



Vexatious Complaints Policy

1. Introduction

- 1.1 This policy compliments our Customer Complaints Policy and Procedure.
- 1.2 Our aim is to deliver a consistently good customer experience through the services that we provide with the aim of dealing with complaints effectively, with empathy and within set response targets to the customer's satisfaction wherever possible.
- 1.3 This policy applies to customers and any person nominated on behalf of the customer to correspond on their behalf.
- 1.4 We recognise that in a minority of cases, some people may pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for us. This can happen during the complaint being investigated, or once the complaint has been closed.
- 1.5 We are committed to ensuring that our colleagues and contractors are protected from unacceptable or abusive behaviour through all aspects of their work, and this includes the handling of complaints from customers.
- 1.6 This policy sets out how we deal with unacceptable customer actions and when we may restrict or change the access to the service.

2. Definitions

- 2.1 Irwell Valley Homes (IVH) consider the following three categories may fall within vexatious complaints. Examples of such behaviour likely to be perceived by IVH are given below. We also apply these definitions to include contact from customers which may not be associated with a specific complaint issue and this policy and procedure is not limited to complaints only.
 - Aggressive or abusive behaviour: any behaviour either orally or in writing where a person is abused, threatened or assaulted in circumstance relating to their work. This also includes making personal remarks towards our colleagues and contractors.
 - Unreasonable demands: where a customer raises trivial issues that prevents a reasonable investigation; changing the basis of an enquiry to obtain a different outcome; insisting on an investigation where none is required; or demanding unreasonable outcome or actions.
 - Unreasonable persistence: where a customer refuses to accept a decision following a reasonable investigation or makes repeat contacts about the same issue. This may also be where a customer does not accept the boundaries of what services Irwell valley homes can or cannot provide.

Title: Vexatious Complaints	Author Zarina Chowdrey, Customer Voice Manager	Page 1 of 5
Approved by/when Leadership Team 28/05/19; Leadership Team 24/11/2021	Next review date: October 2023	

2.2 These are some examples of what we may define vexatious complainants as, but we are not limited to these. The definitions described are illustrative and are intended as guidance to allow colleagues to identify behaviour and complaints that may fall within these boundaries. Further examples of behaviour that is characteristic of vexatious complainants, complaints or contacts can be found in Appendix A.

- someone who, because of frequency or nature of their contact with us, hinders the consideration of their complaint and potential other customers complaints as a result.
- Someone who appears not want to resolve a dispute, but to cause unnecessary aggravation or disruption of service delivery.
- Someone with a genuine complaint who pursues it in inappropriate ways. Their contact with us may be amicable but their demand on employee time is too great or causes distress.
- Someone who pursues complaints that are not valid, or that have been investigated and communicated.
- Someone who has fully exhausted our Complaints procedure but continues to make contact about the same issue.
- Someone who is being legally represented but continues to contact us about the legal issue, rather than going through their representative.
- Someone who refuses to follow more appropriate official/legal route such as First-Tier Tribunal to challenge disagreement rather than errors of services.

2.3 Vexatious complaints or contacts are those made with the intention of causing distress, nuisance, annoyance or disruption to colleagues or services involved.

2.4 A contact or complaint will also be deemed vexatious if made regarding the same issue, service or colleague, where an investigation or response has already been provided and appropriate action has been taken, where applicable.

2.5 We would also regard any defamatory including comments about Irwell valley homes made on social media or any other publication. Such comments will be removed as soon as possible and where appropriate and the option available, we will consider removing the individual from the platforms.

3. Customer Support

3.1 It is important that we treat customers as individuals and have regard for their personal circumstances. There may be reasons why a customer may exhibit unreasonable/vexatious behaviour, this includes unknown circumstances to IVH or out of the control of IVH such as a medical condition or mental health illness which makes communication difficult without giving the appearance of being aggressive, the use of alcohol, drug or other substance, a learning difficulty or disability or language barrier which hinders positive formal social communication. In cases where this is identified, IVH colleagues should consider if

Title: Vexatious Complaints	Author Zarina Chowdrey, Customer Voice Manager	Page 2 of 5
Approved by/when Leadership Team 28/05/19; Leadership Team 24/11/2021	Next review date: October 2023	

reasonable adjustments can be made in respect of continued communication between the parties though also understanding that this does not mean that such behaviour is acceptable. We will consider offering support to customers where possible, but the health and wellbeing of colleagues is also most importance and both elements should be considered as part of any action to tackle unreasonable or vexatious behaviour.

4. Principles

4.1 We will deal with vexatious complaints, complainants or a contact adhering to the following principles:

- We will deal with complaints courteously, systematically and fairly in line with our Complaints Policy and Procedure. We will seek to understand and investigate issues and complaints from customers. If their behaviour is deemed as unreasonable or vexatious then we may use the Vexatious Complaint Procedure as a means to help, try to understand and investigate their issues where possible.
- We will notify customers if their actions have been deemed, following review, as vexatious.
- We may offer to meet customers face-to-face during the vexatious complaints process.
- All communications will clarify our decision to register a customer as vexatious, detail the findings of the investigation and outline our position within the response, including any restrictions applied, action considered and review timescales, if applicable.
- We will provide customers with information about relevant agencies, where appropriate, who could provide any associated support to assist the customer in rectifying their behaviour towards us.
- If we consider that a person nominated on behalf of the customer to correspond on their behalf is behaving in a vexatious manner, IVH reserves the right to refuse to correspond with that person. In such circumstances, the customer will be notified.

