



**How do you recognise and differentiate, when complaints from people with mental health conditions often present as vexatious?**

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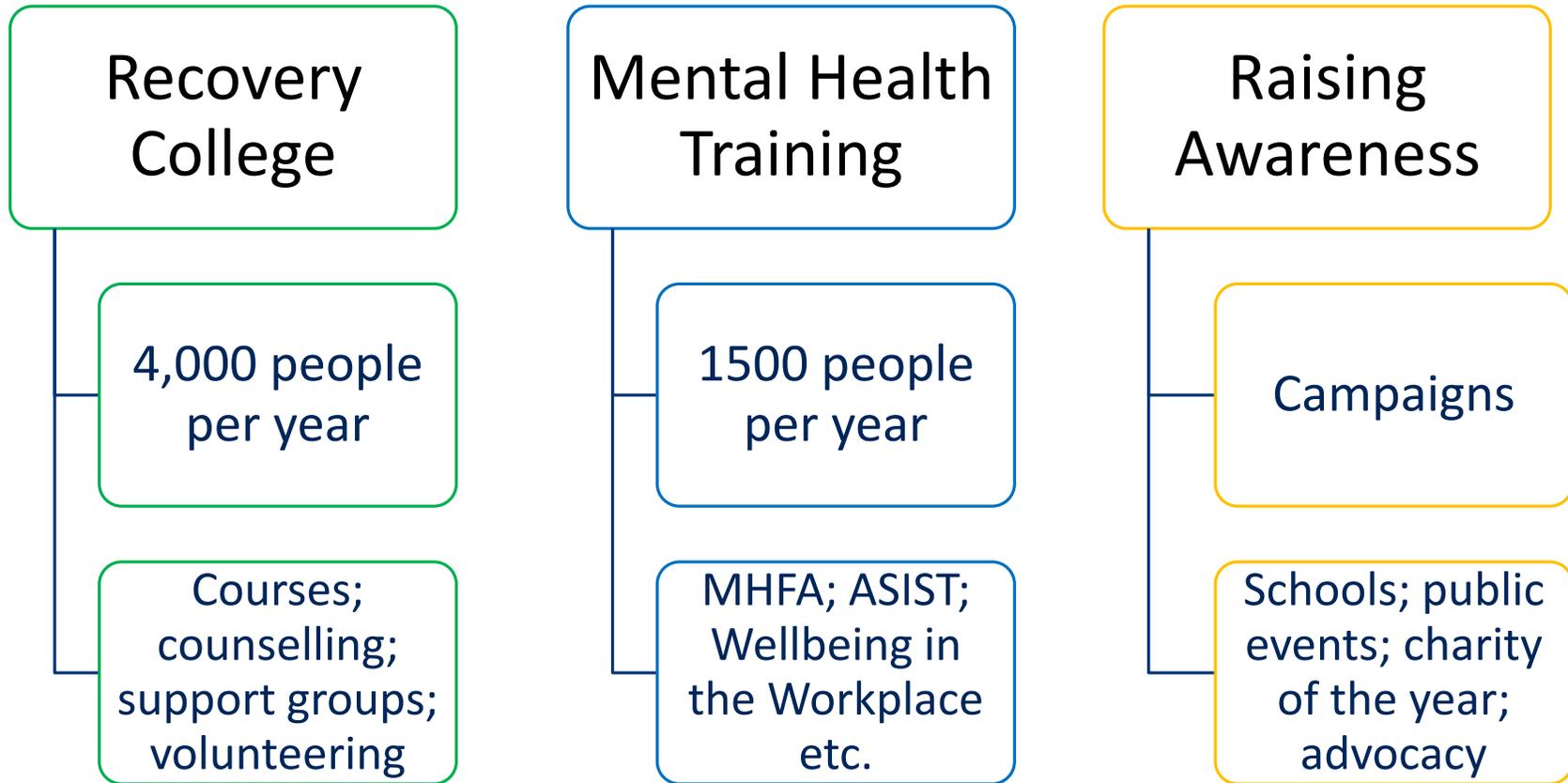
# My background

- Geologist!
- Psychologist
- 10 years in Higher Education student welfare
- Student disciplinary advocate
- Independent Investigator for HR
- 4 years in the voluntary sector – Ops Manager and CEO

# Who are we?

- Mental Health Charity
- Local Mind Associations (LMAs)
- Affiliation to national Mind
- Self-funding
- 2 LMAs in Devon
- 13 staff (9.4 FTE)
- 25 volunteers

