

# UNUSUALLY PERSISTENT COMPLAINANTS

PAUL E MULLEN



## COMPLAINT

### Necessary Components

1. The experience of loss or injury
2. The desire for restitution or recompense.
3. The conviction that some agent or agency has both responsibility for the loss or injury and the capacity to make reparation.

## THE CONSTRUCTION OF COMPLAINT

### Social Context

- Rights Based Society
- Culture of Blame
- Compensation as Salvation
- Distrust of the Expert

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### Individual Characteristics

- Life Situation
- Personal History
- Psychopathology

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## Organisational Responses

# ABNORMAL COMPLAINTS I

Complaints can be abnormal in being:-

1. Evoked by apparently minimal provocation.
2. Advanced with excessive and unproductive vehemence.
3. Persisted with despite diminishing chances of resolution and mounting costs.
4. Centred on personal vindication at the expense of opportunities for resolution.

## ABNORMAL COMPLAINTS II

Care must be taken in labelling a complaint abnormal to consider:-

- (a) The meaning for the complainant of the loss or injury.
- (b) The personal style and culturally acceptable manner of expressing dissatisfaction.
- (c) The level of information and the understanding of its implications for likely resolution.
- (d) The extent to which principle and altruism is driving the campaign.

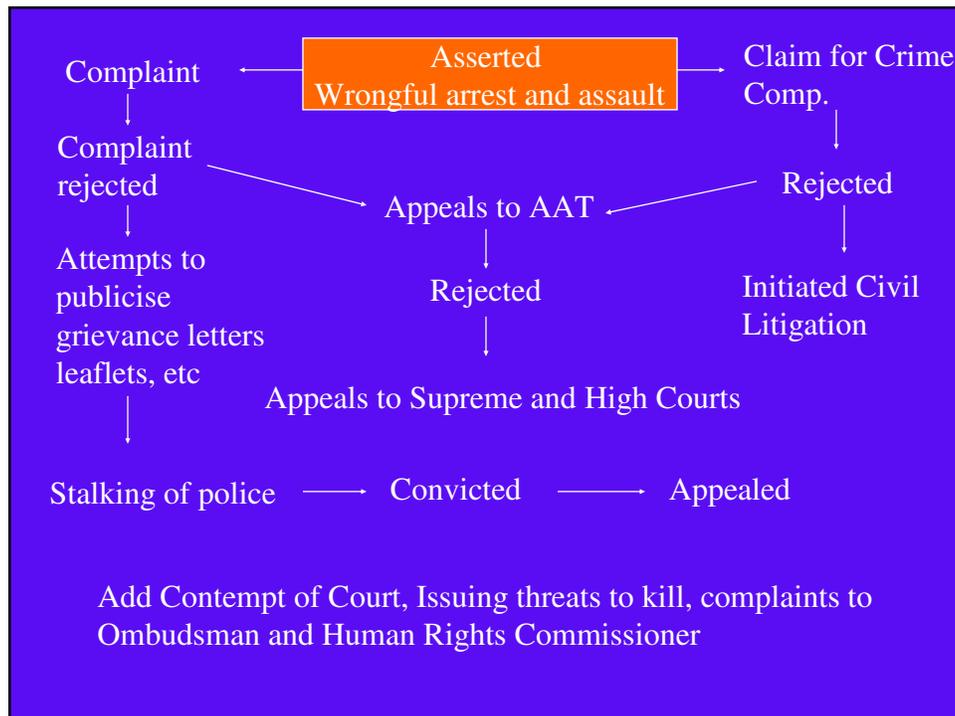
Assume normality - Be reluctantly driven to consider abnormality.

