightforward by the PCCS complaints handlers. The inclusion of a persistent group was unique to our study. Its purpose was to allow a comparison of complainants whose cases had progressed to the PCCS but whom were viewed as qualitatively different from those deemed querulous. Clearly the vast majority of complainants whose case progresses to the PCCS are not viewed as querulous. If this was indeed accurate, then the inclusion of a persistent group would allow us to demonstrate this. Control cases were selected by the professional standards staff

at Grampian Police. They selected the first 20 consecutive complaints received from a random start date (1 April 2009). All control cases were closed cases that had been resolved without reference to the PCCS. The groups were not matched for age, gender or date of complaint.

### **Data Collection**

PCCS staff received training in the completion of the data collection sheet. Data on the querulous and persistent groups were then collected by PCCS and SoFMH staff using case records held by the PCCS. Due to the volume, complexity and content of the case files of the querulous group, it was not possible to blind the raters to which group each case belonged to. To enhance inter rater reliability, cases were rated in parallel and any uncertainties agreed upon by those rating the cases.

Due to confidentiality rules, which prevented the project team accessing police force complaints files directly, data on the control group were collected by professional standards staff at Grampian Police. This was carried out during a two-day workshop held at Grampian Police Professional Standards Department in March 2011 (see Appendix B for workshop timetable). During the workshop, professional standards staff received training on the data collection sheet and then rated the cases in parallel to ensure interrater reliability. SoFMH and PCCS staff did not access the professional standards files, but were present during the data collection to address any areas of uncertainty. To ensure compliance with confidentiality rules, all data collected on the controls were anonymised and each control was allocated a code. The key to the code was retained by Grampian Police Professional Standards Department.

### **Data Analysis**

Data were collated and analysed using SPSS version 17. The three groups were compared across all variables using cross tabulation. Kruskal-Wallis tests were then performed on non-parametric data to identify any differences of statistical significance. Mann-Whitney tests were used to identify where the significant differences lay between the groups. As there were three groups, a Bonferroni correction was used to amend the level at which statistical significance was defined.

## Results

### **Demographic Information**

The demographic details of the three groups are set out in table 2. The majority in each group was male and in their 40s. Ethnicity was known in 66% (40/60) of cases. Of those, there were no significant differences between the groups, the vast majority being white. Marital status was known in 48% (29/60) of cases, with slightly higher numbers of individuals in the querulous group being single or divorced, though this was not statistically significant. The presence or absence of a criminal record was known in 62% (37/60) of cases, with significantly higher numbers of persistent and querulous complainants having a criminal record.

**Table 3: Demographic information of complainants**

	Control (%)	Persistent (%)	Querulous (%)	P value
Gender				
Male	18 (90)	13 (65)	16 (80)	.155 (crosstabs)
Female	2 (10)	7 (35)	4 (20)	
Mean age (years)	43.3	45.3	48.7	.193  (one-way ANOVA)
Ethnicity				.075 (crosstabs)
White	15 (100)	9 (100)	15 (94)	
Other	0	0	1 (6)	
Marital status				.248 (crosstabs)
Married/cohabiting	6 (100)	7 (78)	7 (50)	
Divorced	0	1 (11)	3 (21)	
Single	0	1 (11)	4 (29)	
Criminal record				.021 (chi square)
Yes	8 (40)	5 (100)	9 (75)	
No	12 (60)	0	3 (25)	

## Early Signs

Early signs of querulousness were defined as those present in any of the communications from, or behaviours of, the complainants *prior* to the acknowledgement of the complaints by the police force. Items such as writing style and content of communications, as well as behaviours such as showing up at the complaints agency unannounced or exhibiting aggressive or violent conduct were included (for a complete list of early signs see the data collection sheet at appendix A).

The time lapsed between incident and complaint was significantly longer for the querulous and persistent groups compared to the control group. The time lapsed between the date of complaint and the date of acknowledgement by the police force was significantly longer for the querulous group compared to the control group (table 4).

**Table 4: Days from incident to complaint and from complaint to acknowledgement of complaint**

	Control	Persistent	Querulous	Kruskal Wallis	Mann Whitney U		
					CvP	PvQ	CvQ
Time lapsed between incident and complaint (days)	32.2	151.5	283.6	.015*	.021*	.481	.009* *
Time lapsed between date of complaint and date of acknowledgement by police force (days)	5.9	9	20.6	.088	.421	.139	.036*

### Kruskal Wallis

\* Significant (< .05)

### Mann Whitney U

\*Significant without Bonferroni correction (< .05)

\*\* Significant with Bonferroni correction (< .017)

The mean number of communications lodged by the complainants before their complaint was acknowledged by the police force was significantly higher for the querulous group compared to both the persistent and control groups (table 5). The mean number of pages of complaint submitted prior to acknowledgement of the complaint was significantly higher for both the querulous and persistent groups compared to the control group (table 5).

**Table 5: Mean number, length and duration of communications prior to acknowledgement of complaint**

	Control	Persistent	Querulous	Kruskal Wallis	Mann Whitney U		
					CvP	PvQ	CvQ
Number of communications lodged <i>before</i> acknowledgement of the complaint (including written and non-written)	1.15	1.15	4.05	.002*	.689	.008**	.004**
<i>Pages</i> of written communications lodged <i>before</i> acknowledgement of the complaint	1.25	2.8	7.75	.001*	.006**	.096	.001**
Duration of phone calls and meetings <i>before</i> acknowledgement of the complaint (minutes)	0	0	2.75	.368	1.000	.317	.317

**Kruskal Wallis**

\* Significant (< .05)

**Mann Whitney U**

\*Significant without Bonferroni correction (< .05)

\*\* Significant with Bonferroni correction (< .017)

There were significant differences between the querulous and other groups in the content of the initial complaint submissions (table 6). Of note, the control group were more likely to frame their complaint in terms of morals, justice or the public interest in the early stages.