# What do we do?



# How common are mental health problems?

**Depression** 2.6 in 100 people

**Anxiety** 4.7 in 100 people

**Mixed anxiety and depression** 9.7 in 100 people

**Phobias** 2.6 in 100 people

**OCD** 1.3 in 100 people

**Panic disorder** 1.2 in 100 people

**Post traumatic stress disorder** 3 in 100 people

## Long standing mental health conditions

**Personality Disorder** 3 to 5 people in every 100

**Bipolar Disorder** 1 to 3 people in every 100

**Schizophrenia** 1 to 3 people in every 100

(Source: Mind, 2016)

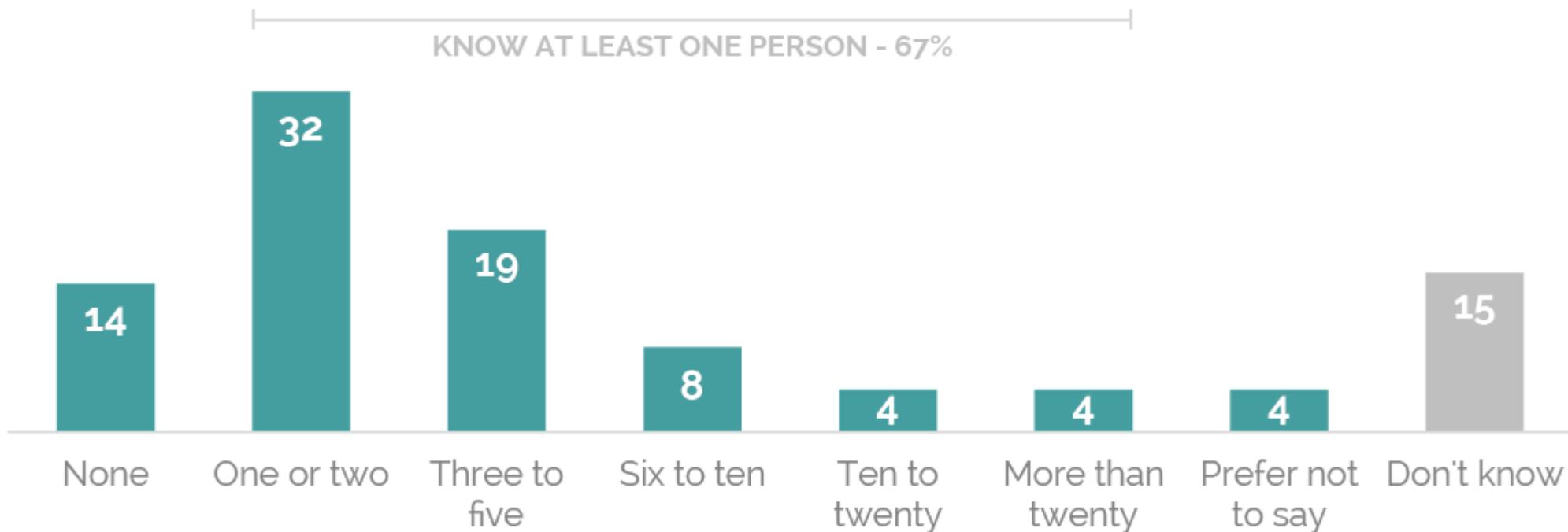
“1 in 4 people will experience a mental health problem”



