

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.

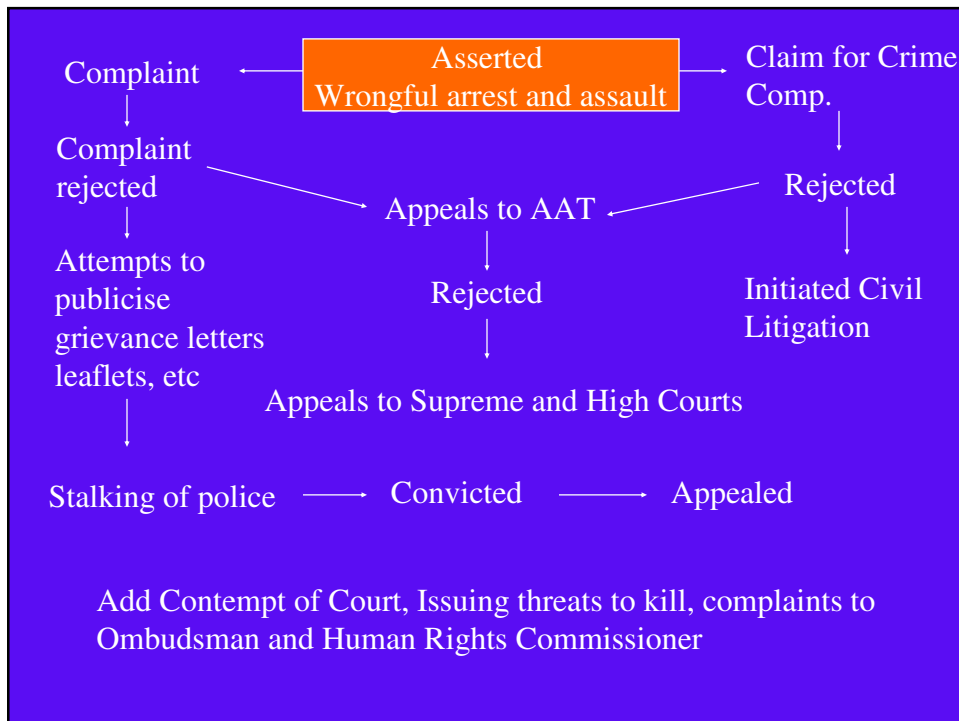
Assume normality - Be reluctantly driven to consider abnormality.

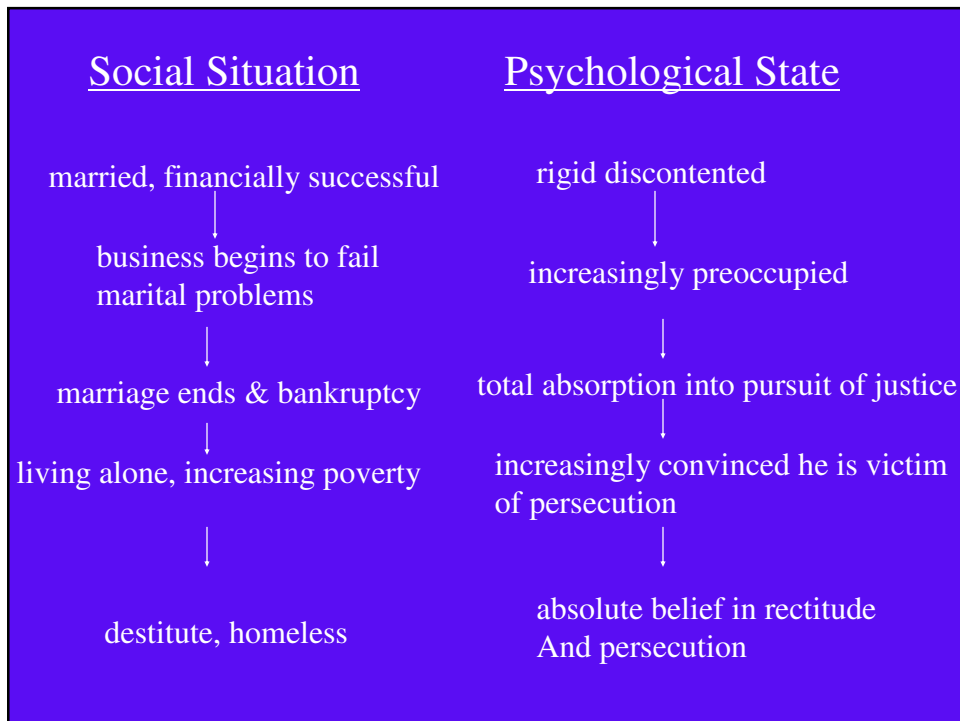
QUERULANTS CLASSIFICATION OF VON DER HEYDT (1952) I

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

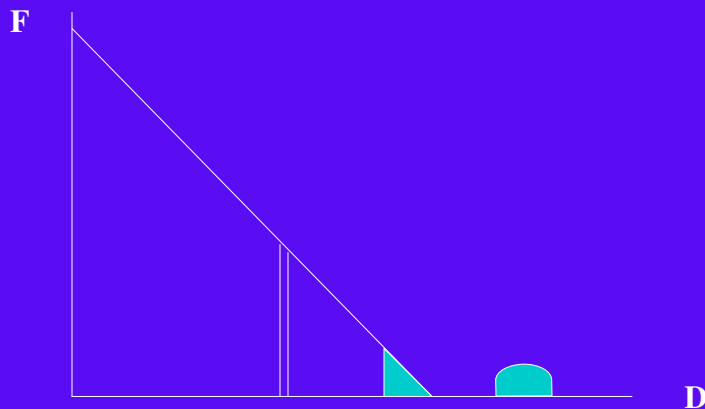
CLAIMS ARISING FROM PRE-EXISTING MENTAL ILLNESS

- 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 rightso
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 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.

