

## **VEXATIOUS, UNREASONABLY PERSISTENT, OR DISPROPORTIONATE COMPLAINTS AND CORRESPONDENTS 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 are made in service delivery. This policy is to prevent disproportionate commitment of resources to the further investigation of complaints and specific issues and other correspondence where significant resources have already been committed and further consideration and interaction will bear no benefit.
- 1.2 EEH communicates in a variety of formats with clients across a wide range of service activities and in the provision of information at all officer levels. EEH are committed to tailoring services according to feedback to ensure they are accessible.

### **2. BACKGROUND**

- 2.1 The EastendHomes Complaints and Compliments Policy sets out in detail how complaints will be dealt with in terms of the following stages.
  - Stage One
  - Stage Two
  - Stage Three

The policy makes clear that if the complaint is not resolved to their satisfaction following completion of all stages, the complainant can refer the complaint to the Independent Housing Ombudsman Service.

- 2.2 Most complainants and correspondents 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 therefore this policy was introduced to enable the organisation to respond appropriately, lessening unproductive investigative work and unnecessary correspondence and to manage this process given its responsibilities towards staff and other service users.
- 2.3 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.

- 2.4 In addition there are a small number of service users (and other individuals) who take up a disproportionate amount of officer time to pursue issues, which have a personal interest not necessarily shared by, or relevant to the wider resident population.

### **3. POLICY GUIDELINES – VEXATIOUS, UNREASONABLY PERSISTENT OR DISPROPORTIONATE COMPLAINTS AND CORRESPONDENCE**

- 3.1 Service users may make what EastendHomes considers unreasonable demands on the Complaints Procedure or through correspondence because of 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 or the nature of the correspondence and the seriousness of the issues raised by the complainant or correspondent.

- 3.2 In some circumstances, the unreasonable or disproportionate demands made may relate to a specific issue only, whereas in other cases it may involve correspondence covering a wide range of issues over a prolonged period. Often, queries may be inappropriately directed or responses demanded from senior staff where the officer directly responsible for the issue can provide a full response.

- 3.3 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 is taken.

- 3.4 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.

### **4 DECISION TO TREAT A COMPLAINT OR CORRESPONDENCE AS VEXATIOUS, UNREASONABLY PERSISTENT, OR DISPROPORTIONATE**

- 4.1 Any decision to classify a complaint or correspondent as making unreasonable or disproportionate demands of officer time and/or resources will be taken by the Chief Executive or his/her deputy. Depending on the circumstances, a decision may be taken to refuse or close a formal complaint; classify correspondence relating to a specific issue from an individual; or classify all correspondence from an

individual. Any such decisions will be reported to the EastendHomes Board at the next reasonable opportunity. The decision to classify an individual in this way will be reviewed at reasonable intervals.

## **5 COMPLAINTS**

5.1 The decision to treat a complaint as an abuse, misuse or inappropriate use of the Complaints Procedure will be taken following investigation at Stages 1 and 2 according to the following circumstances:

- The complaint has not been upheld at Stage 1 or 2, or is substantively the same as a previous complaint which has already been responding to at Stage 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 considered 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, complete, 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

5.2 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.

## **6 CORRESPONDENCE**

6.1 Examples of correspondence to be classified under this policy:

- The correspondence is vexatious in that it is not deemed to be a genuine enquiry and would consume an excessive amount of

resources to investigate.

- The correspondent is deemed by their behaviour to be attempting to damage the organisation's reputation with malicious intent.
- The correspondence includes unwarranted defamatory, rude or derogatory remarks regarding the organisation or officers
- The correspondent is deemed to be unreasonably persistent or disproportionate in circumstances where:
  - additional issues or concerns are continually raised,
  - the complainant seeks to unreasonably prolong or expand upon correspondence regarding the issue without any prospect of resolution or apparent purpose,
  - the correspondent is unwilling to accept an honest, reasonable and factually accurate response from the organisation,
  - where the substance of the enquiry is determined to relate to a policy or procedural disagreement or difference in interpretation or opinion rather than about service performance or failure,
  - the issue initially identified has been fully addressed by EEH and this outcome has been communicated to the correspondent,
  - the correspondence represents a statement of opinion which may or may not be at variance with EastendHomes' corporate position, and does not represent a genuine enquiry or issue to be addressed

6.2 The complainant or correspondent will be advised in writing of the decision to treat his or her correspondence under this policy and the reasons for such a decision being taken.

## **7. Monitoring and Review**

7.1 A monitoring report on decisions taken under this policy will be presented to the EastendHomes board on a quarterly basis where applicable.