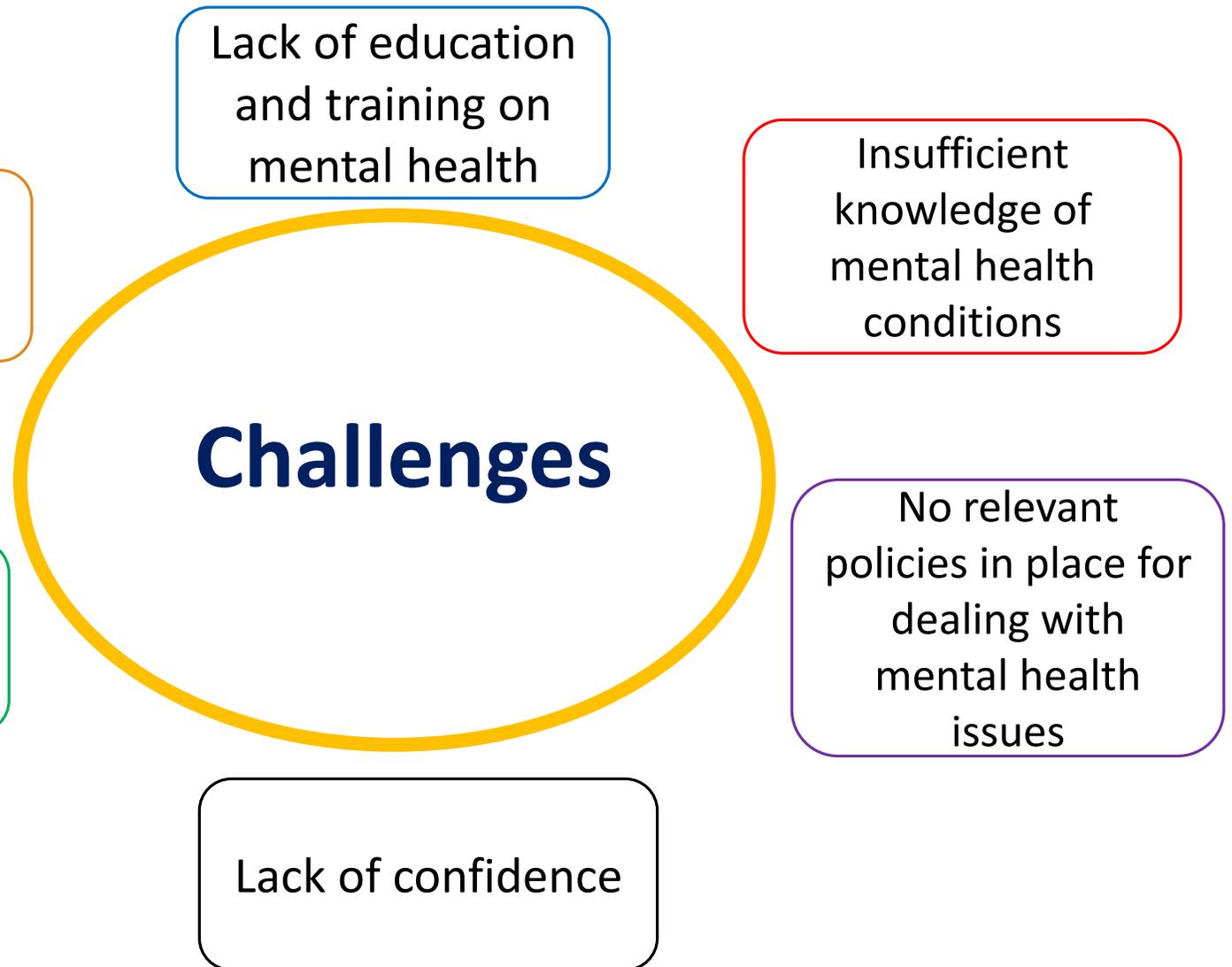
# How common are mental health problems?

Two thirds of people know someone with mental health problems

How many people do you know that suffer from mental illness? %



# Understanding Mental Health



Only one manager in five (22%) had had relevant mental health training at work. (*Mental Health at Work Report, 2016*)

When asked about how to describe someone who has a mental illness, nearly 40% agreed that they are prone to violence, when in reality people are far more likely to be the victims of crime rather than the perpetrator. (*National Attitudes to Mental Illness Survey, 2014*)

# Understanding Mental Health

Mental Ill Health does not come with a label

# Mental Health and Vexatious Complaints

## Caution!

- ❑ Relationship between mental health conditions and challenging behaviour is complex one;
- ❑ Challenging behaviour can occur in the absence of a mental health condition;
- ❑ Not all people with a mental health issue exhibit challenging behaviour;
- ❑ Often, where people with a mental illness have legitimate complaints, perceptions that they are being vexatious may prevent them from being taken seriously;
- ❑ Lack of sensitivity and objectivity can compound the situation.

