



Vexatious Complaints Policy

Introduction

The purpose of this Policy is to set out Harrison Housing's approach to unreasonable resident behaviour in the form of vexatious complaints, and to provide staff with the necessary guidance for challenging such behaviour.

This policy is not intended to prevent residents from making reasonable complaints; it will as far as possible be used to educate residents about what constitutes a reasonable complaint rather than being used as a means of dismissing complaints without good reason.

Definition of Vexatious Complaints

A vexatious complaint is one which is without merit, and is intended to cause inconvenience, harassment, or expense to Harrison Housing. It may also be one which has no serious purpose or is trivial; to investigate it would be out of proportion to the seriousness of the issues complained about.

This may involve:

- Excessive phone calls, emails or letters, disproportionate to the issues being raised.
- Insistence on repeated personal attention from senior members of staff or trustees.
- Persistent complaints to raise "new" issues which are in fact service requests, even when this distinction has been clearly explained before.
- Persistent refusal to accept a decision or information provided.
- Repetition of the issue complained about without presenting new information, and/or referring back to old issues that have already been dealt with.
- Continuing to pursue a complaint that has exhausted the complaints process.
- Repeatedly changing the substance of the complaint, or raising unrelated concerns, adding new issues to complaints that are ongoing.
- Use of derogatory remarks or rudeness, verbally or in writing.
- Threatened or actual use of social media channels in an attempt to pursue an otherwise unfounded or closed complaint.

One or a combination of these behaviours may lead to a resident's complaint being deemed to be vexatious.

Our response to Vexatious Complaints

Initially the Complaints Procedure should be followed, in a timely manner and concluded as quickly as possible, with the complainant being sent a full written response at each stage. S/he may then choose to take the matter to the Housing Ombudsman who will decide whether there is a case to answer.

Once the Complaints Procedure has been exhausted, and in any case if the behaviour is offensive, abusive or insulting to staff, there are a number of steps that may be taken, and these can, in extreme cases, escalate to the point of repossession of the property. It may be appropriate to take several of these measures concurrently.

Equalities Act 2010

Decisions on the implementation of any of the following measures will be taken at a senior level, with due regard being given to the resident's health or disability at every stage. A written record must be kept of the decision-making process so that 'due regard' can be evidenced.

Management Strategies

These can be authorised by the Housing Manager. If the complaint is about the Housing Manager, these strategies can be authorised by the CEO.

- 1) **Notification in writing:** the resident will be informed in writing that their complaint has been deemed to be 'vexatious', and the reasons for this will be given. This letter will clearly set out how future similar communications will be dealt with, e.g. by noting their contents and filing them. The resident may be reassured that any substantive new complaint i.e. one not deemed vexatious, will be dealt with in accordance with the complaints policy.
- 2) **Limits to contact:** if it is appropriate, the resident will be notified in writing of limits being placed on their access to staff, the amount of staff time that will be spent on matters they raise, or the times during which they may phone or visit the office. In extreme cases, such as where there has been threatening or abusive behaviour, communication may be limited to a particular method e.g. written or via a specific channel e.g. through a Support Worker.
- 3) **Acceptable Behaviour Contract:** the above measures may be accompanied by an 'Acceptable Behaviour Contract' which spells out behaviours which are not acceptable. This contract would be entered into between the resident and the charity on the understanding that any breach of the contract could lead to further action.

- 4) **Referral to social or medical services:** if the resident's behaviour gives rise to concerns about their health or well-being, referral will be made to the local community mental health team, social services, or their GP, if possible with the resident's agreement. If this is done without their agreement, they will be informed.
- 5) **Police involvement:** if the resident's behaviour is deemed to be aggressive, abusive or threatening to staff or neighbours at any stage, the matter may be referred to the police. This may be appropriate even if the behaviour is likely to be the result of a mental illness or other medical condition e.g. dementia.

Legal Remedies

In the most serious cases, which may also constitute a breach of the licence conditions, it may be necessary to consider legal action. Legal proceedings must be approved in advance by the Board of Trustees, who will be provided with a legal opinion from the charity's solicitors so that they can make an informed decision. The potential legal remedies available include (not exhaustive):

1) **Injunction:**

The Anti-Social Behaviour Crime & Policing Act 2014 defines Anti-Social Behaviour as:

- a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
- b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- c) Conduct capable of causing housing related nuisance or annoyance to any person

An injunction may be sought through the Courts to oblige the resident to desist from nuisance behaviour if the management strategies have failed and the behaviour persists.

2) **Notice to Quit:**

A Notice to Quit may be served and legal proceedings taken to repossess the dwelling in extreme cases if all other steps to remedy the problem have been unsuccessful. Liaison with Local Authority housing and social services would always take place before any repossession action is implemented, together with any medical services if appropriate, to ensure the safety and well-being of the resident as far as possible.

3) **Civil Restraint Order (CRO):**

This is a legal remedy used against vexatious litigants. A Judge can make a CRO if the resident has made two or more applications to the Court which are 'totally without merit'.

The Order stops the litigant from reapplying to the Court. This could be used if a resident repeatedly seeks to take Harrison Housing to court over a vexatious complaint.

Use of the vexatious complaints policy is not intended to reduce or downplay complaints from residents, which may be legitimate. Its use must be authorised at senior management level with any legal action requiring the approval of the Board of Trustees. Any use of the policy, short of legal action, will be reported anonymously to the Board of Trustees.