

# Querulous Complainants

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This overview has been written for the SPSO by Dr Gordon Skilling who is a psychiatric specialist adviser to SPSO with a research interest in this area. It was produced in support of the report *Making Complaints Work for Everyone*.

## Definition and scale

The word 'querulous' derives from the late 15th Century Latin '*queri*' meaning 'complain'. In modern parlance, the term 'querulous complainants' refers to individuals that pursue complaints with an unusual degree of persistence and in ways that can cause harm to themselves and the agencies they engage with. Different agencies and jurisdictions refer to querulous complainants, or the behaviours they exhibit, using different terms. These include but are not limited to: unusually persistent complainants, querulants, vexatious litigants, unusually persistent petitioners, unreasonable complainant conduct and unacceptable actions.

It has been estimated that querulous complainants comprise 1–5% of all complainants but that they consume 15–30% of complaints handling resources (Mullen and Lester, 2006). This can have 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 querulous complainants themselves experience significant adversity as a result of the way they engage in complaints processes (Lester *et al*, 2004, Skilling *et al*, 2012).

## Historical Context

Querulous complainants were well described in 19th and 20th Century European psychiatric literature (Lester *et al*, 2004). During this period, academic attention focussed on how best to understand and classify querulous complainants and the psychiatric phenomena that drove their behaviours. No overall consensus was reached, but by the mid-20th century there was a view that querulous behaviour could be 'normal' (transient and precipitated by an individual's situation or circumstances at a particular time), 'genuine' (a predisposition in an individual's personality that may be triggered by an event or events) or 'symptomatic' (caused by a major mental illness) (Stalstrom, 1980).

Academic interest in querulous complainants dwindled in the latter half of the 20th century as attention focussed more on the underlying mental disorders. Cultural changes emphasising individual and consumer rights also contributed to concerns that the subject matter was judgemental or stigmatising. There are those who regard querulous complainants, not as unusual or abnormal, but merely people with the energy and commitment to pursue their rights (Stalstrom, 1980) and that medicalising them was done by those who wished to use psychiatry to silence criticism (Pal, 2004).

In recent years, the issue of querulous complainants has become increasingly pertinent for public sector and complaints handling agencies. The reasons for this are likely to include: an 'internet informed' public, a more litigious society, increasing expectation for public sector accountability and a range of new administrative laws and processes available to those dissatisfied with the services they have received.

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## Querulousness as a problem behaviour

Recent studies of querulous complainants have moved away from focussing on the underlying predispositions or mental disorders to instead focus on the actual behaviours that these individuals exhibit. Mullen and Lester (2006) 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.

### Features

Two studies have carried out detailed comparisons between querulous and non-querulous complainants (Lester *et al*, 2004, Skilling *et al*, 2012).

Lester *et al* (2004) found that querulous complainants communicated more frequently and at far greater length with the complaints handling agencies as compared with other complainants. Querulous complainants were more likely to turn up at unannounced at complaints departments and to communicate by email. Their aims differed substantially from those of other complainants. 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* (2004) identified dramatic differences in the form and style of the querulous complainants' 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 querulous complainants. 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 querulous complainants studied 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.

In their study of complainants against Scottish police forces, Skilling *et al* (2012) found that querulous complainants differed significantly from other complainants. Consistent with Lester *et al* (2004), they found that differences in the number, volume, content and style of communications were present from the outset of the complaints process. 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.

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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 spoke 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).

Skilling *et al* (2012) identified high rates of self-reported negative consequences for the querulous complainants. In more than half of the querulous cases, the complainants described suffering adverse financial, social, occupational, relationship or health consequences which they themselves attributed to their engagement in the complaints process.

In contrast to Lester *et al* (2004), Skilling *et al* (2012) found that the use of curious formatting and forms of emphasis was not often present in the initial communications from querulous complainants but became much more evident as the complaints process progressed.

Skilling *et al* (2012) identified a number of behaviours exhibited by the querulous complainants 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. Also, it was not uncommon for 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 querulous complainants.

In contrast to Lester *et al* (2004), Skilling *et al* (2012) did not find that the querulous group were more likely to seek vindication, retribution or revenge more often than other complainants. Neither did they identify significant differences in the conduct of querulous complainants compared with other complainants. Whilst querulous complainants were more likely to be rude or aggressive in their communications, they did not show up unannounced or act violently. They noted however, that a small number of threats both to self and others were made by the querulous group, whilst other complainants never made threats.

## **Mental disorder**

The relationship between querulous behaviour and mental disorder is complex and difficult to study. Mental health services are likely to see only a small sample of querulous complainants that are not representative of the group overall; those whose querulous behaviours are symptomatic of a major mental illness and whose presentation has been severe enough to bring them to the attention of services. Studies of such patients have concluded that querulous behaviour driven by delusional beliefs (sometimes referred to in the literature as 'querulous paranoia') is a rare and chronic condition which is difficult to treat but which does not usually require long term hospitalisation (Ungvari, 1993, Rowlands, 1988, Winokur, 1977 and Astrup, 1984). Current psychiatric diagnostic guidelines classify querulous paranoia as a persistent delusional disorder (World Health Organisation, 1992) or a delusional disorder (American Psychiatric Association, 2013). Delusional beliefs driving querulous behaviour can be a feature of other major mental illnesses such as schizophrenia, though the additional symptoms and effects of these illnesses make it much less likely that sufferers would be organised and motivated enough to exhibit querulous behaviours over a sustained period.