4.2 The decision to register a customer as vexatious customer by following the procedure must be authorised by the Head of Communities (or Director of Customers and Communities in their absence).

5. Implementation

5.1 If a customer makes a potentially vexatious complaint or contact about a colleague, the colleague in question will not investigate this and another colleague will be assigned to investigate.

5.2 Before we register a customer as vexatious complainant, we will:

- Ensure any complaint that has triggered this process is investigated in accordance to our Complaints Policy and Procedure, if applicable.
- Check all previous records for the customer and consider a clear history and/or pattern of behaviour to ensure that all previous requests for action or information have been

Title: Vexatious Complaints	Author Zarina Chowdrey, Customer Voice Manager	Page 3 of 5
Approved by/when Leadership Team 28/05/19; Leadership Team 24/11/2021	Next review date: October 2023	

fulfilled appropriately.

- Consider whether it is fair, appropriate and proportionate to register the customer as vexatious.
- Carry out an Equality Risk Assessment to ensure any action considered is reasonable and justified for that customer.
- Notify the customer of the decision in writing.
- Should the customer be considered as a vexatious complainant then a warning trigger will be applied to the Housing Management IT system. It is the responsibility of the colleague to check appropriate records before meeting or interacting with the customers.

5.3 We aim to resolve vexatious complaints using non-legal methods where possible. However, we reserve the right to take legal action against a vexatious complainant, such as an Injunction pursuant to the Anti-Social Behaviour Crime and Policing Act 2014 and/or Possession proceedings.

5.4 Should any findings or recommendations be made by the Housing Ombudsman Service, or other official statutory bodies we will ensure that we comply with these as quickly and effectively as possible.

5.5 The customer has the right to appeal and the process for this is outlined in our procedure.

6. Reporting

6.1 We will provide a comprehensive update bi-annually on vexatious complaints to our Senior Leadership Team to provide assurance that our actions have been reasonable and proportionate.

6.2 All information and decision making will be kept within a centralised area, accessibility to such information will only be made available to pertinent colleagues.

7. Responsibility

7.1 The Director of Customer and Communities is ultimately responsible for the effective implementation of this policy.

7.2 The Customer Voice Manager is responsible for supporting and advising colleagues in implementation of the policy and procedure to individual circumstances.

7.3 All colleagues are responsible for use of the policy, as and when required.

8. Equality and Diversity Implications

8.1 IVH is committed to treating people with honesty, dignity, respect, and trust. This applies to colleagues, customers potential customers, contractors, and Board Members. At IVH:

- Equality is about ensuring that every individual has an opportunity to make the most of their lives and talents.
- Diversity is recognising difference and responding positively to those differences.
- Inclusion is about creating an environment where our services and employment opportunities are accessible to all.

Title: Vexatious Complaints	Author Zarina Chowdrey, Customer Voice Manager	Page 4 of 5
Approved by/when Leadership Team 28/05/19; Leadership Team 24/11/2021	Next review date: October 2023	

8.2 IVH will be mindful of the Equality Act 2010 in all its actions and will consider all the protected characteristics of the Act which are: Race, Sex, Gender Reassignment, Disability, Sexual Orientation, Religion or Belief, Age, Marriage/Civil Partnership and Pregnancy and Maternity explicitly. Further to the protected characteristics, IVH will be mindful of socio-economic disadvantage and will do everything in its power to minimise this and other forms of disadvantage.

9. Cross Reference Documents:

9.1 This document is to be read in conjunction with the following documents:

- Complaints Policy and Procedure
- Compensation Policy
- Equality, Diversity and Inclusion Framework
- Equality Impact Assessment for this Policy
- Tenancy Policy
- Tenancy Agreements
- Leasehold Agreement
- ASB Policy and Procedure

Title: Vexatious Complaints	Author Zarina Chowdrey, Customer Voice Manager	Page 5 of 5
Approved by/when Leadership Team 28/05/19; Leadership Team 24/11/2021	Next review date: October 2023	

Further Examples of Vexatious Complaints and or misuse of the complaints process

- repeatedly raising the same or similar matters
- an unreasonable length / number / intensity of complaints or contacts via all telephone, email or letter
- displaying behaviour which is aggressive, abusive, bullying, insulting or patronising towards employees
- malicious complaints raised with the sole intention of creating work for irwell valley homes or undermining individual staff members
- attempts to make use of the complaints process for purposes other than the resolution of a grievance (e.g. making requests for information under the guise of a complaint)
- attempting to bypass the process, (e.g. by contacting more than one person about a complaint, in the hopes of receiving a different answer)
- expects responses to any contact in an unreasonable timeframe
- displaying behaviour which could otherwise be considered unreasonable
- refuses to specify the grounds for a complaint despite offers of assistance from employees
- refuses to cooperate with the complaint's investigation process, while still requiring their complaint to be resolved
- electronically records meetings and conversations without prior knowledge and consent of the other persons involved
- denies statements they made at an earlier stage in the complaints process
- refuses to accept the outcome of the complaint process after its conclusion, complaining about the outcome or denying that an adequate response has been given
- adopts a "scattergun" approach with the intention of causing confusion and duplication – pursuing complaint(s) with irwell valley homes at the same time with a MP, Councillor, Independent Auditor, Police, Solicitor or complaint resolution body such as the First- Tier Tribunal or the Housing Ombudsman
- refuses to accept documented evidence as factual

This list is not exhaustive.

Title: Vexatious Complaints	Author Zarina Chowdrey, Customer Voice Manager	Page 6 of 5
Approved by/when Leadership Team 28/05/19; Leadership Team 24/11/2021	Next review date: October 2023	