

# Vexatious Complaints Policy and Procedure

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## 1.0 Purpose

1.1 The purpose of this policy is to ensure SIH deals with complaints in ways which are fair, consistent and reasonable.

It sets out how SIH will decide which complainants will be treated as vexatious or unreasonably persistent, and what SIH will do in those circumstances. The policy is for the information of staff, partners and customers.

## 2.0 Scope

2.1 The procedure applies to enquiries and complaints from customers or their representatives (for example family members) or from other agencies (such as CAB).

## 3.0 Definitions

3.1 SIH defines a complaint as follows;

“An expression of dissatisfaction about the standard of service, actions or lack of actions by Sapphire Independent Housing and its staff.”

3.2 If there is no “expression of dissatisfaction”, the communication will be defined as an enquiry. SIH recognises that customers and/or their representatives can be persistent and vexatious in their enquiries, and these will be treated in the same way as complaints.

3.3 SIH defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with SIH, hinder SIH’s operations and the consideration of other complaints. The description ‘unreasonably persistent’ and ‘vexatious’ may apply separately or jointly to a particular complainant.

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) :

- 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 (e.g. anti-social behaviour)
- refuse to accept that issues are not within the power of the Association to investigate, change or influence (examples could be a complaint about 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 they do not want to raise the issue as a complaint to be formally investigated or responded to)
- 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 the Association, 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, offensive, racist or inappropriate language or by the use of threats.
- 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
- purposefully withhold information relating to the complaint
- deny statements he or she made at an earlier stage in the complaint process
- electronically record meetings and conversations without the prior knowledge and consent of the other person involved
- adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints with a number of different staff e.g. project workers, managers, CEO, board members
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, 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 make these 'new' complaints which should be put through the full complaints procedure
- persistently approach SIH through different routes about the same issue
- persist in seeking an outcome which SIH has explained is unrealistic for legal or policy (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

#### 4.0 Procedure

4.1 The Operations Director must be notified if it is felt a complaint has become vexatious. All supporting documentation should also be provided to the Operations Director to assess the situation and agree a strategy for managing the vexatious contact.

4.2 All correspondence between the subject and the association should be recorded appropriately.

4.3 If it is agreed that the complaint has become vexatious, abusive or persistent then the response to the subject should; explain the associations policy in respect of such complaints, ask the subject to desist from such contact with the association, and issue a warning about the consequences of continuing with such behaviour.