

Plus Dane Housing

Unreasonable, Vexatious or Persistent Complainants Framework

1.0 Aim

- 1.1 Plus Dane aims to deal with complainants in an open, fair and proportionate way. We recognise that a small minority of customers may behave in an unreasonable manner or their complaints are vexatious in nature. We will endeavour to respond to complainants with patience and empathy, considering individual requirements, however on occasion there are times when nothing further can reasonably be done to assist.
- 1.2 It is acknowledged that at times of anxiety or distress customers may sometimes act out of character and reasonable allowances should be made for this. Also, some complainants may have a mental health disability and there is need to be sensitive in these circumstances.
- 1.3 This framework should be read in conjunction with the Customer Complaints and Feedback Policy and is designed to provide additional guidance to clause 5.6.

2.0 Principles

- 2.1 Every effort will be made to resolve a complaint before a customer can be described as unreasonable.
- 2.2 A complainant who displays threatening or abusive behaviour or language to staff (whether written or verbal) that causes staff to feel afraid, threatened or abused, may be dealt with under this framework.
- 2.3 A customer who makes a number of different complaints that they believe to be genuine should have each complaint considered if there is no reason to believe that this is vexatious in nature.

3.0 When use of the framework should be considered

- 3.1 Those complainants who may be considered under this framework are those who hinder the consideration of their complaint or the running of the business due to the nature or persistency of their complaints.
- 3.2 Complainants who demonstrate any or a combination of the behaviours below may be considered under the framework. These are examples and this list is not exhaustive.
 - They persist in pursuing a complaint when the complaints procedure has been fully and properly implemented and exhausted. In such instances the complainant will have been advised of their right to contact a

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Designated Person or the Housing Ombudsman but will continue to contact Plus Dane.

- They have threatened or used actual physical violence towards staff or their families at any time. This will also trigger a referral to the community safety team and/or the police where appropriate. Personal contact with the complainant will be discontinued and the complaint will be pursued through written communication.
- They have harassed or been personally abusive or verbally aggressive towards staff on more than one occasion or on one occasion of such a serious nature to merit immediate action. We recognise that complainants may sometimes act out of character at times of stress, anxiety or distress and will make reasonable allowance for this.
- They change the substance of a complaint or continually raise new issues or seek to prolong contact by raising further concerns or questions upon receipt of a response.
- They have made an excessive number of contacts with Plus Dane placing unreasonable demands on staff. Contact may be in person, by telephone, letter, email or social media. Discretion will be used in determining what an excessive number of contacts may be dependent on the detail of each case.
- They are unwilling to accept documentary evidence as factual, or deny receipt of an adequate response; or do not accept facts that may be difficult to verify due to a long period of time having elapsed.
- They do not clearly identify the precise issues they wish to be investigated despite reasonable efforts of staff to ascertain the cause of the complaint.
- They insist on repeatedly raising issues which have been notified as being services provided by another organisation.
- They focus on a trivial matter to the extent that it is out of proportion to its' significance. It is recognised that determining a trivial matter may be subjective and careful judgement should be used in applying this criteria.
- They are known to have recorded meetings or telephone calls without the prior knowledge and consent of other parties involved.
- They display unreasonable demands or expectations and fail to accept that these may be unreasonable. This may include expecting that the response to their complaint or enquiry is provided more urgently than is reasonable or normal in the circumstance.
- Adopts a "scatter gun" approach either by contacting a number of different staff members within Plus Dane thus causing confusion about who is dealing with their complaint, or, by pursuing the complaint with a number of agencies at the same time thus preventing resolution by any party.
- Make what appear to be groundless complaints about staff dealing with complaints and seek to have them dismissed or replaced.

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- They consistently request that their complaint is dealt with by an officer of a higher grade than is necessary, including the Chief Executive.

4.0 Exceptions

- 4.1 Special efforts should be made to ensure that the application of this framework takes into account the needs of vulnerable or at risk customers and that restricting contact does not constitute a discriminatory act.

5.0 Process and authorisation

- 5.1 If a member of staff wishes a tenant to be considered under the unreasonable, vexatious or persistent complainant framework they should approach the customer relations team in the first instance.
- 5.2 In the first instance the customer relations team will seek permission to issue a warning from the Director of Customer Services who will make the decision regarding when a complainant is making unreasonable demands in conjunction with the relevant service Director. A warning letter or email will be sent from the Service Improvement and Customer Feedback Manager (SICFM) dependant on the customers' preferred method of contact. This letter will explain why their behaviour is considered to be abusive, persistent or vexatious and will ask that they change their behaviour. This letter will be made available to all operational staff by uploading a copy against the electronic records.
- 5.3 If the disruptive behaviour continues the Customer Relations Team will seek agreement from the Director of Customer Services, who will liaise with the relevant service Director, to inform the complainant that they will now be treated as an unreasonable, vexatious or persistent complainant. Any restriction will be appropriate and proportionate and tailored to the individuals' circumstances.
- 5.4 In the first instance the restrictions will apply for up to 6 months to be determined by the Director of Customer Services in consultation with the relevant service Director, who will carry out a review at the end of the stated period to determine whether it is appropriate to extend the restrictions. After the first six months the review will be carried out every six months as appropriate.

6.0 Restrictions

- 6.1 The following sanctions may be applied for the duration of the restrictions being in place and these will be determined by the Director of Customer Services in conjunction with the relevant service Director:

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- Prohibiting the complainant from making contact by phone, email or in person except through a third party such as a solicitor, Councillor or advocate acting on their behalf.
- Barring the complainant from sending emails or letters to individual, named members of staff.
- Requiring contact to only take place by telephone or email with one named member of staff.
- Requiring any personal contact to take place in the presence of an appropriate witness, usually a second member of staff.
- Requiring the complainant to sign an agreement which sets out a code of behaviour.
- Seeking an injunction or restraining order appropriate to the behaviour.

6.2 A letter will be sent from the Customer Relations and Service Improvement Manager explaining how we have responded in order to resolve the complaint and confirming that there is no further action that Plus Dane can take in the matter.

6.3 End of process surveys will not be carried out with any individual who has been classed as an unreasonable, vexatious or persistent complainant.

7.0 Appeal

7.1 Customers who are classed as unreasonable, vexatious or persistent complainants have the right of appeal against that decision and should put their appeal in writing within 14 days of receiving notification of the decision.

7.2 Appeals will be considered at a level above that of the officer making the original decision and will therefore be reviewed by the relevant Executive Director. There is no right of audience attached to the right to appeal and the Executive Director will carry out a desktop review of relevant paperwork to reach their conclusion.

7.3 The outcome of the appeal will be notified to the complainant within 14 days of their request being received by Plus Dane.