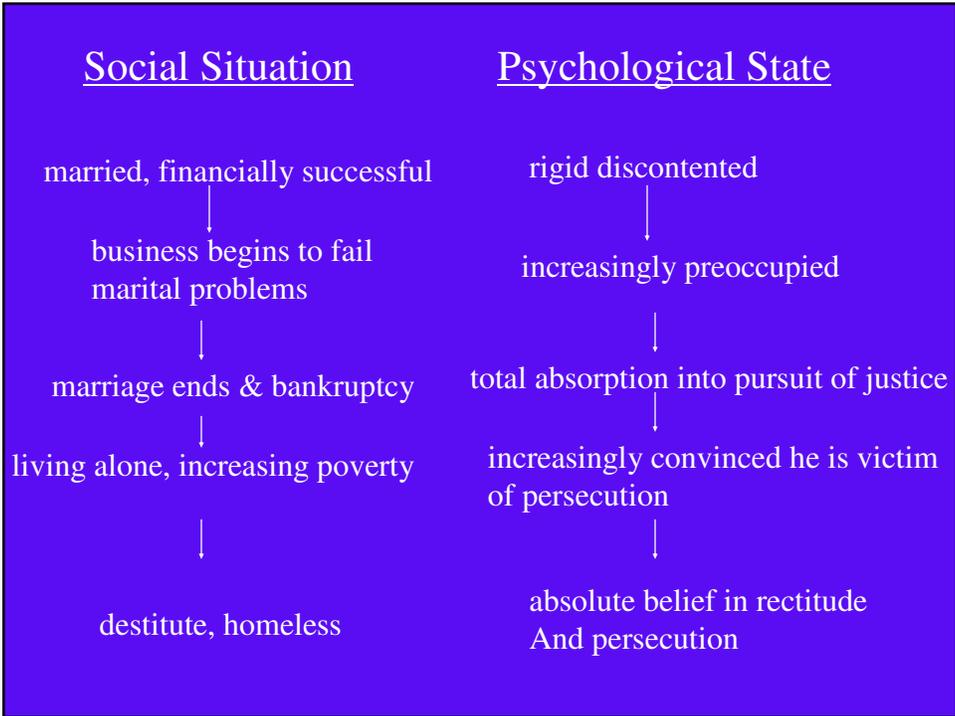
## QUERULANTS CLASSIFICATION OF VON DER HEYDT (1952) I

1. Normal - seekers after justice who are satisfied when their grievances are recognised and realised.
2. Opportunistic - use the experience of injustice or injury as a springboard to gain financial advantage or avoid to avoid obligations.
3. Seekers after Justice - who make absolute their construction of their rights and entitlements and for whom the pursuit of their notion of justice becomes the focus of their lives.

## QUERULANTS CLASSIFICATION OF VON DER HEYDT (1952) II

4. Conjugal - those who become totally absorbed into battles triggered by marital conflict and associated legal proceedings.
5. Chronically Quarrelsome - the querulousness is one part of a pattern of conflict with everyone and about everything.
6. Secondary to Psychosis





- Vexatious Litigants - become involved in ill founded and lengthy legal battles for redress of their grievances.
- Querulants (mutterers and mumblers) lay repeated complaints and pursue unending claims.

## TYPES OF COMPLAINANT

- Normal
- Difficult
- Mentally Ill
- Unusually Persistent

## The Normal Claimant

- Aggrieved
- Seeking legitimate compensation or redress or an apology
- Able to negotiate and accept reasonable solutions

## THE DIFFICULT CLAIMANT

- Aggrieved
- Sense of being victimised
- Seeking compensation and reparation and an apology
- Difficult to negotiate with and rejecting of all but their estimation of a just settlement
- Though persistent, demanding and occasionally threatening will ultimately settle albeit still complaining of injustice

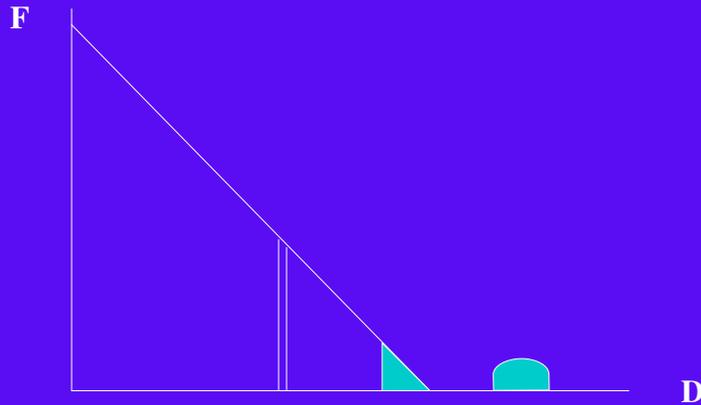
## CLAIMS ARISING FROM PRE-EXISTING MENTAL ILLNESS

- Aggrieved
- Claims arise in part from the delusions associated with a pre-existing psychotic illness
- Claims often bizarre
- Nature of claim usually in constant flux
- Often impossible to define let alone resolve the claim

## THE UNUSUALLY PERSISTENT CLAIMANT

- Aggrieved
- Seeking not just compensation and redress but revenge and vindication
- Completely focussed on grievance
- Will not accept resolution and even if total settlement of the claim is offered they will often then demand some other unrealisable response

