

*Creating affordable  
homes and empowering  
communities*



# Vexatious & Persistent Complainants Policy

<b>CONTROLLING AUTHORITY: Director of Corporate and Customer Services</b>		
<b>ISSUE NO: 2</b>	<b>STATUS: Live</b>	<b>DATE: 1 July 2016</b>
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**making a splash**  
in the areas we serve

## **1. Introduction**

- 1.1 Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for Boston Mayflower. This can happen either while their complaint is being investigated, or once Boston Mayflower has finished dealing with the complaint.
- 1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.
- 1.3 We will not normally limit the contact which complainants have with Boston Mayflower staff or offices.
- 1.4 We do not expect staff to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include
  - Using abusive or foul language on the telephone
  - Using abusive or foul language face to face
  - Sending multiple emails
  - Leaving multiple voicemails
- 1.5 We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.
- 1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

## **2 Aim of this policy**

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, as well as customers.

### 3 Definitions

- 3.1 We have adopted the Housing Ombudsman's definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"
- 3.2 We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with Boston Mayflower, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
- 3.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
- 3.4 Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

#### **An unreasonably persistent and/or vexatious complainant may:**

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of Boston Mayflower's ability to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint)

- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- record meetings and conversations electronically without the prior knowledge and consent of the other person involved
- adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with Boston Mayflower, but at the same time with a Member of Parliament, Councillors, the police, solicitors, and the Housing Ombudsman before the outcome of the complaints has been investigated and addressed in full
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences mean that the complaint should be revisited through the full complaints procedure again.
- persistently approach Boston Mayflower through different routes about the same issue

- persist in seeking an outcome which we have explained is unrealistic for reasons of Policy, legality (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on a historic and irreversible decision or incident
- combine some or all of these features

## 4 Imposing restrictions

- 4.1 We will ensure that the complaint is being, or has been, investigated properly according to the Corporate Complaints Procedure.
- 4.2 In the first instance the service manager will consult with the Complaints Officer and the customer service manager, prior to issuing a warning to the complainant. The service manager will contact the complainant either by phone, in writing or by email to explain what action Boston Mayflower may take and why restrictions may be imposed .
- 4.3. If the disruptive behaviour continues, the head of service in consultation with the Assistant Chief Executive will issue a second letter to the complainant advising them that the way in which they will be allowed to contact us in future will be restricted. The head of service will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.
- 4.4 Any restriction imposed regarding the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.
- 4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include :
  - Banning the complainant from making contact by telephone except through a third party e.g. solicitor/friend acting on their behalf
  - Banning the complainant from sending emails to individuals and/or all Boston Mayflower officers and insisting they only correspond by letter
  - Banning the complainant from accessing any Boston Mayflower building except by appointment
  - Requiring contact to take place with one named member of staff only
  - Restricting telephone calls to specified days / times / duration

- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)

4.6 When the decision has been taken to apply this policy to a complainant, the head of service will contact the complainant in writing (and/or as appropriate) to explain:

- why we have taken the decision,
- what action we are taking,
- the duration of that action,
- the review process of this policy, and
- the right of the complainant to contact the Housing Ombudsman about the fact that they have been treated as a vexatious/persistent complainant.

4.7 The head of service will enclose a copy of this policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way which is unacceptable, the head of service, in consultation with the Assistant Chief Executive, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

4.9 Where the behaviour is so extreme, or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **5 New complaints from complainants who are treated as abusive, vexatious or persistent**

5.1 New complaints from people who have come under this policy will be treated on their merits. The head of service will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within Boston Mayflower.

## **6 Review**

- 6.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the head of service after three months and at the end of every subsequent three months within the period during which the policy is to apply.
- 6.2 The complainant will be informed of the result of this review if the decision to apply this policy them has been changed or extended.