**Table 6: Content of initial complaint submissions**

	Control	Persistent	Querulous	p (Chi square)
Showed up unannounced	1	2	2	.804
Acted violent or threatening	0	0	0	n/a
Left case officer feeling threatened or distressed	0	0	0	n/a
Give forceful instructions on how the complaint should be handled	3	0	3	.195
Seek vindication, retribution or revenge	0	0	1	.343
Freedom of Information requests	0	1	1	.588
Sought legal advice prior to making the complaint	1	1	10	.000*
Unrealistic expectations	2	0	6	.013*
Frame complaint in terms of morals, justice or the public interest	8	0	2	.002*
Failed to define their complaint clearly	0	0	9	.000*
Self-report mental health problems	0	1	2	.342
Alleged that multiple agencies were conspiring against them	0	0	6	.001*
Voice bizarre beliefs	0	0	0	n/a
Ingratiating or manipulative	0	0	2	.113
Intimidating, confrontational or rude	0	0	6	.001*
Overtly angry or aggressive language	1	0	3	.118
Veiled threats of self harm	0	1	0	.380
Explicit threats of self harm	0	1	0	.380
Veiled threats of harm to others	0	0	0	n/a
Explicit threats of harm to others	0	0	0	n/a
Give obvious misinformation	0	0	2	.113

**Chi Square**

Significant (< .05)

There were significant differences between the querulous and other groups in the writing style of the initial complaint submissions (table 7).

**Table 7: Writing style of initial complaint submissions**

	Control	Persistent	Querulous	p(Chi square)
Uses multiple capitals	2	4	5	.631
Uses repeated underlining	1	2	1	.899
Uses repeated inverted commas	0	0	2	.132
Makes multiple comments in margin	0	0	0	n/a
Uses repeated punctuation, font changes, italics and bolding excessively	1	2	4	.372
Uses coloured highlighting excessively	0	0	0	n/a
Uses three or more forms of above emphases in one letter	1	2	1	.899
Uses legal or medical terminology inappropriately	0	0	1	.371
Excessively dramatic or emotional language	1	1	12	.000*
Include excessive or irrelevant information	2	0	11	.000*
Vague, incoherent or difficult to follow	0	0	9	.000*

**Chi Square**

Significant (< .05)

**Later Signs**

Later signs of querulousness were defined as those evident in any of the communications from, or behaviours of, complainants *subsequent* to the acknowledgement of the complaints by the police force. Items such as writing style and content of communications, as well as behaviours such as showing up at the complaints agency unannounced or exhibiting aggressive or violent conduct were included (for a complete list of later signs see the data collection sheet at appendix A).

The mean total number of communications (written and non-written) and total number of pages lodged for the complainants first complaint against the police was significantly higher for the querulous group compared to the persistent and control groups and for the persistent group compared to the control group (table 8). The mean total duration of phone calls and meetings was significantly higher for the querulous group compared to the persistent and control groups (table 8).

**Table 8: Mean total number, volume and duration of communications for initial complaint against the police**

	Control	Persistent	Querulous	Kruskal Wallis	Mann Whitney U		
					CvP	PvQ	CvQ
<b>Total</b> number of communications for <b>initial</b> complaint (including written and non-written)	2.8	8.5	109.8	.000*	.000**	.000**	.000**
<b>Total</b> number of pages submitted for <b>initial</b> complaint	3	24.7	241.6	.000*	.000**	.000**	.000**
<b>Total</b> number of pages submitted for <b>subsequent</b> complaints	0	0	36.7	.000*	N/A	.001**	.001**
<b>Total</b> minutes of phone calls and meetings for <b>initial</b> complaint	.15	.7	123.7	.000*	.541	.001**	.000**
<b>Total</b> minutes of phone calls and meetings for <b>subsequent</b> complaints	0	0	11.35	.131	N/A	.001**	.001**

**Kruskal Wallis**

\* Significant (< .05)

**Mann Whitney U**

\*Significant without Bonferroni correction (< .05)

\*\* Significant with Bonferroni correction (< .017)



The querulous group were more likely to communicate by email than the other two groups (table 9). They were also more likely to contact other individuals or organisations regarding their complaint (table 10). Typically these were politicians (including Ministers and other senior politicians), legal professionals (including senior prosecutors and judges), voluntary organisations and the media.

**Table 9: Total number of communications per group by type**

	Control	Persistent	Querulous	Kruskal Wallis	Mann Whitney U		
					CvP	PvQ	CvQ
	Number (%)	Number (%)	Number (%)				
Handwritten letter	2 (6)	28 (21.5)	94 (6)	.056	.165	.276	.017**
Typed letter	8 (26)	54 (41.5)	387 (25)	.000*	.001**	.002**	.000**
Fax	1 (3)	2 (1.5)	39 (3)	.372	.971	.264	.264
Email	3 (10)	44 (34)	978 (64)	.002*	.165	.025*	.001**
Total	31 (100)	130 (100)	1528 (100)	.000*	.000**	.000**	.000**

**Kruskal Wallis**

\* Significant (< .05)

**Mann Whitney U**

\*Significant without Bonferroni correction (< .05)

\*\* Significant with Bonferroni correction (< .017)

**Table 10: Number of other agencies contacted regarding initial complaint**

	Control	Persistent	Querulous	Kruskal Wallis	Mann Whitney U		
					CvP	PvQ	CvQ
Mean number of other Organisations Contacted	.35	2.15	5.1	.000*	.000**	.000**	.000* *

**Kruskal Wallis**

\* Significant (< .05)

**Mann Whitney U**

\*Significant without Bonferroni correction (< .05)

\*\* Significant with Bonferroni correction (< .017)

The content of later communications by the querulous group differed significantly from that of the other two groups (table 11).