## The Spectrum of Complaining



### FEATURES ASSOCIATED WITH UNUSUALLY PERSISTENT COMPLAINING I

- Excessively preoccupied with supposed transgression (on a quest)
- Obsessive and pedantic concern with detail
- Focus more on the “principle” and on injustice than on substantial nature of supposed injury
- Seek vindication and retribution not just compensation and reparation

## FEATURES ASSOCIATED WITH UNUSUALLY PERSISTENT COMPLAINING II

- Inflexible and rigid at one level, constantly adding to and reframing grievances at another level often recruiting those who attempt to arbitrate to the objects of resentment and even litigation
- Disproportionate and inappropriate anger
- Themes of being victimised, being ignored, being lied to, being fobbed off, being humiliated

## STUDIES ON QUERULANTS

Age: 3rd, 4th or 5th decade  
Males:Females 4:1  
Premorbidly: - reasonably high functioning well educated.

Majority had had partners  
Criminal history - uncommon  
Psychiatric history - uncommon  
Substance abuse - not prominent

## PRE-EXISTING VULNERABILITY'S TO UNUSUALLY PERSISTENT COMPLAINING

- Egocentric personality often self referential and suspicious
- Self righteous easily affronted
- Obsessional traits
- Socially isolated
- Have failed in their lives main ambitions despite usually being striving and demanding people

## HYPOTHESIS ABOUT UNUSUALLY PERSISTENT COMPLAINING

- In part they are grown in part born
- There is almost always a genuine grievance at the root to the claim
- The early response to the claim can be critical in whether it progresses to querulousness

## Charles Dickens *Bleak House*

The Court of Chancery gives to  
monied might the means abundantly  
of wearying out the right .....so  
overthrows the brain and breaks the  
heart [to leave] it's worn out lunatic  
in every madhouse.

Heinrich Von Kleist (1810)

Michael Kolhaus

Generous, fair-minded industrious “the world would have  
cause to revere his memory, had he not pursued one of his  
virtues to excess – his sense of justice”

# STUDYING THE UNUSUALLY PERSISTENT COMPLAINANT

GRANT LESTER  
BETH WILSON  
LYNN GRIFFIN  
PAUL E MULLEN

B J P (2004) 184 352-356

|                                  | CASES | CONTROL<br>S |        |
|----------------------------------|-------|--------------|--------|
|                                  | 52    | 44           | P      |
| Mean period of involvement       | 35    | 8.3          | < 0.01 |
| Unresolved                       | 77%   | 13%          | <0.00  |
| Time between event and complaint | 11.5  | 6.6          | <0.5   |
| Hostile                          | 71%   | 2.3%         | <0.00  |

## WAS COMPLAINANT SEEKING

|                                    | CASES | CONTROLS |        |
|------------------------------------|-------|----------|--------|
| Reasonable provision of services   | 42%   | 47%      | NS     |
| Reasonable Compensation            | 53%   | 56%      | NS     |
| Unreasonable Compensation          | 8%    | 2%       | NS     |
| Acknowledgment of injury by agency | 67%   | 32%      | <0.001 |
| Wider social acknowledgment        | 25%   | 0%       | <000   |

## NATURE OF LOSS

|                                 | CASES | CONTROL S |       |
|---------------------------------|-------|-----------|-------|
| Function                        | 34.6% | 9.1%      | <0.01 |
| Health                          | 44%   | 22%       | <0.05 |
| Esteem                          | 40%   | 13%       | <0.01 |
| Stay with nominated case worker | 51%   | 96%       | <0.00 |

No differences on whether loss to self or others, money

## METHODS OF COMPLAINING

|                | CASES | CONTROLS |        |
|----------------|-------|----------|--------|
| Letters        | 81%   | 82%      | NS     |
| Faxes          | 56%   | 32%      | <0.05  |
| Emails         | 19%   | 4%       | <0.05  |
| Phone          | 90%   | 78%      | NS     |
| Appointment    | 23%   | 22%      | NS     |
| No Appointment | 31%   | 4.5%     | <0.001 |

## METHODS OF COMPLAINING

|                         | CASES | CONTROLS |        |
|-------------------------|-------|----------|--------|
| 3 or more contact types | 71%   | 34%      | <0.001 |
| Letters                 | 81%   | 82%      | NS     |
| Faxes                   | 56%   | 32%      | <0.05  |
| Emails                  | 19%   | 4%       | <0.05  |
| Phone                   | 90%   | 78%      | NS     |
| Appointment             | 23%   | 22%      | NS     |
| No Appointment          | 31%   | 4.5%     | <0.001 |

