



Halton
Housing

Procedure

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Introduction

Halton Housing (HH) is committed to ensuring that it provides a quality and efficient service to all our customers. However, there are rare instances where a customer unnecessarily takes up a large amount of resources, which can lead to a detrimental effect on the ability for us to provide a satisfactory level of service to our other customers.

Halton Housing appreciates that occasionally employees will have to deal with difficult customers. It is stressed in the HH Employee Code of Conduct that in such circumstances, employees are expected to maintain high standards of professionalism and fairness. Rudeness to customers is not acceptable in any circumstances. This expectation also applies when dealing with customer's complaints under the HH Talk to Us Policy.

Dealing with a complaint is usually a straightforward process, but in a minority of cases, customers can pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the organisation. This can happen either while their complaint is being investigated, or once HH has finished dealing with the complaint. This can happen to such an extent that they can be considered vexatious.

In determining arrangements for handling such complaints employees should consider two key points. The first is to appreciate that even what may be considered to be a vexatious complaint, it may have issues that contain some genuine substance, and therefore an equitable approach is crucial. The second is to be able to identify the stage at which a complaint has become vexatious.

Halton Housing approach has been to develop these guidelines for employees to use as part of its 'Talk to Us' policy and complaints process, but it is expected that they should only have to be used in exceptional circumstances.

The main aims and objectives of this procedure are to identify situations where customers might be considered to be making vexatious and/or habitual or repetitive complaints and to suggest ways of responding to these situations in a consistent manner.

Scope

This procedure shall apply to any customer who has deemed to be displaying vexatious behaviour. It is noted that under the Independent Housing Ombudsman Scheme it states, amongst other things, that the Ombudsman will not consider complaints which are: *"in the opinion of the Ombudsman, being pursued in an*

unreasonable manner or are frivolous, vexatious or seek to raise again, and unreasonably in the opinion of the Ombudsman, matters which he has already decided upon”.

However, it is expected that this procedure and potential actions and restrictions arising out of them will only be used as a last resort after all reasonable measures have been taken to assist the customer. Judgement and discretion must be used in applying the criteria to identify potential vexatious customers and in deciding what action is to be taken in specific cases.

Procedure Description

For the purposes of these guidelines, Halton Housing would define customers making vexatious complaints as those who, because of the frequency or nature of their contact with the organisation, hinder our consideration of their or other people’s complaints and/or are considered to be unreasonably persistent in pursuit of their complaints.

The description ‘unreasonably persistent’ and ‘vexatious’ may apply separately or jointly to a customer. Examples could include the way or frequency that customers raise their complaint with employees, or how customers respond when informed of our decision about the complaint.

Features of a customer who could be deemed to be making a vexatious complaint or is being unreasonably persistent include the following: (N.B. This list is not exhaustive, nor does one single feature on its own necessarily imply that the customer will be considered as making a vexatious complaint)

1. Refuse to specify the grounds of a complaint despite offers of assistance.
2. Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
3. Refuse to accept that issues are not within the remit of the ‘Talk to Us’ policy and procedure despite having been provided with information about the scope of the policy and procedure.
4. Refuse to accept that issues are not within the power of HH to investigate and/or resolve, e.g. the matter relates to something that is the responsibility of another organisation.
5. Insist on the complaint being dealt with in ways which are incompatible with the Talk to Us policy and procedure or with good practice (insisting, for example, that there must not be any written record of the complaint).
6. Make what appear to be groundless complaints or accusations about the employee dealing with the complaint and may ask for them to be replaced or even dismissed.

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7. Make an unreasonable number of contacts with Halton Housing by any means – e.g. by telephone, e-mail, letter, fax or in person - in relation to a specific complaint or complaints.
 8. Send in lengthy emails with information involving external organisations and placing one sentence referring to Halton Housing in the middle of the email. Thus, making the time taken to read the email and identify this extremely difficult and time consuming.
 9. Make persistent and unreasonable demands or expectations of employees and/or the complaints process after the unreasonableness has been explained to them - an example of this could be a customer who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails.
 10. Harass or verbally abuse or otherwise seek to intimidate employees dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language.
 11. 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.
 12. Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
 13. Deny statements he or she made at an earlier stage in the complaint process.
 14. Electronically record meetings and conversations without the prior knowledge and consent of the other person involved.
 15. Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with Halton Housing, but at the same time with a Member of Parliament, their local Councillor or another elected Councillor, the police, solicitors, or the Independent Housing Ombudsman.
 16. 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.
 17. Make the same complaint repeatedly, perhaps with minor differences, after the complaint's procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaint's procedure.
 18. Persist in seeking an outcome which Halton Housing has explained is unrealistic for legal or policy (or other valid) reasons.
 19. Refuse to accept documented evidence as factual.
 20. Combine some or all of these features above.

In deciding what action to take or restriction to impose, careful consideration must be given to balancing the rights of the individual against the need to ensure other customers and employees do not suffer any disadvantage and that the organisations resources are used as effectively as possible.

Options for dealing with customers making vexatious complaints

Any of the above behaviours will trigger the beginning of this process. Prior to making a customer vexatious or unreasonably persistent, it is crucial that the service area have fully applied the complaints procedure or have evidence of the number of contacts made and responses provided, and it is clear that the customer's behaviour or actions fall under the list of identifying a customer as being vexatious.