**Table 11: Content of later complaint submissions**

	Control	Persistent	Querulous	p(Chi square)
Refuse to accept decision of the complaints handling agency	0	20	19	.000*
Ask for a review of decision	0	19	19	.000*
Question the integrity or competence of the complaints handler	0	0	18	.000*
Give forceful instructions on how the complaint should be handled	0	1	14	.000*
Wants vindication, retribution, revenge	1	3	5	.208
Submit Freedom of Information or Data Protection Act requests	0	0	14	.000*
Have unrealistic expectations about what the complaints department can achieve	0	0	14	.000*
Request legal advice about their complaint	1	5	18	.000*
Frame their complaint in terms of morals, justice or the public interest	1	2	11	.000*
Fail to clearly define their complaint	0	0	11	.000*
Self-report mental health problems	0	1	9	.000*
Allege that multiple agencies were conspiring against them	0	0	14	.000*
Content of communication seems bizarre	0	0	2	.126
Ingratiating or manipulative	0	0	7	.000*
Intimidating, confrontational or rude	0	0	14	.000*
Overtly angry or aggressive	0	0	9	.000*
Veiled threats of self harm	0	1	2	.349
Explicit threats of self harm	0	1	3	.153
Veiled threats of harm to others	0	0	2	.126
Explicit threats of harm to others	0	0	1	.362
Provide previously withheld information at the end of the process in an attempt to have the case re-opened	0	0	5	.004*
Fail to fully disclose information requested by the complaints handler	0	0	3	.043*
Re-frame a complaint in an attempt to have it taken up again	0	0	9	.000*
Raise a range of minor or technical issues, arguing that these call in to question the decision of the complaints handling agency	0	0	10	.000*
Expect a review of the decision based merely on dissatisfaction (link to previous finding of review requests)	0	0	17	.000*
Take their complaint to other agencies and alleging bias or corruption on the part of the complaints handling agency merely because the decision went against them	0	0	12	.000*
Display adverse consequences of pursuing the complaints process	0	0	11	.000*
Give obvious or clear misinformation	0	0	10	.000*

**Chi Square**

Significant (< .05)

In terms of writing style, insufficient data were available for the control group (because 16/20 did not submit any further written correspondence following the acknowledgement by the police force) to allow a direct comparison. Complete data were available for both the querulous and persistent groups, and these were compared. There were significant differences in writing style evident between these two groups (table 12).

**Table 12: Writing style of later complaint submissions**

	Persistent	Querulous	p(Chi square)
Multiple capitals	2	13	.000*
Repeated underlining	0	10	.000*
Repeated inverted commas	0	10	.000*
Multiple comments in margins	0	8	.000*
Repeated punctuation, italics or bolding	1	10	.000*
Uses coloured highlighting excessively	1	1	n/a (same)
Three or more forms of emphasis in one letter	1	8	.000*
Use medical or legal terminology inappropriately	0	4	.000*
Excessively dramatic or emotional language	1	20	.000*
Excessive or irrelevant information	0	18	.000*
Rhetorical questions	1	11	.000*
Be vague, incoherent or difficult to follow	0	8	.000*

**Chi Square**

Significant (< .05)

The significant differences in conduct between the groups following acknowledgement by the police force are highlighted in table 13.

**Table 13: Complainant conduct**

	Control	Persistent	Querulous	p(Chi square)
Record meetings or telephone calls	0	0	6	.001*
Hang-up during telephone calls	0	0	6	.001*
Leave the complaint handler feeling threatened or distressed	0	0	3	.043*

**Chi Square**

Significant (< .05)

## **Management Strategies**

### **Preventive**

'Preventive' management strategies were ascertained from the initial acknowledgement letter from the police force. They were defined as any complaint handling strategy or intervention utilised in the acknowledgement letter or any information enclosed with that letter. Typically these would aim to induct the complainant in to the complaints process. It was standard procedure for police forces to enclose an information leaflet on the complaints process with a brief acknowledgement letter. There were few differences therefore between the groups on any of the preventive management strategies. In 45% (9/20) of both the querulous and persistent cases it was made explicit to the complainant that they were expected to fully disclose all relevant information at the outset. This was compared with 100% (16/16) of control cases. Similarly, 10% (2/20) of the querulous group and 30% (6/20) of the persistent group were told explicitly to organise and summarise all such information. This was compared with 100% (16/16) of the controls.

Several of the key preventive strategies identified in the literature were not utilised in the acknowledgment phase of the complaint handling process in any of the groups. For example, making it clear that:

- The complaints department 'owned' the complaint,
- The complaints department will decide on its priority, how quickly it will be dealt with and how much resource it will be allocated
- The complaints department will decide the outcome
- What conduct the complainant should expect from the complaints department and vice versa, and
- The complaints department will not give legal advice and does not represent the complainant.

