

Frivolous and vexatious complaints

Ombudsman Services may refuse to deal with a dispute if it is frivolous or vexatious. This decision is at our sole discretion.

We do not prevent complainants from accessing alternative dispute resolution (ADR) who raise genuine concerns. We achieve this by recognising:

- Complainants are often aggrieved and frustrated; so the focus must be on careful consideration of the merits of the case and not the attitude of the complainant.
- Every complaint must be considered on its own merits. Even if someone has made a frivolous or vexatious complaint in the past, it must not be assumed that any other complaint they make will also be frivolous or vexatious.

Vexatious complaints

We will refuse to accept a case if it is apparent that the consumer is pursuing a complaint without merit and intends to cause inconvenience, harassment or expense to the company.

Example: A customer raises a new dispute with Ombudsman Services every few weeks. Each dispute is regarding a relatively minor complaint that the company has already provided a reasonable resolution to. It is clear the only reason for raising the disputes so frequently is to inconvenience the company.

Example: A customer is aware that his complaint has no merit but advises the company he will raise a dispute with Ombudsman Services just to generate financial costs.

Frivolous complaints

A frivolous complaint has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issues complained about.

Example: A customer complains about one typographical error in email correspondence he/she has received. The company has apologised for the error, but the customer seeks £500 in compensation.

Complaints that we do not consider frivolous or vexatious

Here are some examples of complaints that a company may consider to be frivolous and/or vexatious, but Ombudsman Services would not:

Example: The customer complains about the actions of engineers who have carried out work on behalf of the company. The company asserts that the engineers are employed by a third party and it is not responsible for their actions.

Ombudsman Services would consider whether the company is responsible for the actions of those acting on its behalf. The complaint is not frivolous or vexatious; it is a dispute that requires resolution through ADR.

Example: The customer complains they have received incorrect charges on each monthly bill for the last six months. The company says it has investigated on the first three occasions and each time the bill has been correct and the customer has simply not understood the bill. The customer has queried slightly different things each time.

Ombudsman Services would investigate the merits of the case, if the explanation provided by the company was clear and understandable. However this complaint is not frivolous or vexatious; it is a dispute that requires resolution through ADR.