

## Policy for determining unreasonable or vexatious complainants

### Related policies

This Policy should be read in conjunction with: -

- [Complaints Policy](#)
- [Service Standards](#)
- Acceptable Behaviour Policy

### 1. Policy statement

- 1.1 We set out to provide a high-quality service and satisfaction to our customers. We recognise that sometimes things go wrong, and we need to respond quickly to put them right.
- 1.2 However, there are a small number of customers who, because of their behaviour, hinder us in delivering the service we provide to them or others. We refer to such behaviour as unreasonable or vexatious.
- 1.3 The Company Secretary will decide when a customer is being unreasonable or vexatious and the customer will be advised.
- 1.4 We will make appropriate adjustments for any equality and diversity issues, such as culture, language and disability.

### 2. Aims of the Policy

- 2.1 To be fair, transparent and consistent in the way we manage complaints.
- 2.2 To provide a criteria which will determine a complainant as vexatious and/or unreasonable.
- 2.3 To provide options on how the Association will deal with vexatious complainants.
- 2.4 To learn from complaints and make appropriate changes to prevent the recurrence of preventable issues.

### 3. Definition

- 3.1 Features of an unreasonable or vexatious complainant relates to the nature of a complainants contact with the Association, either through the frequency or nature of the contact which hinders the consideration of the complaint or others' complaints.
- 3.2 We will treat as abusive, any behaviour that seek to harass, verbally abuse or otherwise intimidate our members of staff, contractors or anyone acting on the Association's behalf. This can include verbal threats, the use of inappropriate, offensive and/or hateful language,

#### 4. How we decide whether a complaint is considered to be vexatious

Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where the Association considers that previous or current contact with them shows that they meet at least *one* of the following criteria.

Where complainants:

- Persist in pursuing a complaint where the Association's complaints process has been fully and properly implemented and exhausted;
- Makes repeated complaints about the same subject (with minor differences);
- Seek an unrealistic outcome and persists in their attempts to achieve the desired outcome;
- Have insufficient or no grounds for the complaint and making the complaint only to annoy or for any other reason not made obvious;
- Contact from the complainant that is frequent, lengthy and overly complicated;
- Excessive demands on the resources available whilst a complaint is being considered. For example, excessive telephone calls; constant emails; complex letters demanding immediate responses;
- Introduces trivial or irrelevant information as part of the complaint and/or whilst the complaint is being investigated and expect this to be considered;
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed;
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions;
- Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of the Association to help them specify their concerns;
- Have threatened or used physical violence towards employees at any time;
- Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint;
- Make repetitive complaints and allegations which ignore the replies which Officers have supplied in previous correspondence;

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Last Review Date: December 2020  
Next Review Date: December 2023

- Refuses to accept the outcome of the complaint process, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given;
- Make what appear to be groundless complaints about the staff, contractors or anyone acting on the Association's behalf dealing with the complaints, and seek to have them dismissed or replaced.

### 5. The options for dealing with vexatious complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is on-going or completed.

- 5.1 Notify the complainant, in writing, that the Association has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified in writing that the correspondence is at an end, advising the complainant that they are being treated as a vexatious complainant and as such the Association does not intend to engage in further correspondence dealing with the complaint. We will therefore consider our internal complaints procedure to have been exhausted. The complainant will need to be advised of the option to refer their complaint to Stage 3 (external appeal) of the formal complaints' procedure or [Independent Housing Ombudsman](#).
- 5.2 A letter to the complainant setting out responsibilities for the parties involved if the Association is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- 5.3 Decline contact with the complainant, either in person, by telephone, by letter, by email, on social media or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
- 5.4 Inform the complainant that in extreme circumstances the Association will seek legal advice on vexatious complaints with consideration given to legal remedies to address the complainant's vexatious.
- 5.5 Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the [Housing Ombudsman Service](#).