### **Curative**

'Curative' management strategies were ascertained from any communication with the complainant subsequent to the initial acknowledgment of their complaint. They were defined as any complaint handling strategy or intervention utilised by the police force or by the PCCS after the acknowledgement of the complaint. Typically these would aim to maximise the efficiency of the process and the chances of satisfactory outcome for both complainant and complaint handler. Direct comparison between the groups was difficult due to several items not applying to members of both the control and persistent groups (i.e. the item was not there to 'cure'). So totals are out of less than 20 or are N/A for several items. Also, due to the small numbers for several items, statistical testing was only possible on three of the items and it was not possible to demonstrate statistically significant differences between the groups on these items (table 14)

**Table 14: Utilisation of curative management strategies across groups**

Management strategy	Controls		Persistent		Querulous		p (Chi square)
	Police Force	PCCS	Police Force	PCCS	Police Force	PCCS	
Key issues of their complaint defined and conformed with the complainant	70% (14/20)	N/A	47% (9/19)	100% (17/17)	58% (11/19)	89% (17/19)	.538
Hopes or expectations checked and corrected if unrealistic	0% (0/1)	N/A	100% (1/1)	66% (2/3)	26% (5/19)	56% (10/18)	n/a
Limitations of the complaints agency clarified	50% (1/2)	N/A	100% (1/1)	100% (3/3)	45% (5/11)	94% (15/16)	n/a
Decision asserted clearly and firmly	70% (14/20)	N/A	79% (15/19)	100% (17/17)	63% (12/19)	100% (18/18)	.705
Emphasised that it was their final decision	25% (5/20)	N/A	32% (6/19)	100% (17/17)	26% (5/19)	83% (15/18)	.867
If requested review, provided argument for one	N/A	N/A	50% (2/4)	0% (0/1)	0% (0/13)	56% (5/9)	n/a
Prevented from reframing complaint	N/A	N/A	100% (1/1)	N/A	0% (0/11)	66% (4/6)	n/a
One review only	N/A	N/A	50% (1/2)	100% (1/1)	58% (7/12)	83% (5/6)	n/a
Restricted contact	N/A	N/A	N/A	N/A	0% (0/3)	0% (0/2)	n/a
Restricted to writing only	N/A	N/A	N/A	N/A	N/A	50% (1/2)	n/a
Did not respond to cc	N/A	N/A	N/A	N/A	75% (3/4)	66% (4/6)	n/a
No further correspondence	N/A	N/A	N/A	N/A	0% (0/2)	66% (2/3)	n/a
Contact ended if untruthful	N/A	N/A	N/A	N/A	20% (1/5)	0% (0/3)	n/a
Asked to re-write rude language	N/A	N/A	N/A	N/A	0% (0/6)	0% (0/5)	n/a
Ended abusive calls immediately	0% (0/1)	N/A	N/A	N/A	50% (1/2)	100% (3/3)	n/a

## **Discussion**

### **Findings consistent with the existing literature**

There were no clear demographic differences between the querulous complainants, persistent complainants and control complainants. Consistent with previous studies, complainants tended to be middle aged males (Astrup, 1984, Lester *et al*, 2004).

On other measures, the querulous complainants differed significantly from other complainants. Several of these differences became evident, or more marked, as the complaints process progressed, however there were some key features of querulousness that were present from the outset. Consistent with Lester *et al* (2004) we found that differences in the number, volume, content and style of communications were present before the police force had acknowledged the initial complaint. The existence of such 'early warning signs' could be utilised to identify individuals at increased risk of querulousness and allow for appropriate management strategies to be introduced at an early stage. Differences in the content of communications became much more marked as the complaints process progressed, with a clear sense that querulous complainants became more invested, both in terms of resource and emotion, as their involvement with the complaints department persisted. Querulous complainants produced far greater volumes of material and were more likely to communicate via e-mail. The number of other individuals and organisations contacted about the complaint, as well as the seniority of those individuals contacted, also speaks to the level of importance that the querulous group attached to their complaints. Again, this was consistent with the findings of Lester *et al* (2004). An additional implication of our finding that the querulous group contacted multiple other agencies is that they are highly likely to be complex and challenging complainants, not just against the police, but against these other agencies also and our findings are therefore likely to be generalisable to complainants across the public sector.

Similar to Lester *et al* (2004), we identified high rates of *self-reported* negative consequences for the querulous group. In more than half of the querulous cases, the complainants described suffering adverse financial, social, occupational, relationship or health consequences. Though it was not possible to conclude that these adverse consequences were a direct result of the complainants' excessive engagement with the complaints process, it was clear that the complainants themselves attributed many of their various losses or harms suffered to the complaints process. This finding is of crucial importance when making the case for improving the experience and the outcomes for both complainants and complaints handlers.

### **New findings or contrasts with the existing literature**

The querulous group were more frequently single or divorced, though these differences did not reach statistical significance. The relationship between marital status and the complaints process was unknown and therefore no conclusions can be drawn. Both the querulous and persistent groups were more likely to have a criminal record (though the number and nature of criminal convictions was unknown). As with marital status, the relationship between criminal convictions and the complaints process was unknown.

It took the querulous group significantly longer than other complainants to lodge their initial complaint against the police. Previous studies have not commented on this. The delay between incident and complaint is consistent with the body of literature that views querulousness as being rooted in abnormal personality development and precipitated by adverse life events or other stressors (Ungvari and Holloko, 1993, Stalstrom, 1980, Rowlands, 1988). If querulous behaviour is the product of a lengthy gestation that is driven by a complex interaction of biological, psychological and environmental factors then, when these factors are present, vulnerable individuals may be

inclined to re-interpret past experiences in a querulous manner. Though we did not formally collect data on time between incident and subsequent complaints against the police, it was evident from case files that subsequent complaints related to contemporaneous events, often inextricably linked with the initial complaint or with the handling of that complaint. Furthermore, this finding suggests that querulousness can not be prevented or 'cured' by the time the complainant is in contact with an agency of accountability, and that the focus of management should be on achieving the best possible, most realistic, outcome for complainant and complaints agency.

In contrast to Lester *et al* (2004), we found that the use of curious formatting and forms of emphasis was not often present in the initial communications from our querulous group. As the complaints process progressed however, differences in writing style became much more distinct, with a whole range of highlighting, emphasis and excessive punctuation displayed.