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More common, but less likely to come into contact with mental health services, are those whose querulous behaviours are a result of abnormal or unhelpful personality traits. Such traits may or may not amount to a mental disorder (a personality disorder), depending upon their severity and the degree of suffering or dysfunction they cause the individual or those around them.

There have been no studies looking specifically at the personality traits of querulous complainants but studies of querulous paranoia concluded that patients displayed high rates of pre-morbid personality pathology. Traits highlighted in the literature included: 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 also emphasised (Ungvari, 1993). Others have drawn clear links between specific personality disorders (antisocial, borderline, narcissistic and histrionic) and querulous behaviours (Eddy, 2005).

Lester *et al* (2004) drew no conclusions about the underlying mental health of the querulous complainants in their study. This was not surprising given their focus was on the behaviour of subjects rather than the cause of such behaviour. In the absence of a comprehensive psychiatric assessment no conclusions about the mental health of complainants could be drawn.

Likewise, Skilling *et al* (2012) could not comment on this issue definitively, but they did identify high rates of self-reported mental health problems by querulous complainants 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.

Skilling *et al* (2012) did not identify querulous complainants as being more likely to voice bizarre or 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.

## **Reasonable adjustments**

Identifying complainants who are querulous is important in order to manage them and their complaints as effectively as possible, ensure staff are adequately supported in their interactions with querulous complainants, ensure other complainants are not disadvantaged in terms of resource allocation and minimise any harm or distress that may be caused to the complainant or others.

It is also important to distinguish between complainants that are genuinely aggrieved and motivated to pursue their complaint, from querulous complainants who may require specific management strategies.

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Complaints handlers are likely to be in a strong position to spot warning signs that a complainant's conduct is unusual. Studies suggest that this unusual conduct is likely to be present from the outset (Lester et al 2004, Skilling *et al*, 2012). What is often much more difficult to ascertain however, is the underlying cause of a complainant's querulous behaviour. The complaint handler's focus should therefore be on the behaviours themselves and not on the underlying reasons for such behaviours. The role of the complaint handler is to manage the complaint and, if necessary, the complainant, not to identify or manage a mental disorder. A useful practical guide to managing unreasonable complainant conduct highlights that the key to managing querulous behaviours is to manage your own response to them and the importance of adequate training, supervision and managerial support for complaints handlers cannot be overstated (New South Wales Ombudsman, 2009).

Attempts by complaints agencies to make reasonable adjustments for complainants who may have mental health issues are laudable but beset with difficulty. For example, unless the complainant discloses the existence and nature of a mental health problem during the complaint process, the complaint handler will not be aware of it (assuming the subject matter of the complaint does not relate to it). It may be useful to bear in mind that querulous behaviour driven by major mental illness is rare.

The nature of what adjustments to make is also a challenge. In circumstances where there is a genuine mental health issue, it may be reasonable to afford a complainant more time to organise information or, to accept a less coherent complaint from them. This can never be at the expense of the effective processing of the complaint however, or it would defeat the point.

Rudeness, hostility, aggression or violence, whilst sometimes understandable in the context of what is going on for a complainant, is never acceptable.

If we are to assume that the majority of querulous complainants do not have a major mental illness but have unhelpful personality traits (or a personality disorder) that may have been triggered or exacerbated by specific circumstances, then the question arises as to what, if any, adjustments are reasonable in such cases? Available evidence suggests that querulousness exists at the outset of the complaints process and is not caused by the complaints process. That said, there are approaches and strategies complaints handlers can take that could exacerbate or perpetuate querulousness as well as those that can help manage it effectively.

Key to interacting productively with such individuals, is taking a consistent approach, setting out and adhering to consistent boundaries and expectations. It is likely to be counterproductive to accommodate any kind of unreasonable behaviour as this will increase the chances of such behaviours recurring or worsening. Furthermore, if unreasonable behaviours are dealt with differently by different staff, this is likely to exacerbate the complainant's behaviour and may lead to further complaints. The New South Wales Ombudsman guidance (2009) highlights the importance of limit setting and of finding effective ways to say "no" to querulous complainants. These are most helpfully set out in departmental policy that all staff should be familiar with. Again, it is crucial that such policies are utilised when appropriate and on a consistent basis. There is no point in writing to a querulous complainant to tell them you will no longer be responding to their written requests, only to then respond again to them the next time they get in touch (which they inevitably will).

Two final strands to managing querulous complainants are important to mention.

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First, looking after the wellbeing of complaints staff dealing with such individuals is of crucial importance. It can be incredibly stressful and upsetting to interact with querulous complainants. A related issue here is that of threats. All complaints departments should have a policy to deal with threats. Some of the key approaches include: never ignore a threat, always make clear you take it seriously, take time to assess its significance, share your evaluation with the threatener and how you intend to respond, and be alert to 'end of tether' language (for example, "I can't go on", "This is the last straw" etc).

Second, is having realistic expectations for the outcome of such complaints. Interventions should 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 handling agency, though realistically probably to the complete satisfaction of neither. It must be borne in mind that the 'genuine' querulous complainant is very unlikely to actually want their complaint resolved. It is the process and what it gives them that they are invested in. They have much to lose if the process ends: their purpose in life, face, hope of solving their problems, their investment to date, the joy of knowing you are right, the joy of being important, the joy of struggle, the joy of power over others. With that in mind, one of the key challenges for the complaints handler in managing querulous complainants, is to try and create "face saving exits" for the complainant and time these correctly.

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