## VOLUME OF MATERIAL IN COMPLAINTS FILE

|             | CASES | CONTROLS |      |
|-------------|-------|----------|------|
| Letters >10 | 40%   | 90%      | <000 |
| <20         | 25%   | 0%       |      |
| Pages >20   | 29%   | 80%      | <000 |
| <100        | 28.8% | 2.3%     |      |
| Phone >10   | 36.5% | 93.2%    | <000 |
| <20         | 40%   | 0%       |      |
| Visits >10  | 85%   | 100%     | N/S  |

## TYPE OF MATERIAL

|                             | CASES | CONTROLS |        |
|-----------------------------|-------|----------|--------|
| Copies of letters to others | 69%   | 32%      | <0.000 |
| Copies of documents         | 43%   | 25%      | <0.05  |
| Diaries                     | 15.4% | 0%       | <0.01  |
| Endorsements                | 25%   | 2%       | <0.001 |

## ODDITIES IN WRITTEN COMPLAINTS

|   | CASES | CONTROLS |       |
|---|-------|----------|-------|
| Highlighting single colour                  | 33%   | 16%      | NS    |
| Highlighting multiple colours               | 19.2% | 2.3%     | <0.01 |
| Underlining                                 | 56%   | 10%      | <000  |
| Capitals                                    | 50.0% | 9.1%     | <000  |
| Multiple exclamation marks                  | 40%   | 6.8%     | <000  |
| Comments in margins                         | 32.7% | 11.4%    | <0.05 |
| Inverted commas                             | 40%   | 11.4%    | <0.01 |
| Copies of letters from others with comments | 35%   | 9%       | <0.01 |
| 3 or more idiosyncrasies                    | 57%   | 11%      | <000  |

## Form of Complaint

|  | CASES | CONTROLS |       |
|--|-------|----------|-------|
| Explains appropriate length and detail | 17.3% | 96%      | <000  |
| Legal terms appropriate                | 15.4% | 32%      | NS    |
| Legal terms inappropriate              | 42%   | 2%       | <000  |
| Medical terms appropriate              | 10%   | 9%       | NS    |
| Medical terms inappropriate            | 19%   | 2%       | <0.01 |
| Overly ingratiating                    | 46%   | 2%       | <000  |
| Rhetorical Questions                   | 56%   | 7%       | <000  |

## THREATS

| In written material |       |          |       |
|---------------------|-------|----------|-------|
|                     | CASES | CONTROLS |       |
| Veiled              | 32%   | 0        | <000  |
| Direct              | 17%   | 0        | <0.01 |
| Suicide             | 5.8%  | 0        | NS    |
| In person           |       |          |       |
| Veiled              | 52%   | 0        | <000  |
| Suicide             | 16%   | 0        | <0.05 |

## FORMULATION OF COMPLAINTS AIMS

|                              | CASES | CONTROLS |        |
|------------------------------|-------|----------|--------|
| Public interest acknowledged | 39%   | 9%       | <0.001 |
| Justice for themselves       | 65%   | 16%      | <000   |
| Day in Court                 | 23%   | 5%       | <0.01  |
| Retribution                  | 43%   | 11%      | <0.001 |
| Inappropriate revenge        | 14%   | 0%       | <0.01  |
| Stop others persecuting them | 14%   | 7%       | NS     |
| Bizarre or incomprehensible  | 10%   | 2%       | NS     |

## HOW WAS INITIAL COMPLAINT DEALT WITH

|                                    |     |     |    |
|------------------------------------|-----|-----|----|
| Appropriately and reasonably       | 53% | 46% | NS |
| Unreasonable delay                 | 25% | 30% | NS |
| Denial                             | 23% | 18% | NS |
| Blame                              | 8%  | 2%  | NS |
| Hostility                          | 8%  | 2%  | NS |
| Creating unreasonable expectations | 4%  | 2%  | NS |

## The Route to Delusion I

### Personality

Outwardly confident, bombastic and superior but harbouring a sense of vulnerability and inadequacy.

Prided himself on his intellectual openness and flexibility, in fact a man with marked obsessional traits, self righteous and ruminative

## The Route to Delusion II

### Social

No close friends.

