

VEXATIOUS, FRIVOLOUS, AND UNREASONABLY PERSISTENT COMPLAINTS POLICY

1. STATEMENT OF INTENT

- 1.1 EastendHomes is committed to providing high quality, efficient and effective services to all its residents, but recognises that sometimes people may be dissatisfied with its services, or mistakes may be made in service delivery. This policy is designed to prevent disproportionate commitment of resources to the investigation of specific issues where significant resources have already been committed and further consideration will bear no benefit.

2. BACKGROUND

- 2.1 The EastendHomes Complaints and Compliments Policy, together with the accompanying procedure, sets out in detail how complaints will be dealt with in terms of the following stages.

- Stage One
- Stage Two
- Stage Three

The procedure makes clear that if the complaint is not resolved following completion of all stages, the complainant can pursue the complaint to go through the Independent Housing Ombudsman Service.

- 2.2 Persistent complainers however, using the formal complaints procedure, can place a significant strain on staff time and resources in an organisation, without achieving a cost-effective benefit to service delivery.
- 2.3 Most complainants behave in a reasonable and responsible way. However, EastendHomes recognises that there may be a very small minority of individuals who fail to do so and that a formal policy should be in place to enable the organisation to respond appropriately, lessening unproductive investigative work, and to manage this process given its responsibilities towards staff and other service users.

3. POLICY GUIDELINES – VEXATIOUS, FRIVOLOUS, AND UNREASONABLY PERSISTENT COMPLAINTS

- 3.1 Service users may make what EastendHomes considers unreasonable demands on the Complaints Procedure through the amount of information or level of detail they seek, the nature and scale of service

they expect, or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances of the complaint and the seriousness of the issues raised by the complainant.

Examples of actions grouped under this heading could include demanding responses within an unreasonable or unrealistic timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls, emails, or letters and repeatedly changing the substance of the complaint or raising unrelated concerns.

EastendHomes will consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the organisation such as taking up an excessive amount of staff time to the disadvantage of other users or functions.

EastendHomes recognises that some users cannot or will not accept that the organisation is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their case or contact EastendHomes persistently about the same issue, where a clear and final decision has already been taken.

Examples of such actions include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what EastendHomes can or cannot do, and continuing to pursue a case without presenting any new information.

EastendHomes will consider the actions of persistent and serial complainants to be unacceptable when they take up a disproportionate amount of staff time and resources.

EastendHomes will always encourage complainants to 'air' their dissatisfaction through investigation of the issues raised at Stages 1 and 2.

- 3.2 A decision to classify and treat a complaint as an abuse, misuse or inappropriate use of the Complaints Procedure ***will only be taken as a last resort and after all reasonable measures have been taken to resolve the complaint.*** Such a decision will be taken at an appropriately senior level in the organisation. The decision to treat a complaint as an abuse, misuse or inappropriate use of the Complaints Procedure would only be taken following investigation at Stages 1 and 2.
- 3.3 The possible circumstances under which a complaint may have this policy applied to its response are as follows:

- The complaint has not been upheld at Stage 1 or 2.
 - The complaint is of a frivolous or trivial nature such that it would be inappropriate to respond further under the formal Complaints Procedure.
 - The complaint is vexatious in that it is not deemed to be a genuine complaint and would consume an excessive amount of resources to investigate.
 - The complaint is deemed to be unreasonably persistent and repetitive in circumstances where:
 - additional issues or concerns are continually raised,
 - the complainant seeks to unreasonably prolong the complaint through each stage of the process without any prospect of resolution or apparent purpose,
 - the complainant is unwilling to accept an honest, reasonable and factually accurate response from the organisation,
 - where the substance of the complaint is determined to relate to a policy or procedural disagreement or difference in interpretation or opinion rather than about service performance or failure
 - the learning outcome has already been identified and appropriate response has already been made to the complainant
- 3.4 The complainant will be advised in writing of the decision to treat his or her complaint under this policy and the reasons for such a decision being taken.
- 3.5 A monitoring report on decisions taken under this policy will be presented to the EastendHomes board on a quarterly basis where applicable.
- 3.6 In these circumstances, the complainant will be advised that they will be considered to have exhausted the EastendHomes complaints process, and that as such he or she will be entitled to refer the complaint to the Independent Housing Ombudsman Service.