



PEAKS & PLAINS
Housing Trust

The Trust

Vexatious Complaints Policy

Version number: V1

Effective Date: November
2019

1. SCOPE

- 1.1. This policy outlines how Peaks & Plains (the Trust) will manage vexatious complaints, at all times ensuring that customers are dealt with fairly and consistently. The policy describes how we identify vexatious complainants, the actions we will take to deal with these customers and how we record and report upon vexatious complaint management to our customers and Board.
- 1.2. This policy provides protection to colleagues who might be subject to unreasonable behaviour from a minority of customers. It also gives colleagues clear guidelines for when to refer vexatious complaints to managers for their support.

2. INTRODUCTION

- 2.1. The Trust is committed to investigating and responding to all complaints fairly, comprehensively, and in a timely manner. However, there are a minority of cases where a person complains in a way that prevents the Trust's staff from investigating the complaint; takes up a disproportionate level of resources; or behaves in a way that is unacceptable.

The Trust does not believe that a customer raising legitimate queries or criticisms of our services (or officers) should in itself lead to a complaint being regarded as vexatious or a complainant as unreasonably persistent. The Trust accepts that if a complainant is unhappy with the outcome of a complaint and seeks to challenge it, this should also not cause the Trust to label the complaint as vexatious.

However, if a complainant behaves in a way that is unreasonably persistent or abusive the Trust will follow this policy. The Trust does not expect its staff to tolerate unacceptable behaviour by complainants or any customer and will take action to protect them from this.

3. DEFINITIONS

- 3.1. The Trust defines vexatious complaints as those that, because of the frequency and/or nature of a complainant's contact with our officers, hinders the Trust's consideration of their (or other people's) complaints.
- 3.2. The Trust has adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"
- 3.3. The Trust will classify as abusive, any behaviour that seeks to harass, verbally abuse or otherwise intimidate our colleagues. This can include the use of insulting, racist or inappropriate language.

4. EXAMPLES OF VEXATIOUS BEHAVIOURS

- 4.1. These are some of the actions and behaviours which may be considered vexatious (this list is not exhaustive). Single incidents may be considered unacceptable, or unreasonably persistent behaviour may be unacceptable where this is time consuming to manage and interferes with proper consideration of the complaint.
- I. Refusing to specify the grounds of a complaint, despite offers of assistance.
 - II. Refusing to cooperate with the complaints investigation process.
 - III. Refusing to accept that certain issues are not within the scope of a complaints procedure.
 - IV. Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - V. Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
 - VI. Changing the basis of the complaint as the investigation proceeds.
 - VII. Denying or changing statements he or she made at an earlier stage.
 - VIII. Introducing trivial or irrelevant new information at a later stage.
 - IX. Raising many detailed but unimportant questions, and insisting they are all answered.
 - X. Submitting falsified documents from themselves or others.
 - XI. Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
 - XII. Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Trust colleagues, or detailed letters every few days, and expecting immediate responses.
 - XIII. Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
 - XIV.** Refusing to accept the decision; repeatedly arguing points with no new evidence.

5. IMPOSING SANCTIONS ON VEXATIOUS COMPLAINANTS

- 5.1. Colleagues should refer potentially vexatious complaints to service managers for a decision on how to deal with the complainant. Where the service manager considers the complaint vexatious they will follow the following guidelines;
- a) The service manager will contact the complainant to explain why their actions are causing concern and request that they change their behaviour. The service manager will explain the actions that the Trust may take if the behaviour does not change.
 - b) If the disruptive behaviour continues, a senior manager (Head of Service or equivalent) will write to the complainant advising them that the way in which they will be allowed to contact the Trust will be restricted. The letter will contain information about the procedures that have been put in place to deal with the complainant. The customer will be informed of their right to appeal this decision and right to refer to the Ombudsman if they wish to seek external review of the decision.

- 5.2. Any restriction that is imposed on the complainant's contact with the Trust will be appropriate and proportionate. Restrictions will be tailored to deal with the individual circumstances of the complainant and may be time bound and subject to review.

6. AUDIT AND GOVERNANCE

6.1. Recording and reporting upon vexatious complainants

- 6.1.1. Comprehensive records will be retained by the appropriate service manager of the details of the case and the action that has been taken and will include:
- I. Details of customers who are deemed subject to the vexatious complaints policy
 - II. When the restriction came into force and ends
 - III. What the restrictions are
 - IV. When the customer and services were advised
- 6.1.2. An annual summary of the above will be reported to Board and customers for example Challenge Group

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1. Our customers, regardless of background or ability, deserve to have the same opportunity to benefit from the services we provide. We will ensure that customers with particular needs are able to communicate with us and will be treated by our staff in a manner that takes their needs into account.
- 7.2. The Trust will ensure;
- all customers receive equal access to services irrespective of age, race, sex, disability, faith or sexual orientation
 - all staff are trained on equality and diversity issues and are equipped to deal with our customers' specific needs
- 7.3. People with learning disabilities and mental health problems may not be aware that their behaviour is considered unreasonably persistent or vexatious. This may also be the case if English is not the customer's first language. The Trust's staff will take extra care when writing to the customer to ensure they understand any action we are taking because of their behaviour. Alternative formats for correspondence will be used if needed.

8. DATA PROTECTION

- 8.1. The Trust recognises that confidentiality is important to customers and will ensure all performance reporting information is anonymised and are compliant with GDPR good practice.

9. FUTURE REVIEWS

9.1. This policy will be reviewed every 3 years

10. ASSOCIATED DOCUMENTS

- 10.1.
- Compliments, Comments and Complaints Policy
 - Compensation Policy

POLICY INFORMATION

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