A failing marriage with mutual irritability.

Kept children at a distance.

Failing business.

Death of his hopes to pursue academic/artistic career though still believed he was destined for greatness.

Believed he was seen by others as a failure.

## The Route to Delusion III

The experience of injustice was modified by:

1. Sense of vulnerability which magnified it's importance.
2. Suspiciousness which gave it a highly personal colouring.
3. Obsessionality which launched him into the fine detail of the complaints & litigation procedures.
4. Seeing in it an opportunity for personal vindication and success.

## The Route to Delusion IV

The pursuit of justice:-

1. Totally preoccupying.
2. Absorbed all financial and emotional resources leading to collapse of business and marriage.
3. Failures confirmed his suspicions of organised vendetta against him.
4. Became the solution of his financial, personal & life problems.

## The Route to Delusion V – Part 1

The all absorbing pursuit of justice.

1. Total conviction in rectitude.
2. Certainty victim of organised persecution to deprive him of justice.
3. Belief that highest levels of justice, political and financial systems arraigned against him feeding his grandiosity

## The Route to Delusion V – Part 2

4. Lost in detail which always confirms and never challenges assumptions and beliefs.
5. Loss of all interpersonal and social checks and balances on his thinking and actions.

## MANAGING THREATS

## Routes to Violence in Pursuit of Justice I

1. Self righteousness
2. Conviction of being victimised
3. Conviction facing orchestrated opposition and persecution
4. Seen all doors to progress closed

## Routes to Violence in Pursuit of Justice II

5. Belief he is justified in resorting to violence:-
  - inhuman nature of opponents
  - self defence
  - provocation
  - no other options available
6. Violence usually premeditated and intended to be instrumental and/or revenge
7. Often self directed.

## Part 1

Potential Provocations to excessive and persistent complaints include:

1. The experience of being belittled or humiliated.
2. Uncertainty
3. Appeals to an authority which is opaque or invisible but nevertheless asserted to be absolute. "It's not my fault it's the rules".
4. Confusing and overlie complex procedures for managing complaints.

## Part 2

Potential Provocations to excessive and persistent complaint include :

5. Unresolved confusions about responsibility.
6. The raising of unrealistic expectations.
7. Confusion over respondent's role - advocate, mediator, adjudicator, therapist, respondent.

## Part 3

Potential Provocations to excessive and persistent complaint include:

8. Secrecy.
9. Unacknowledged communications between those dealing with the complaint.
10. Mischievous or inadvertent encouragement from third parties (including acquaintances, lawyers, therapists and advice services - radio talk back has a lot to answer for).

## MANAGING THE UNUSUALLY PERSISTENT CLAIMANT 1

- Avoid adding to the stock of real grievances
- Never become caught up in arguing about the correctness of their assertions & claims
- Avoid becoming their saviour or the embodiment of institutional resistance
- Share the load

## MANAGING THE UNUSUALLY PERSISTENT CLAIMANT II

- Strive for total transparency:
  - Write don't just phone
  - Don't write anything which claimant can't see (that doesn't mean censor)
- Try constantly to distinguish between the realisable and the unrealisable
- Focus on real grievance and real price being paid by claimant by their pursuit of quest

## MANAGING THE UNUSUALLY PERSISTENT CLAIMANT III

- Reframe where possible actions as acknowledging importance of claimant and seriousness of claim
  - Lied to me** - were trying not to upset you further
  - Persecuting me** - you have to realise how frightening you can be they were seeking protection
  - Cheated me** - mistakes happen nothing personal. It is helpful to others that you have exposed a failure in our system
  - Humiliated me** - took you very seriously after all important principles at stake
- Danger of reframing heightening expectations feeding grandiosity

## MANAGING THE UNUSUALLY PERSISTENT CLAIMANT IV

- Don't cut off all pathways to progress of claim unless unavoidable
- Take all threats very seriously
- Remember protecting your and your staff's emotional and physical health and safety must have priority
- Acknowledge error. Confront (gently) misconceptions. Offer practical solutions - that can be done. Clearly label dreams and unrealistic expectations - that will not happen

## STUDIES ON QUERULANTS - PERSONALITY

“A rough, irritable, egotistic person, defective in his notions of justice”

Krafft-Ebing (1897)

“Restless, excitable, irritable, inflated self esteem, assertive, combative, defiant, fanatical”.

Kolle (1931)

“Inflexible, difficulties with intimacy, assertive, hypersensitive to criticism, distrustful.