- Where a customer has been identified as making a vexatious complaint in accordance with the above criteria, the Complaints Co-ordinator and the Customer Contact Manager will inform the Head of Customer and Debt Recovery Manager and a course of action will be decided.
- The customer will be notified in writing by the Customer Contact Manager of what action(s) will be taken or restriction(s) imposed. The notification letter will clearly explain in simple terms the reason why the customer has been classified as making a vexatious complaint.
- Any new complaints will be considered on their own merits. However, if new complaints relate to same or similar issues previously addressed, it may be appropriate to not investigate these issues further under the relevant complaint's procedure.

Options for any action to be taken or restriction imposed may include the following:

- Limiting the customer to one medium of contact, i.e. telephone or letter or email etc.
- Requiring the customer to communicate only with a named employee for raising complaints.
- Requiring the customer to have independent third-party corroboration of their complaint.
- If a complaint is currently being dealt with under the HH 'Talk to Us' process, asking the customer to enter into a written agreement about their future conduct in order for the complaint to be progressed.
- Requiring any personal contacts to take place in the presence of a witness.
- Closing the investigation into the complaint that is deemed to be vexatious.
- Refusing to register and process further complaints and only providing the customer with acknowledgements of further emails, letters etc. received after a particular point.
- Banning the customer from one or all of the HH's customer contact points.
- Imposing any other sanction deemed to be appropriate for breaches of the HH's Customer Code of Conduct Policy.

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- A combination of some of the above. The notification letter should also inform the customer of the length of time any action or restriction will remain in place, that a warning marker will be placed on HH Housing Management System QL and who is their point of contact should this be one of the agreed actions, and what they can do that would enable HH to review its decision or withdraw the action/restriction.

Continuation of vexatious complaints despite above conditions

If a customer continues with vexatious complaints and/or fails to comply with the above conditions in future contact and/or conduct, Halton Housing as a last resort may pursue legal action against the customer via the civil courts.

Injunction

An injunction is a legal and equitable remedy in the form of a special court order that compels a party to do or refrain from specific acts. HH will seek legal advice requesting the courts impose conditions as detailed above on future conduct or prohibit further conduct as deemed reasonable by the courts.

Possession Action

If all other options fail, as a final resort Halton Housing will consider possession action identifying that the customer has deemed to have breached the tenancy agreement especially if they have behaved in a violent, menacing, threatening, harassing or abusive manner in our offices and their locality, towards any person who is lawfully in or in the locality of our offices, including their neighbours and our staff, agents and contractors.

Right of Appeal

If the customer feels that the decision for restricted contact to Halton Housing as a vexatious or unreasonably persistent customer is unfair or incorrect, they have the right of appeal by writing to the Complaints Co-ordinator outlining their reasons.

The decision will be reviewed by the Complaints Co-ordinator and the Customer Contact Manager and the outcome of that appeal will be final.

Withdrawing a restriction

Once an individual has been classified as a vexatious or unreasonably persistent complainant, there is a review process for withdrawing this status if for example, a more reasonable approach is subsequently demonstrated by the customer.

Review Process

- A review will be conducted at the end of the restricted period by the Customer Contact Manager and Complaints Co-ordinator.
- He/she will review all contacts received from the customer during the restricted period and will consider if all or any of this contact relates to the reason that the unreasonably persistent/vexatious procedure was invoked.
- The Customer Contact Manager or Complaints Co-ordinator will then write to the customer with the outcome of their review. If the decision is that the restriction is to continue, the reasons and timeframe will be detailed in the review letter.

Responsibility

Head of Customers will be responsible for the effective implementation of this procedure.

Day to day responsibility for implementation of the procedure will lie with Customer Contact Manager.

Service Standards

The following service standards apply to this procedure.

This procedure complies with the Regulator of Social Housing; 'Tenant Involvement and Empowerment Standard' which states, "*Registered providers shall ... have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly and fairly*". HH will continue to be mindful of and look to comply with the requirements of this and any other related standard as it implements this procedure.

Performance Measures / Monitoring

Any customer who is identified as a vexatious complainer will be reviewed every 12 months to monitor progress. If the customer has reflected on their behaviour and are abiding by the Customer Code of Conduct, then any restrictions placed on them will be lifted so long as they continue to abide by the said code of conduct.

Reports will be provided from Head of Customers to Senior Management highlighting key information about instances where this procedure has been invoked, including:

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- How many times the procedure has been invoked.
 - How many times a decision has been taken to classify a customer as unreasonably persistent or vexatious.
 - Number of reviews.
 - Numbers on the Vexatious list held by the complaints officer
 - Why customers on the list (i.e. themes).
 - Learning from the instances above.

Consultation Arrangements

This procedure will be discussed at the Customer Forum as part of the Talk to Us Policy for any suggestions or recommendations.

Benchmark Analysis

There will be no benchmarking analysis taking place with respect of this procedure.

Link to Policy

- Talk to Us Policy
- Customer Code of Conduct
- Customer Voice Strategy
- Customer Handbook
- Violence and Aggression Warning Marker Procedure
- Repairs Policy

Version Control

Version	Date	Author	Notes
1.0	Sept 2020	Sharon Morris/ Jonathan Horsfall	Original Procedure



Translations available on request by phoning 0303 333 0101 or
via email at info@haltonhousing.org

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