# What do we mean by vexatious?

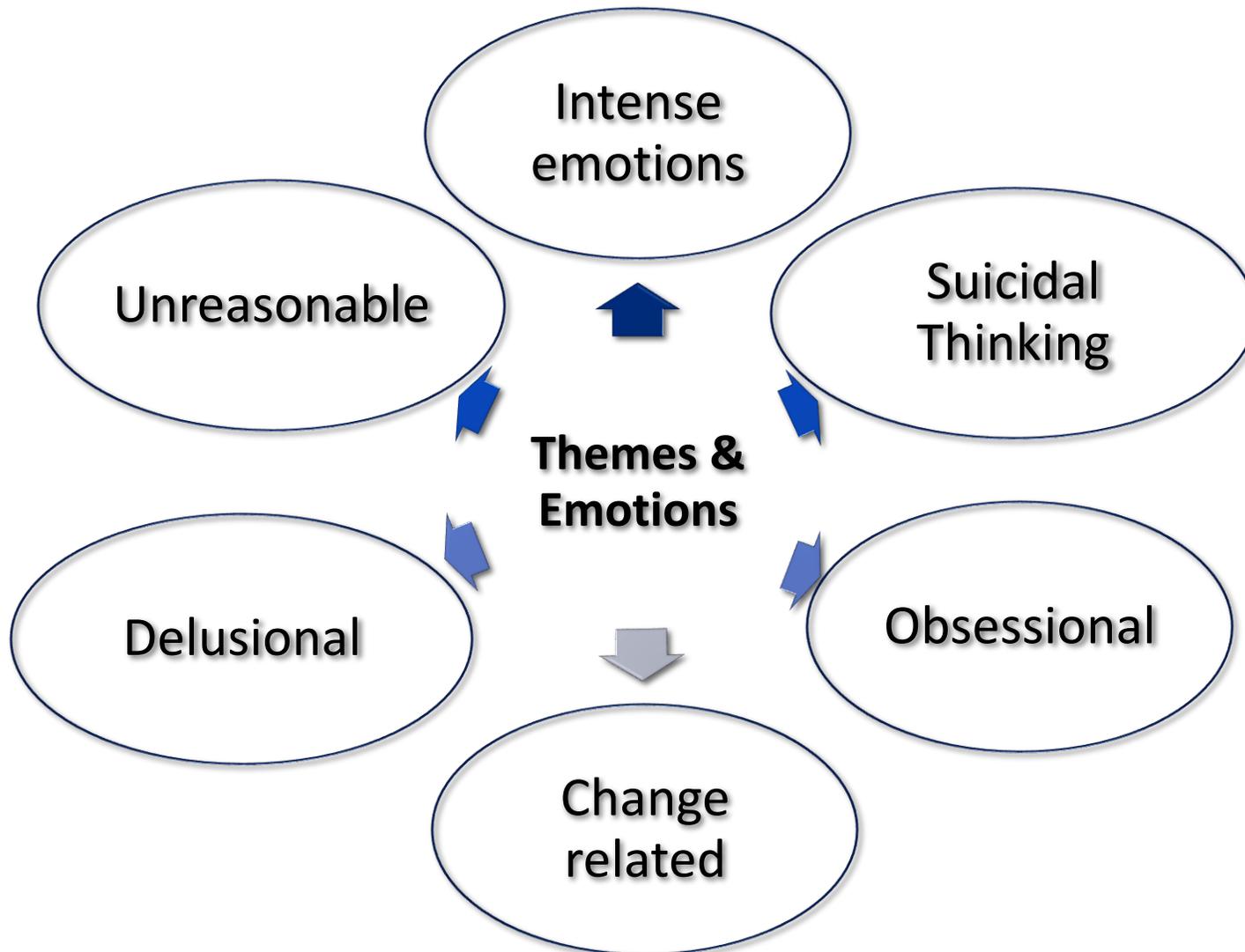
# Possible Indicators of Mental Health Issues

1. Expresses feelings of helplessness and suicidal thoughts;
2. May present in person at the organisation repeatedly;
3. Insisting on the complaint being dealt with in a way that is incompatible with the procedures;
4. Refusal to partake in or acknowledge complaints procedure;
5. Repeatedly changing the substance of the complaint or raising unrelated concerns;
6. Contacting different staff members/management repeatedly;

# Possible Indicators of Mental Health Issues

7. Insisting that they have not received an adequate response;
8. May involve many different agencies;
9. Emotional outbursts in correspondence;
10. Fixation on particular staff and insisting that they be replaced;
11. Seemingly far-fetched allegations;
12. Inflammatory statements;
13. Threats to discredit the organisation;
14. Launches a petition or coercion of other individuals to make complaints.

# The Role of Mental Health



# Best practice when mental health is a concern

1. Investigate every complaint – Equality Act (2010);
2. Avoid assumptions and remain objective ‘the complainant is mentally unstable because they are vexatious and vice versa’;
3. Consider that the complainant may really believe their complaint is valid and will not be intentionally vexatious;
4. Does the complainant have the capacity to understand – Mental Capacity Act 2005;

# Best practice when mental health is a concern

5. Have you got a safeguarding concern? Engage with local mental health services;
6. Seek advice from a mental health professional;
7. Support staff who may be affected by the complaint;
8. Have robust policies and procedures in place;
9. Consider upskilling your workforce to have a greater awareness of mental health issues (designated 'Mental Health First Aider').

# Final Thoughts

**Mental ill health can explain unreasonable behaviour but it does not excuse it.**

**Frustration with the complaints process can lead to unreasonable behaviour irrespective of mental health.**

**The majority of people in our society with mental health issues are unlikely to become complainants.**

## **Plymouth & District Mind**

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