



## **Unreasonable or Vexatious Complaints Policy**

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Department: Housing

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## 1. INTRODUCTION

- 1.1. Hill Homes recognises that a small minority of complainants make complaints that are unreasonable or vexatious, in that they persist with complains that have already been addressed, or by making complaints in order to cause difficulties for others.
- 1.2. Unreasonable or vexatious complaints place a strain on time and resources and can cause undue stress for staff.
- 1.3. Hill Homes will respond professionally and sympathetically to all complaints, but there will be times when there is nothing further that can be reasonably done to assist a complainant to rectify a perceived problem
- 1.4. This policy sets out how Hill Homes will deal with complaints that may be repetitious, threatening or abusive or have already been addressed.

## 2. DEFINITIONS

- 2.1. Hill Homes refers to the group of companies comprised of Hill Homes Housing Association, Hill Homes Care Ltd and Hill Homes Care Services Ltd.
- 2.2. For the purposes of this policy, “client” refers to all tenants of Hill Homes Housing Association and clients of Hill Homes Care Ltd and Hill Homes Care Services Ltd.
- 2.3. The Housing Ombudsmen Service defines a complaint as:

‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents’

and notes that Landlords should have policies and procedures in place for managing unacceptable behaviour from clients and/or their representatives when pursuing a complaint.

- 2.4. The following list, whilst not exhaustive, provides examples of behaviour by complainants that may be described as unacceptable, unreasonably persistent or vexatious, and will not be tolerated by Hill Homes:
  - refusing to specify the grounds of a complaint, despite offers of help and support;
  - refusing to engage with the complaints investigation process;
  - refusing to accept that certain issues are not within the scope of Hill Homes’ Complaints and Compliments Policy;
  - insisting on the complaint being handled in ways which are incompatible with Hill Homes’ Complaints and Compliments Policy, or with good practice;
  - making unjustified complaints about staff who are trying to deal with issues, and seeking to get them replaced;
  - changing the basis of the complaint as the investigation proceeds;

- denying or changing statements made by the complainant at an earlier stage;
- repeatedly making the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- introducing minor or unrelated new information at a later stage;
- raising many detailed, duplicate and minor questions and insisting they are all answered;
- submitting complaints with minor additions/variations and insisting on making these new complaints; and,
- refusing to accept the decision, repeatedly arguing points with no new evidence.

### **3. AIMS AND OBJECTIVES**

- 3.1. This policy aims to explain to clients how Hill Homes will deal with complaints that may be repetitious, threatening or abusive or have already been addressed.
- 3.2. Hill Homes reserves the right, at any stage of the complaints' procedure, to review a complaint and give a decision without formal investigation. This would only occur when a complainant is deliberately repetitious, threatening or abusive and must be agreed by the CEO.
- 3.3. Hill Homes will only take action as described in this policy as a last resort, and after all other reasonable measures have been taken to resolve complaints and complainant behaviour.

### **4. POLICY STATEMENT**

- 4.1. Hill Homes will not tolerate unreasonable or vexatious complaints.
- 4.2. Hill Homes will cease all personal contact with a complainant when physical violence has been used, or threatened, towards staff, or their families, at any time. In such situations, the complaint will only be pursued through written communication. Staff who are subjected to, or threatened with, physical violence will document the details and report the incident to HR and, where appropriate, to the police.
- 4.3. When Hill Homes believes a complainant to be unreasonably persistent or vexatious, we will tell them why and ask them to change their behaviour. If their behaviour continues, we will take action to restrict the complainant's contact with staff. Any such restrictions will be evidence based, appropriate and proportionate; any decision to take action will be made by the CEO or, in their absence, the Head of Care and Support.

Likely sanctions will be:

- putting in place contact in a particular form e.g. by letter only;
- requiring contact to take place with a single named member of staff;
- restricting meetings or telephone calls to specific days and times;
- limiting the length of any contact e.g. meetings; or,
- closing the complaint.

4.4. Where action against an unreasonable or vexatious complainant is necessary, Hill Homes will write to tell the complainant:

- why we believe their behaviour is unacceptable;
- what action is being taken; and,
- how long the action will be in place for.

4.5. Hill Homes will exercise judgement and discretion to ensure that contact from the complainant about matters other than the complaint are not ignored, resulting in potential failures to respond to requests for services or an emergency.

## **5. LEGISLATION, REGULATION AND GUIDANCE**

5.1. Regulator of Social Housing's Standards

5.2. National Housing Federation's model standards

5.3. Housing Ombudsmen guidance.

5.4. General Data Protection Regulation, tailored by the Data Protection Act 2018

## **6. CONFIDENTIALITY**

6.1. All information will be handled in line with relevant GDPR legislation.

6.2. Personal information will not be shared beyond those with a need to know.

## **7. MONITORING AND REPORTING**

7.1. A database of complaints made is maintained by the Executive Officer.

7.2. The number of complaints received and response times for these complaints is monitored by the Board via the monthly Key Performance Indicators.

7.3. Records relating to unreasonable or vexatious complaints will be retained on the client's individual file.