In addition to the warning signs described in the existing literature, we identified a number of behaviours exhibited by the querulous group that emerged as themes over the course of the study which had not been noted by previous studies. For example, the use of the suffix 'Esquire' and of qualifications after names was not evident in either the persistent or control groups. Also, it was not uncommon for the querulous complainants to send multiple e-mails in a very short time frame, often in the early hours of the morning. Frequently the content and tone of these communications was suggestive of high levels of frustration or anger on the part of the complainant. Such bursts of 'rapid fire' communication were characteristic of many of the querulants. As with the early warning signs, it should be possible to develop a strategy for identifying many of the querulous complainants as they emerge in the course of the complaints process and divert them to an appropriate management strategy.

Other findings from Lester *et al's* (2004) study were not replicated in our analysis. Importantly we did not find that the querulous group were more likely to seek vindication, retribution or revenge more often than other complainants, particularly the persistent complainants who had had their complaints progressed to the PCCS. Also, in the initial stages of the process, it was the control group, rather than the querulous group, who framed their complaint in terms of morals or the public interest. It was only as the complaints process progressed, that the querulous group began to talk more frequently in these terms. It may be that, whilst many 'normal' complainants have a genuine interest in improving public services from the outset, the focus of the querulous complainant shifts from the purely personal to a much wider remit as their perception of the importance of their complaint grows. The emergence of a supposed interest in morals, justice or the public interest could therefore be incorporated in to any strategy developed to identify the querulous. Our analysis did not identify significant differences in the conduct of querulous complainants. Whilst they were more likely to be rude or aggressive in their communications, they did not show up unannounced, act violently or make threats significantly more frequently than other complainants. It should be noted however that threats both to self and others were made by the querulous group, whilst the control group never threatened. As in previous studies, we would emphasise the importance of complaints agencies taking all threats seriously and referring to other agencies as appropriate.

Lester *et al* (2004) drew no conclusions about the underlying mental health of the persistent complainants in their study. This was not surprising given their focus was on the behaviour of subjects rather than the cause of such behaviour. Indeed, in the absence of a comprehensive psychiatric assessment no conclusions about the mental health of complainants can be drawn. It is worth noting however, that our study identified high rates of *self-reported* mental health problems in the querulous group compared to other complainants. Most commonly, these were symptoms of anxiety and depression. It was not possible to ascertain if, or how, the onset of mental health problems was related to the complaints process. What was clear however was that complainants frequently highlighted that, at the very least, their engagement with the complaints process had

exacerbated their psychiatric symptoms. We did not identify the querulous as being more likely to voice bizarre or possibly delusional beliefs relating to their complaint, though as a group they demonstrated higher rates of suspiciousness and self-referential thinking as evidenced by their frequent allegations of conspiracy and corruption. Consistent with this was their apparent reluctance to have face-to-face meetings with complaints professionals. If they did agree to meet, they were often 'over controlling' of the meeting arrangements and more likely than other complainants to record the meetings or telephone calls.

The standardisation of the acknowledgment of the complaints by the police forces minimised differences in the utilisation of preventive management between the groups. Both the querulous and persistent groups were less likely to have received explicit guidance on disclosing, organising and summarising information relevant to the complaint. There were also a number of recognised preventive strategies not utilised for any of the groups. Several of these related to the police complaints departments taking 'ownership' of the complaint and communicating this to the complainants from the outset. We acknowledge that the tone of such strategies may be counter to prevailing complaints handling practice, which has been shaped largely by principles of consumer rights and ensuring the accountability of public bodies. To set out in clear terms that the complaints handling agency will dictate how the complaint will be handled may be seen as an unnecessarily aggressive, and possibly inflammatory, course of action. It requires a shift in how the complaint is conceptualised by both agency and complainant. The complainant has an issue. The issue becomes a complaint when it is passed to the complaints agency. The complaints agency staff are expert in managing complaints. They retain ownership of the complaint and manage it accordingly. Such a shift should be attempted by the acknowledgment and induction in to the complaints process.

Interestingly it took police forces significantly longer to acknowledge the complaints from querulants than from other complainants. Lester *et al* (2004) did identify unreasonable delay in the response to complaints but in their study this occurred with similar frequency in both the persistent and control groups. The delay in response identified by our study could be for several reasons. Firstly, it is possible that the initial communications from the querulants did not clearly define their complaints. Discussions with police complaints professionals revealed that, in some cases, it may not have been immediately clear whether these individuals were complaining at all. It could therefore have taken time to clarify if such communications were to be classified as complaints and acknowledged in the standard way. Secondly, the delay could have been avoidance on the part of the complaints department to engage with someone they suspected would be challenging. Lastly, it is possible that a delay is a punitive (or indeed curative) response by a complaints agency or complaints handler. A negative emotional response to such complainants may be unavoidable at times but it is important that neither agencies nor individual complaints handlers act on that response. The key to managing unacceptable complainant conduct is to manage your own response to it (New South Wales Ombudsman, 2009A) and the importance of adequate training, supervision and managerial support for complaints handlers can not be overstated.



## **Limitations**

The numbers in each group were small and it was therefore not possible to carry out statistical tests that may have demonstrated statistically significant differences between the groups for certain items.

Though consistent with the methodology of previous studies (Lester *et al*, 2004), there were limitations to our case selection process. The selection of querulous and persistent cases was not random. This raises the possibility that those included may be a skewed sample, not truly representative of these groups as a whole. In the absence of agreed operationalised or research criteria defining querulousness we relied upon the subjective judgement of experienced complaints handlers to select those cases they deemed the most complex, challenging and time consuming. The likelihood of this producing a skewed sample is very small as the individuals identified were a comprehensive list agreed upon by multiple complaints handlers.

