



BUIDHEANN TAIGHEADAS LOCHABAIR

**VEXATIOUS COMPLAINT
POLICY**

APPROVED OCTOBER 2007

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VEXATIOUS COMPLAINTS POLICY

1.0 Introduction

1.1 Lochaber Housing Association recognises that a small minority of complainants make complaints that are vexatious, in that they persist with complaints that have been addressed, or make complaints in order to cause difficulty for others. Such complaints place a strain on time and resources, and cause undue stress for staff. The Association's staff will respond professionally and sympathetically to all complaints, but there are times when there is nothing further that can reasonably be done to assist a complainant or rectify a perceived problem.

2.0 Defining Vexatious Complaints

2.1 Complainants (and/or anyone acting on their behalf) may be deemed to be repeat or vexatious complainants where previous or current contact with them shows that they meet two or more of the following criteria:

1. They persist in pursuing a complaint when the complaints procedure has been fully and properly implemented and exhausted. In such instances the complainant will have been apprised of their right to contact the Ombudsman.
2. They change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. Care will be taken not to discard new issues which are different from the original complaint as these might need to be addressed as separate complaints.
3. They are unwilling to accept documented evidence of treatment given as being factual, e.g. computer records, or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. They do not clearly identify the precise issues they wish to be investigated, despite reasonable efforts of staff, and/or where the concerns identified are not within the remit of the Association.
5. They focus on a trivial matter to the extent that it is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
6. They have threatened or used actual physical violence towards staff or their families at any time – this will, in itself, cause personal contact with the complainant to be discontinued and the complaint will, thereafter, only be pursued through written communication.
7. They have in the course of addressing a registered complaint, made an excessive number of contacts with the Association, placing unreasonable demands on staff. A contact may be in

person, or by telephone, letter, email or fax. Discretion will be used in determining what an excessive number of contacts is, taking into account the specific circumstances of each individual case.

8. They are known to have recorded meetings or face-to-face/telephone conversation without the prior knowledge and consent of other parties involved.
9. They have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaints. The Association recognises that complainants may sometimes act out of character at times of stress, anxiety or distress, and will make reasonable allowances for this.
10. They display unreasonable demands or expectations and fail to accept that these may be unreasonable e.g. insist on response to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice.

3.0 Dealing With Vexatious Complaints

3.1 Where a complainant has been identified as persistent or vexatious in line with the criteria at 2, the case will be referred to the appropriate manager.

3.2 The manager to whom the complaint is referred will choose to deal with the complaint in one of the following ways:

1. Try to resolve matters by drawing up a signed agreement with the complainant which sets out a code of behaviour for both parties if the Association is to continue processing the complaint. If the complainant fails to keep to this agreement, the options outlined below may be considered.
2. Once it is clear that the complainant meets one of the criteria at 2.0, it may be appropriate to inform them in writing that their behaviour is unacceptable and advising them of the Association's policy on vexatious complaints.
3. Decline contact with the complainants either in person, by telephone, by fax, by letter or any combination of these, provided that one form of contact is maintained.
4. 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 that the correspondence is at an end and that further letters received will not be responded to unless they contain new relevant information.
5. Inform the complainant that in extreme circumstances the Association will pass unreasonable or vexatious complaints to its solicitors.

3.3 Once complainants have been identified as persistent or vexatious, this status will be withdrawn when the complainant demonstrates a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate.

Where this appears to be the case, discussion will be held with the Director. Subject to his approval, normal contact with the complainant will resume.

Last reviewed: October 2007
Due for review: October 2010