## **7 Referring unreasonably persistent or vexatious complainants to the Housing Ombudsman**

- 7.1 In some cases, relations between Boston Mayflower and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

## **8 Record keeping**

- 8.1 Adequate records will be retained by the appropriate service manager of the details of the case and the action that has been taken. The Assistant Chief Executive will retain a record of:
  - . The name and address of each customer who is treated as abusive, vexatious or persistent
  - . When the restriction came into force and the end date
  - . What the restrictions are
  - . When the customer and departments were advised
- 8.2 The Executive Management Team will be provided with an annual report giving information about customers who have been treated as vexatious/persistent as per this policy.







## Equality Impact Assessment Initial Screening

Vexatious and persistent complaints and complainants

**Name of policy / strategy / project (the "initiative"):**

**Vexatious and Persistent Complaint and Complainants**

**Provide a brief summary of the aims and main activities of the initiative:** (bullet points)

- It is Boston Mayflower's aim to provide the highest quality service.
- To respond to the needs of our customers in a fair, helpful and efficient manner, using our best endeavor to find a satisfactory solution to those needs.
- To define the Company's standards of service, so that customers know what type of service they can expect to receive.
- To explain our actions and apologise for any inconvenience or offence caused by the Company and not to be afraid to own up to our mistakes.
- To comply with Equal Opportunities legislation, the Assured Tenants Charter and the Company's Policies, especially in respect of Customer Care.

**Completed by:** Bridget Lloyd

**Date:** 1.4.2016

### **STAGE 1: SCREENING**

This stage establishes whether a proposed initiative will have an impact from an equality perspective on any particular group of people or community – i.e. on the grounds of race, religion/faith/belief, gender (including transgender), sexual orientation, age, disability, or whether it is "equality neutral" (i.e. have no effect either positive or negative).



## Equality Impact Assessment Initial Screening

### Vexatious and persistent complaints and complainants

**Q 1. Who will benefit from this initiative?** Is there likely to be a positive impact on specific groups/communities (whether or not they are the intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality 'neutral' i.e. will have no particular effect on any group? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

This policy has been designed to impact equitably regardless of the nine protected characteristics and it is envisaged that it will be equality neutral.

**Q 2. Is there likely to be an adverse impact on one or more minority/under-represented or community group as a result of this initiative?** If so, who may be affected and why: Or is it clear at this stage that it will be equality 'neutral'? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

This policy will have a positive impact as it is available to all through various different mediums and is supported through a range of formats. Boston Mayflower does not envisage any negative impact with the scope of the Service Delivery through the implementation of this policy as we believe this policy is Equality Neutral.

**Q 3. Is there sufficient data on the target beneficiary groups/communities?** Are any of these groups under or over represented? Do they have access to the same resources? What are your sources of data and are there any gaps? *Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

The policy is designed to provide a framework to enable complaints to have the opportunity to complain through the various different access routes however it supports staff and managers in appropriately and fairly managing persistent and vexatious



## Equality Impact Assessment Initial Screening

### Vexatious and persistent complaints and complainants

complaints and complainants.

**Q 4. Outsourced services – if the initiative is partly or wholly provided by external organisations / agencies, please list any arrangements you plan to ensure that they promote equality and diversity. Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**

Boston Mayflower will deliver this policy however it will work in close consultation with partner organisations who have committed to our Equality and Diversity Policy, through our complaint contractor meetings.

**Q 5. Is the impact of the initiative (whether positive or negative) significant enough to warrant a full impact assessment – see guidance? If not, will there be monitoring and review to assess the level of impact over a period of time? Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality**

No.

**Q 6. To be completed at six monthly review** Detail actions taken to assess the level of impact over a period of time, or to address any gaps in data.

*Please consider all aspects of Diversity including as a minimum: Age, Disability, Gender/Transgender, Race/Ethnicity, Religion/Faith/Belief, Sexuality*

A review will take place in line with the review of the policy as defined within our policy review programme or when legislative changes require an update immediately.



Equality Impact Assessment Initial Screening

Vexatious and persistent complaints and complainants

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