Those rating the cases were not blinded to the groups the cases were in. There were a number of reasons why this was not practicable. First, the length and content of the querulous case files made them almost immediately identifiable. Second, confidentiality rules prevented the researchers from accessing police force complaints files directly and these were rated anonymously by police force professional standards staff. These cases were thus readily identifiable as the control cases. Third, data protection rules dictated that the PCCS files could not be copied and had to be rated on site at the PCCS. These cases were thus readily identifiable as the querulous and persistent cases. There was no formal statistical test of inter-rater reliability, though the training provided and the fact that cases were rated in parallel would have minimised differences in scoring between raters.

Without direct access to complainants themselves, we relied upon the accuracy of case records to score items. Certain information was not routinely recorded, such as the duration of telephone calls. The rating of several items was dependant upon the complainant volunteering the necessary information in their correspondence or conversation. The rating of these items as absent may therefore mean that the complainant did not volunteer the information rather than the variable was truly absent. For example, if a complainant suffered adverse consequences as a result of the complaints process but did not volunteer this information then they would be scored as not having suffered adverse consequences. One caveat to this is that the querulous group tended to volunteer 'too much' information and therefore it was likely that there was sufficient detail to score items accurately.

Notwithstanding these limitations, the methodology and results of our study sufficiently replicate and develop the findings of the only previous study to have examined the characteristics of unusually persistent complainants in this way (Lester *et al*, 2004). This strengthens the argument that unusually persistent complainants against the police in Scotland are very similar to unusually persistent complainants, not just against other public sector agencies in Scotland, but against public sector agencies in similar cultures internationally. The work on managing unusual complainant conduct that was developed by the New South Wales Ombudsman (2009A) in Australia in the wake of Lester *et al*'s 2004 study is therefore highly likely to be applicable to unusually persistent complainants in Scotland.

## **Recommendations**

The focus of future work should be on piloting a strategy for the effective identification and management of querulous complainants against the police.

### 1. Development of a Screening tool

The scope for early identification of those at risk of querulousness demonstrated by this project, should allow for the design of a screening tool to identify a group of vulnerable complainants who could be managed accordingly.

### 2. Development of a Management Strategy

Our findings demonstrate sufficient similarity with the Lester et al study (2004) to indicate that the appropriate management strategy should draw heavily on the work of the New South Wales Ombudsman (2009A). It would be preceded by training for those complaints handlers involved.

### 3. Development of a Training Package

Any training package should encompass a review of the current literature on querulous complainants and the evidence for early identification as well as training on the delivery of the intervention. Workshops involving complaints scenarios would be a useful component of training. If the pilot was successful then further consideration should be given to rolling out the management strategy across the Professional Standards Departments of the Scottish Police Forces and possibly the public sector more broadly.

### 4. Development of a Consultancy Service

In addition there may be scope for developing a consultancy or supervision service for complaints departments faced with particularly complex or challenging cases, particularly those who demonstrate evidence of risk of harm to themselves or others. This should be available nationally and delivered by professionals with extensive experience of the both the subject matter and mental health issues more broadly. Developing links with local health and social services would be a key component of this work. Confidentiality rules would likely require that cases are considered anonymously by the consulting experts, except where consent was obtained or there were concerns about public safety.

### 5. Joint working with Complaints Departments of other Public Sector Agencies

Given the likelihood that those querulous complainants against the police are the same querulous complainants against other public sector agencies, then consideration should be given to enhancing information sharing between agencies in the most extreme or complex cases. A component of this should be a central list of individuals known to be querulous complainants, against which agencies could check names of those causing concern. Obviously there would be key pieces of work required around who holds such a list and how names are added or removed from it. Ultimately, the purpose would be to improve the efficiency of complaints handling agencies and share skills and experience between agencies. The risk of stigmatising complainants and not managing genuine complaints adequately would always have to be borne in mind.

## **Conclusions**

This project provides further evidence that there are a group of complainants who, although relatively few in number, are disproportionately resource intensive. Furthermore, there are key differences between these and other complainants that should make it possible to identify and manage them from an early stage of the complaints process. There is scope for improving the management of querulous complainants against the police. In the absence of pre-existing vulnerabilities, complaints agencies are highly unlikely to create querulous individuals; rather their behaviour is the result of a long and complex process which may be precipitated and exacerbated by certain complaint handling interventions and which is not easily amenable to change. Interventions should therefore focus on avoiding counterproductive interactions, limiting the expression of querulous behaviour by complainants and closing cases, ideally to the satisfaction of both complainant and complaints agency, though realistically probably to the complete satisfaction of neither. This may require a shift both in the conceptualisation of the complaints process and in what is defined as a satisfactory outcome. Whilst the exact nature of the relationship between querulous complaining and adverse life consequences is not clear, there is no doubt that these individuals can suffer significant loss, and in some cases harm, during their engagement in the complaints process. Any future work in this area must aim to provide interventions that are fair, proportionate and practicable and that, ultimately, are to the benefit of both complainant and complaints professionals.

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**Appendix A**

**Data Collection Sheet**

## Police Complaints – Data Collection Form

### CASE DETAILS

Initial complaint case number: \_\_\_\_\_

Date form completed: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Date of incident being complained about: \_\_\_\_\_

Criminal record (please specify): \_\_\_\_\_

### DEMOGRAPHIC CHARACTERISTICS

Gender of complainant:      Male    Female

Age at time of initial complaint: \_\_\_\_\_

Marital status at time of initial complaint:

Married/Permanent partner      Divorced/Separated      Single      Widowed

Ethnicity: \_\_\_\_\_

### EARLY SIGNS

All communication *prior to initial response letter* from the police force (including initial complaint letter)

WRITTEN			
	Number	Pages in total	Number of letters with more than 50 pages

Online form			
Letters– Handwritten			
Letters – Typed			
Fax			
Email			
Attachments			