Ungvari (1997)

## Abnormally Persistent Complainants Conclusions I

1. Abnormally persistent complainants arises from the passion for justice.
2. There is a mismatch between the desires of the abnormally persistent complainants for vindication and retribution and the societal mechanisms for providing justice through reparation and compensation.

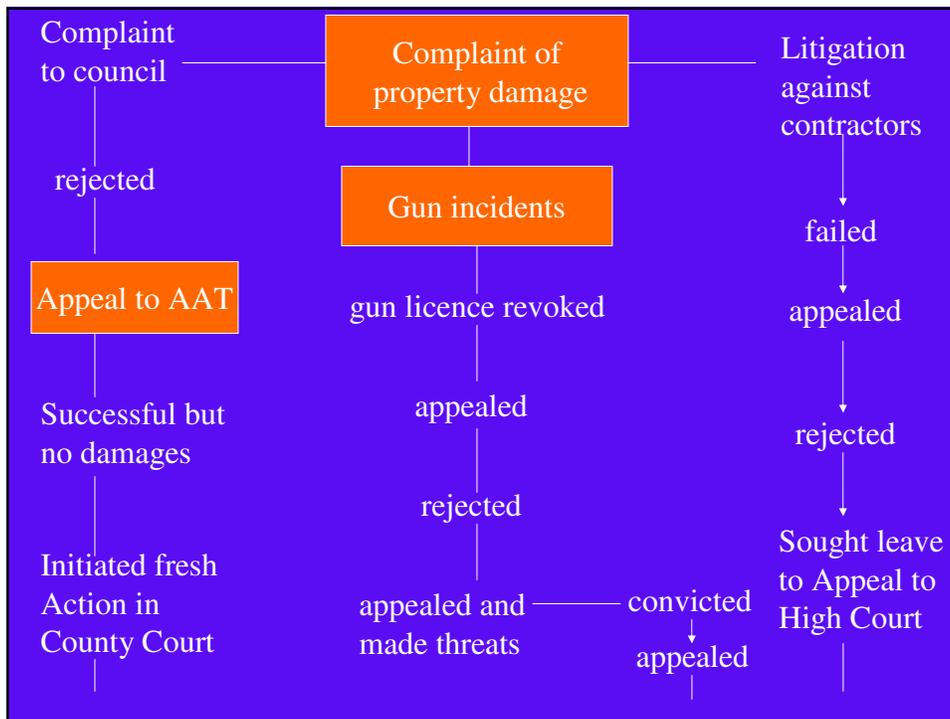
## Abnormally Persistent Complainants Conclusions II

3. The world of the abnormally persistent complainants is one of detailed certainties with opposition only possible from other's malevolence.
4. The abnormally persistent complainants now live mainly in the complaints department and ombudsmen's officers not just the courts.

## Abnormally Persistent Complainants Conclusions III

5. The abnormally persistent complainants lay waste to their lives and plague their would be helpers.
6. Recognising and developing effective ways of managing this small group is essential for their health and the effective functioning of most complaints and claims systems as well as the courts.

HOW WAS THE INITIAL  
COMPLAINT DEALT WITH ?





## REFRAMING

### (a) The complainants behaviour

unreasonably persistent - principled and painstaking  
 unrealistic - battling to change the system  
 overgeneralised - interested not just in self but injustice  
 overzealous - enthusiastic  
 over detailed - painstaking  
 demanding - prepared to spend time

The aim is in part to calm with flattery but more importantly to move from revenge and vindication to reparation.

## REFRAMING

### (b) The organisational responses

unjust - failing to initially understand implications

belittling - trying for a quick fix

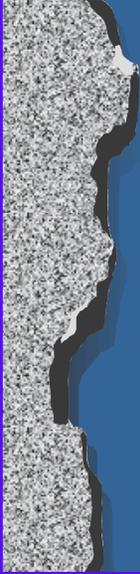
obstructive - struggling to make sure everything correct this time

inadequate - only a limited response possible

Attempt to move perception from uncaring to struggling albeit inadequately to respond.

## WHY BOTHER ?

- The distress caused
- The resources consumed
- That processes that should be improving peoples lot are damaging them



We are ... almost ready to treat every death as chargeable to someone's account, every accident as caused by someone's criminal negligence, every sickness a threatened prosecution. Whose fault? is the first question ... then what damages? what compensation? what restitution.

*Mary Douglas 1992, Risk and Blame*