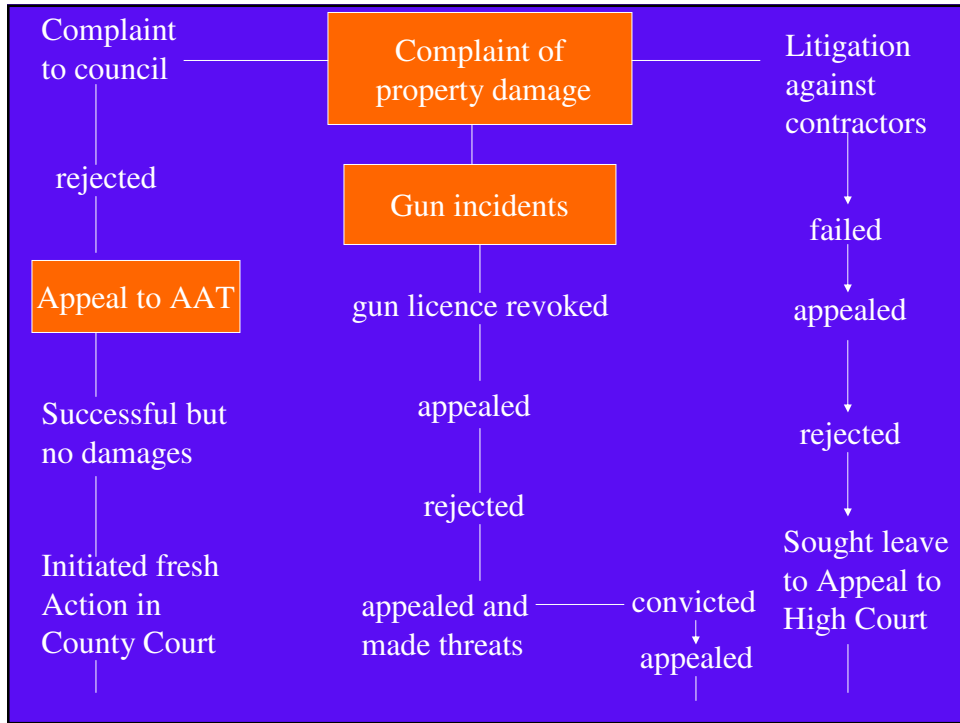
Abnormally Persistent Complainants Conclusions II

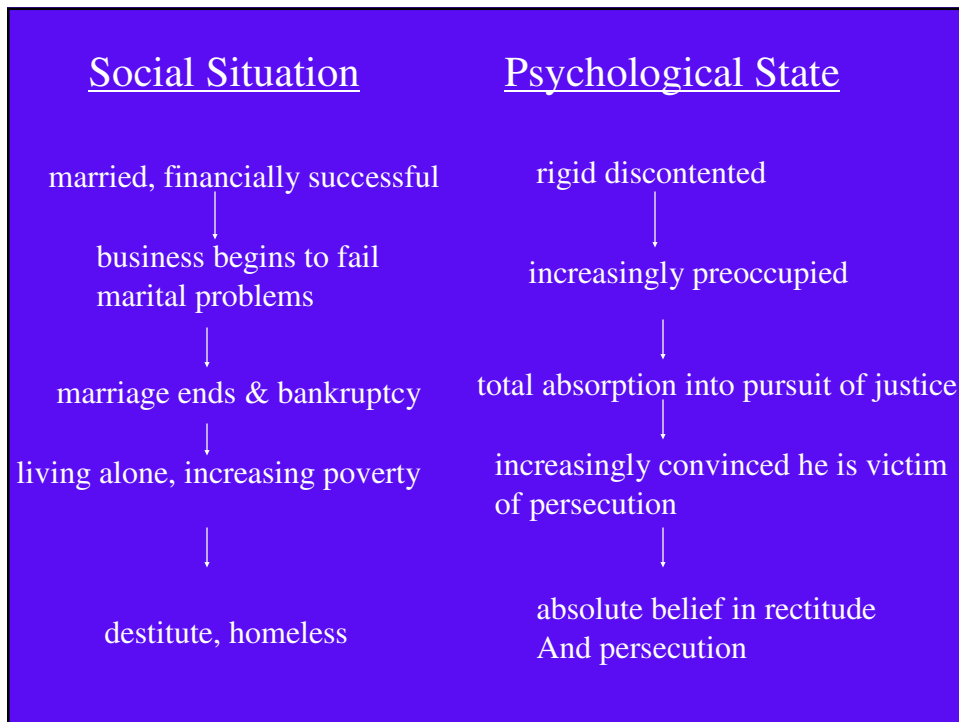
3. The world of the abnormally persistent complainants is one of detailed certainties with opposition only possible from other's malevolence.
4. The abnormally persistent complainants now live mainly in the complaints department and ombudsmen's officers not just the courts.

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

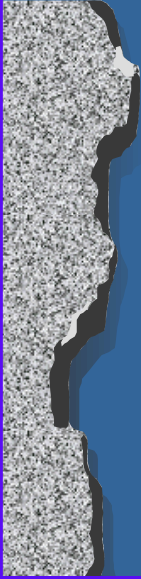
obstructive - struggling to make sure everything correct this time

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