NON-WRITTEN			
	Number	Total length of all calls / interviews	Number of calls / interviews lasting more than 1 hour
Telephone			
Face to face with appointment			
Face to face without appointment			

Conduct prior to initial response letter from the police force

- Complainer has showed up unannounced Yes/No
- Complainer has acted violently or threatening Yes/No
- Complainer has acted in a way that has left case officer feeling threatened or distressed Yes/No

Content of initial police complaint letter

Other organisations contacted

- PCCS
- Lawyer/PF/legal professionals
- MP
- Ombudsman
- Ministers
- Prime minister
- Royal family
- Other (please specify)\_\_\_\_\_

Gives forceful instructions about how the complaint must be Handled Yes / No

If yes, please give an example:  
\_\_\_\_\_

Wants vindication, retribution, revenge Yes / No



If yes, please give an example:

---

Makes requests with reference to the Freedom of Information Act Yes / No

Expresses intention to or has sought legal advice about current complaint Yes / No

Has unrealistic expectations about what the complaints department can achieve Yes / No

(e.g. excessive demands on resources (copies, expert opinion etc), inappropriate compensation sought, illogical or irrational solution sought, apology sought when clearly not warranted)

States desired outcomes in terms of morals, justice, principles or public interest Yes / No

Fails to clearly define issues of complaint Yes / No

Self-reports mental health problems Yes / No

If yes, please specify:

---

States that multiple individuals/agencies are conspiring against them Yes / No

If yes, please specify:

---

Content of the complaint seems bizarre Yes / No

Uses overly ingratiating and/or manipulative language Yes / No

Uses intimidating, confrontational or rude language Yes / No

Uses overtly angry or aggressive language Yes / No

Makes veiled threats of harm to self Yes / No

Makes explicit threats of harm to self Yes / No

Makes veiled threats of harm to others Yes / No

Makes explicit threats of harm to others Yes / No

### Writing style

Uses multiple capitals Yes / No

Uses repeated underlining Yes / No

Uses repeated inverted commas Yes / No

Makes multiple comments in margins Yes / No

Uses repeated punctuation, font changes, italics and bolding excessively Yes / No

Uses coloured highlighting excessively Yes / No

Uses three or more forms of above emphases in one letter Yes / No

Uses legal or medical terminology inappropriately Yes / No

Uses excessively dramatic or emotional language Yes / No

Provides excessive and/or irrelevant information Yes / No

Uses rhetorical questions Yes / No

Is vague, incoherent or difficult to follow Yes / No

Other (please specify) \_\_\_\_\_

## **LATER SIGNS**

Total contacts re *initial* complaint about the police:

WRITTEN			
	Number	Pages in total	Number of letters with more than 50 pages
Online form			
Letters– Handwritten			
Letters – Typed			

Fax			
Email			
Attachments			

NON-WRITTEN			
	Number	Total length of all calls / interviews	Number of calls / interviews lasting more than 1 hour
Telephone			
Face to face with appointment			
Face to face without appointment			

Total contact re *subsequent* complaints about the police:

WRITTEN			
	Number	Pages in total	Number of letters with more than 50 pages
Online form			
Letters– Handwritten			
Letters – Typed			
Fax			
Email			
Attachments			

NON-WRITTEN			
	Number	Total length of all calls / interviews	Number of calls / interviews lasting more than 1 hour
Telephone			
Face to face with appointment			
Face to face without appointment			

THE FOLLOWING ITEMS ARE TO BE RATED FOR THE INITIAL COMPLAINT ABOUT POLICE ONLY (IDENTIFIED ON PAGE 1) FOR CONTACT SUBSEQUENT TO THE INITIAL RESPONSE LETTER FROM THE POLICE FORCE

Length of time complaint has been ongoing (in months):

Has made review request(s) for complaint  
If yes, how many\_\_\_\_\_

Yes / No

Has raised issues about case officer's integrity or competence

in handling the case Yes / No

Other organisations contacted

- PCCS
- Lawyer/PF/legal professionals
- MP
- Ombudsman
- Minister
- Prime minister
- Royal family
- Other(please specify)\_\_\_\_\_

Refuses to accept agency's decision on complaint Yes / No

Gives forceful instructions about how the complaint must be handled Yes / No

If yes, please give an example:  
\_\_\_\_\_

Wants vindication, retribution, revenge Yes / No

If yes, please give an example: \_\_\_\_\_

Makes requests with reference to the Freedom of Information Act Yes / No

Has unrealistic expectations about what the complaints department can achieve Yes / No

(e.g. excessive demands on resources (copies, expert opinion etc), inappropriate compensation sought, illogical or irrational solution sought, apology sought when clearly not warranted)

Expresses intention to or has sought legal advice about current complaint Yes / No

States desired outcomes in terms of morals, justice, principles or public interest Yes / No

Fails to clearly define issues of complaint Yes / No

Self-reports mental health problems Yes / No

If yes, please specify:

---

States that multiple individuals/agencies are conspiring against them Yes / No

If yes, please specify:

---

Content of communication seems bizarre Yes / No

Uses overly ingratiating and/or manipulative language Yes / No

Uses intimidating, confrontational or rude language Yes / No

Uses overtly angry or aggressive language Yes / No

Makes veiled threats of harm to self Yes / No

Makes explicit threats of harm to self Yes / No

Makes veiled threats of harm to others Yes / No

Makes explicit threats of harm to others Yes / No

At end of process, provides previously withheld information in attempt to have case reopened Yes / No

Fails to fully disclose information requested by complaints department Yes / No

Reframes complaint in an attempt to have it taken up again Yes / No

Raises a range of minor or technical issues, arguing that these call into question merits of the complaints handler's decision Yes / No

Expects a review of the decision based merely on expression of dissatisfaction, unsupported by arguments or new evidence Yes / No

