



AASW
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**Australian Association
of Social Workers**

Information for complainants regarding frivolous complaints and vexatious complainants

September 2018

The primary purpose of the AASW's Ethics Complaints Management Process (ECMP) is:

1. To maintain the reputation of the social work profession
2. To receive and appropriately consider complaints concerning an AASW member's conduct and issues of potentially serious ethics concern
3. To consider complaints involving potential allegations of significant departure from acceptable standards so as to amount to serious ethical professional misconduct by an AASW member
4. To make decisions on allegations and appropriate membership consequences
5. To deter other members from engaging in similar conduct
6. To protect the public (current and potential users of social work services) from the impact of serious ethical professional misconduct

All complaints made to the AASW are taken seriously and given careful and respectful consideration. Every complaint received is reviewed. The AASW's response to a complaint depends on the potential level of seriousness of the alleged ethical misconduct.

What are vexatious complainants or frivolous complaints?

The AASW acknowledges that most complaints made to the AASW are not frivolous in nature and are made in good faith and after much consideration by complainants, who are not behaving in a vexatious manner.

The AASW Ethics Complaints Management Process can only receive complaints which relate to allegations of serious ethical professional misconduct. Please refer to the resource, *Information for Complainants regarding serious ethical professional misconduct*.

Occasionally matters brought to the AASW may be deemed to be frivolous in nature, or made by vexatious complainants, or not in the spirit or for the purpose of the Ethics Complaint Management Process. The AASW cannot receive complaints which are deemed to be frivolous in nature, including from vexatious complainants.

The AASW CEO or National Ethics Committee may determine, in their absolute discretion, whether a complaint is frivolous, or made by a vexatious complainant, and may immediately dismiss complaints which are deemed to be so.

The AASW applies a commonsense interpretation when deciding if a complaint is frivolous. If the described conduct would on a reasonable person standard, objectively seem supportable in ordinary circumstances, a complaint about the conduct would appear to be frivolous.

The AASW needs to be able to make a judgement about these matters, and the kind of factors considered when determining if a complainant is vexatious or the complaint is frivolous include:

- Does the complaint involve the persistent pursuit of a particular person, allegation or outcome, even though reasonable consideration has already been given to the matter?
- Does the complaint serve principally or in part to cause annoyance, disruption or harassment of a person or excessive use of AASW's resources?

In considering such issues, the AASW also considers the complainant's perspective and distinguishes declared and undeclared vexatious litigants and persons who are mentally unwell, or suffer from personality disorder, or who are distressed or angry and may nevertheless have a valid complaint. AASW acknowledges that people experiencing vulnerability may also be subjected to the effects of unacceptable conduct.

If the AASW dismisses a complaint on the grounds that it is vexatious or frivolous, this decision is final.

AASW recognises that accepting complaints from vexatious complainants and/or that are frivolous in nature detract from the capacity of AASW to consider complaints and uphold appropriate professional standards.

The information sheet *Information for Complainants regarding serious ethical professional misconduct and a Complaints Form* are available on the Australian Association of Social Workers website at <https://aasw.asn.au>

<https://www.aasw.asn.au/information-for-the-community/making-a-complaint/ethics-complaints-management-process>

Complaints enquiries and complaints can be emailed to ethicscomplaint@aasw.asn.au