



Title of policy:	Persistent and Vexatious Complaints Policy
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By:	Director of Customers

## 1. Introduction

North Star is committed to providing excellent services that meet the standards agreed with our customers. Where we do not meet these standards, we are keen to understand and learn from these and improve the services we deliver.

We recognise that on rare occasions customers pursue their complaints in a way that is unreasonable. They may unreasonably persist in their contacts and submission for information.

They can impede investigating their complaint (or complaint by others) and can have a significant impact on our resources. These actions can occur either while the complaint is being investigated, or once the complaint investigation has been completed.

This policy is to ensure unreasonable and unreasonably persistent complaints are dealt with fairly.

It sets out clearly for staff and complainants what is expected of them, what they can do, and who can authorise actions.

It will help us assess and monitor how we deal with and respond to unreasonable and unreasonably persistent complaints.

In considering when to use this policy it is critical that we consider and ensure we understand a customer's circumstances, how and why they feel as they do and what it is that would resolve the issue for them. North Star has a separate Vulnerability and Reasonable Adjustment policy which provides further guidance.

We must also ensure that we have given customers the right opportunity to express their views and opinions and that we have listened and given appropriate thought and effort to resolving and explaining the position and outcome.

North Star has developed a RESPECT Standard for its staff and contractors working on behalf of North Star. The standard sets out action and language staff can use when dealing with customers whose behaviour is not acceptable.

If a customer's behaviour adversely affects our ability to provide services to others, such behaviour may need to be addressed by restricting contact with us.



## 2. Regulatory and Legislative Context

The Transparency Influence and Accountability Standard issued by the Regulator of Social Housing requires all registered providers to have policies in place for complaint handling.

In operating this policy, we will comply with all legal and regulatory requirements including, but not exclusive to the following:

### Legislation

- Transparency, Influence and Accountability Standard as set out by the Regulator of Social Housing
- Housing Ombudsman Complaint Handling Code

### Related Policies

- North Star's Complaints Policy
- Compensation and Remedy Policy
- Vulnerability and Reasonable Adjustment Policy
- Harassment and Bullying Policy
- Health and Safety Policy

## 3. Persistent and Vexatious Behaviour

People may act out of character in times of trouble or distress. They may have upsetting or distressing circumstances leading up to them contacting North Star. We do not view behaviour as unacceptable just because a person is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a request or complaint.

A vexatious complainant is someone who contentiously raises a complaint, without grounds to cause annoyance or disruption.

A persistent complainant is someone who contacts North Star and raises the same complaint or similar complaint many times. 'Many times' is defined as more than three separate occasions. This could be regardless of whether the complaint has been dealt with.

Examples of persistent and vexatious behaviour are as follows:

- Persistently seeking an outcome which we have already explained is unrealistic for policy, legal or other valid reasons
- Persistently contacting North Star through different routes about the same issue
- Making an unreasonable number of contacts within North Star by any means in relation to a specific complaint(s).
- Complaining about or challenging an issue based on historic or irreversible decisions.
- Making persistent and unreasonable demands or expectations of staff after the



unreasonable process has been explained – an example of this could be a complainant insisting on immediate responses to numerous / frequent correspondence.

- Refusing to co-operate with the complaint investigation process whilst still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of North Stars complaints policy and procedure.
- Refusing to accept that issues are not within the power of North Star to investigate, change or influence. An example of this could be parking disputes.
- Insisting on complaints being handled which is not within our policies or good practice.
- Refusing to accept the outcome of the complaint after its conclusion, repeatedly arguing the point, complaining about the outcome, or denying that an adequate response has been given.
- Making the same complaint repeatedly perhaps with minor differences after the complaint's procedure has been concluded.

#### **4. Managing Persistent and Vexatious Behaviour**

There are very few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. When we consider that someone's behaviour is unacceptable, we will tell them why we find their behaviour unreasonable, and we will ask them to change it. If their behaviour continues, we will take action to restrict their contact with our offices. Any incidents of unacceptable behaviour should be recorded on North Star's Near Miss Register.

Actions that could be taken to restrict access and contact may include:

- Requesting contact in a particular form e.g., letters only.
- Placing restrictions on telephone calls to specific times and days of the week.
- Placing restrictions on the amount of time, we will spend investigating their complaint.
- Where relationships have broken down, requesting the customer uses an appropriate advocate to act on their behalf.
- Requiring contact with a named member of staff only.
- Prohibiting the complainant sending emails to other staff members, insisting on correspondence to a designated officer/email address.
- Requiring any face-to-face contact to take place in the presence of an appropriate witness.



- In some circumstances, we may decide that it is appropriate to severely reduce or completely stop responding to a particular customer.
- The decision to restrict or stop a customer's access to officers and offices can only be taken by a Director of North Star.
- Legal advice may be taken if the behaviour is deemed as a breach of tenancy agreement if the customer resides in a North Star property.

The manager who is responsible for the complaint will discuss with their Director why the complainant's behaviour is causing a concern, giving clear documented evidence to support this and outlining how the behaviour needs to change.

The manager will contact (letter/email) the customer outlining a discussion has taken place with a Director along with a copy of this policy and procedure. The letter will clearly explain to the customer the actions North Star may take if the behaviour does not change.

If the behaviour continues, the manager with the relevant Director will decide on what action to take. A letter will then be sent to the customer outlining this decision. All letters will include:

- Why we have taken the decision we have
- What specific action we are taking
- The duration of that action
- The date of a three-month review
- The customer's right to appeal against the decision to apply this policy.
- The right of the customer to contact the Housing Ombudsman

The decision made and letters will be recorded on North Stars complaints module.

All customers have the right of appeal. All appeals will be heard by a Director of Service who was not involved in the original decision.

## **5. Harassment and Bullying**

Persistent and vexatious complaint behaviour may amount to bullying and harassment. All North Star staff and those acting on our behalf have the right to be treated with respect and dignity in the workplace. Behaviour by third parties that bullies, harasses, or intimidates is unacceptable and will not be tolerated. North Star will take all reasonable steps to prevent such behaviour.

## **6. Monitoring and Learning**

We report quarterly to Board through our performance reports. This includes a summary of complaints by service area including any learning and service improvements. We take an annual report to Board. This report will include any actions considered under this policy.