Takes complaint to other forums and alleges bias or corruption on the part of the complaints department, simply because the decision went against them Yes / No

Evidence of adverse consequences of pursuing process (e.g. financial, occupational, social) Yes / No

### Writing style

Uses multiple capitals Yes / No

Uses repeated underlining Yes / No

Uses repeated inverted commas Yes / No

Makes multiple comments in margins Yes / No

Uses repeated punctuation, font changes, italics and bolding excessively Yes / No

Uses coloured highlighting excessively Yes / No

Uses three or more forms of above emphases in one letter Yes / No

Uses legal or medical terminology inappropriately Yes / No

Uses excessively dramatic or emotional language Yes / No

Provides excessive and/or irrelevant information Yes / No

Uses rhetorical questions Yes / No

Is vague, incoherent or difficult to follow Yes / No

Other (please specify) \_\_\_\_\_

### Conduct

Complainer has showed up unannounced Yes/No

Complainer has acted violently or threatening Yes/No

Complainer has acted in a way that has left case officer feeling threatened or distressed Yes/No

<b>MANAGEMENT STRATEGIES</b>
------------------------------

## PREVENTIVE

### First Response letter

(Please also rate any standard leaflets enclosed with response)

Made clear that the complaints department and their staff 'own' the complaint Yes/No

Made clear that the complaints department will decide: -

whether it will be dealt with Yes/No

who will deal with it Yes/No

how quickly it will be dealt with Yes/No

what priority it will have Yes/No

what resources will be allocated to it Yes/No

what the outcome will be Yes/No

Made clear the complaints department responsible for: -

handling the complaint professionally, efficiently and fairly Yes/No

keeping complainant informed of progress Yes/No

giving the complainant reasons for their decisions Yes/No

treating complainant with respect Yes/No

Made clear the complaints department does not/can not: -

investigate every complaint received Yes/No

give legal advice Yes/No

act for the complainant Yes/No

force an agency to take action the way a court can Yes/No

Made clear that the complainant expected to: -

fully disclose all relevant information Yes/No

conduct themselves in an acceptable way at all times Yes/No

organise and summarise all available information	Yes/No
clearly define what their issue is before the agency will look at it	Yes/No
provide copies of final correspondence from other agencies in relation to the current complaint	Yes/No
be respectful and cooperative at all times	Yes/No

## CORRECTIVE

(Any contact with complainant subsequent to first response letter)

Key issue(s) defined by complaints handler and confirmed with complainant	Yes/No
Hopes/expectations of complainant checked and corrected if unrealistic	Yes/No
Limitations of the complaints department clarified rather than complainant's demands being challenged	Yes/No
If complaint patently delusional or bizarre: -	
was process stopped?	Yes/No/NA
was complainant diverted to appropriate services? If yes, please specify _____	Yes/No/NA
If complainant or others felt to be at risk of harm, was referral to appropriate services made? If yes, please specify _____	Yes/No/NA
Decision of complaints department was asserted clearly and firmly	Yes/No
Complaints department emphasised that it was their final decision	Yes/No
If complainant requested a review they were told they must provide an argument for one e.g. the agency had erred in some way or new info came to light	Yes/No/NA
Complainant prevented from reframing the same complaint in an attempt to have it taken up again	Yes/No/NA
If a review was indicated, one review only was provided If no, how many were provided _____	Yes/No/NA
If indicated, contact with complaints department restricted to defined times and staff members If yes, what were the restrictions _____	Yes/No/NA
If complainant attempted frequent and lengthy telephone calls that	



were not warranted, contact was limited to writing only	Yes/No/NA
Complaints department did not respond to mail or email that the were only cc'd in to	Yes/No/NA
If appropriate, a firm no-further-correspondence or contact stance was adopted	Yes/No/NA
Complaints department's decision and reasons repeated once then telephone call was politely and firmly ended	Yes/No/NA
Complaints department's involvement ended if discovered that the complainant had been wilfully misleading or untruthful	Yes/No/NA
Correspondence that contained rude or intemperate language was returned with a request that it was re-written in appropriate language	Yes/No/NA
Abusive, confrontational or threatening telephone calls ended immediately	Yes/No/NA

**Appendix B**

**Grampian Police Workshop Timetable**



FORENSIC MENTAL HEALTH SERVICES  
 MANAGED CARE NETWORK  
[www.forensicnetwork.scot.nhs.uk](http://www.forensicnetwork.scot.nhs.uk)

**‘Management of Persistent Complaints Against the Police’**  
**Training Event**  
**Grampian Police Professional Standards Department 3-4 March 2011**

**Day one - 3 March**

<b>Time</b>	<b>Title</b>	<b>Speaker</b>
10:45 – 11:00	Arrive – tea/coffee	
11:00 – 11:15	<b>Welcome/Introduction</b>	Dr Gordon Skilling, SoFMH
11:15 – 12:00	<b>Querulous paranoia</b>	Dr Gordon Skilling, SoFMH
12:00 – 12:30	<b>Case presentation</b>	Ms. Sara Brodie, PCCS
12:30 – 13:30	Lunch	
13:30 – 14:00	<b>Project so far</b>	Ms. Marianne Øfstegaard, SoFMH
14:00 – 14:30	<b>Data collection form</b>	Dr Gordon Skilling and Ms. Marianne Øfstegaard, SoFMH
14:30 – 15:00	<b>Case rating</b>	
15.00 – 15:15	<b>Q + A</b>	

**Day  
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rch**

<b>Time</b>	<b>Title</b>	<b>Speaker</b>
09:15 – 09:30	Arrive – tea/coffee	
09:30– 11:30	<b>Case rating</b>	
11:30 – 12:00	<b>Closing Q + A</b>	