



## Vexatious Policy

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### POLICY PURPOSE

The Policy provides guidance to deal with abusive, excessive and intimidating contact from customers.

### Document Control

Implementation date	October 2018
Author	Annabelle Barwick
Equality impact assessment date	
Revised/updated	
Version control	
Review required	

## 1. Aims

The policy aims to deal with abusive, excessive and intimidating contact from customers. It will look at the circumstances which may lead to the customer being treated as a vexatious complainant.

The policy is set out to support Derby Homes Staff members and also continue to deal with complaints/requests /disputes in a consistent fair and reasonable way.

## 2. Definition

We define vexatious as abusive, excessive and/or intimidating contact from customers which causes disproportionate or unjustified level of disruption, irritation or distress.

Derby Homes will treat as abusive, any behaviour that seeks to harass, verbally abuse or otherwise intimidate our employees.

Excessive means that in the course of addressing an issue, an excessive number of contacts with Derby Homes and/or placing unreasonable demands on staff time or resources. (A contact may be in person, or by telephone, letter or e-mail.) Judgement will be used in determining what an “excessive number” of contacts are and this will be based on the specific circumstances of each individual case.

Derby Homes will treat as intimidating contact forcing someone into or deterring someone from taking a particular course of action by inducing fear.

Customers do not need to have made an official complaint to be considered vexatious.

## 3. Examples could include:

(This list is not exhaustive and one single feature on its own does not imply the person will be considered as being in this category).

- Repeatedly using threatening, offensive and or foul language on the telephone or face to face
- Sending multiple threatening, offensive or excessive amounts of emails
- Leaving multiple threatening or offensive voicemails
- The use of offensive or threatening post on social media networks
- Repeated contact with insufficient or no grounds and be making contact only to annoy
- Taking up excessive resources after the decision has already been made in line with Derby Homes policies and procedures

- Refusing to accept that issues are not within the power of Derby Homes to change or influence
- Electronically recording meetings and conversations without prior knowledge and consent of the other person involved
- Adopting an excessively 'scattergun' approach for instance repeatedly pursuing an approach to Derby Homes through different routes about the same issue
- Persistently contacting us or challenging an issue based on a historic and or irreversible decision or incident
- To keep making contact without grounds about the officers dealing with the issue and seek to have them dismissed or replaced

For customers who have made an official complaint the above and or the below criteria may apply

- Make the same complaint(s) repeatedly perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make them a new complaint which should be put through the complaints procedure
- Reporting issues/complaints then refusing to engage in order to bring to resolution
- Denying statements he or she made at an earlier stage in the complaints process
- Refusing to accept the outcome of the complaint process after this has been concluded, continuously arguing the point, complaining about the outcome, and or denying that an adequate response has been given
- Introducing trivial or irrelevant new information whilst the complaint is investigated and expect this to be taken into account and commented on
- Raising subsidiary or new issues whilst the complaint is being addresses that were not part of the original complaint at the start of the complaints process

#### 4. Dealing with unacceptable behaviour and habitual vexatious customers

We accept that people who are feeling upset, angry and under stress may react in an abusive or aggressive way to who they are dealing with. A balance must be drawn between ability and desire to assist a customer and what can reasonably be achieved in the circumstances.

There are a small number of cases where the nature and or the behaviour of the complainant is abusive, excessive and or intimidating and even after making allowances for the cause of their behaviour it is deemed inappropriate and unacceptable. These may be the cases where the customer will need to be classed as vexatious.

##### Step 1

Initially the relevant Service Manager will record the details on the Housing Management System and then contact the customer in writing or email to

explain to the customer why their behaviour is causing concern and offer them an opportunity to change their behaviour. The manager will explain the actions Derby Homes may take if the behaviour is not altered.

## Step 2

If the initial letter/email does not result in a positive change the case will be submitted to the relevant Head of Service and restrictions may be imposed on the customer's contact with us.

Any restrictions will apply for 12 Months. The case will then be reviewed with the option to extend the length of time the restrictions apply or close the case.

We will tailor the restrictions to deal with the individual circumstances of the customer and may include the following: (not exhaustive)

- Refusing to take further contact by telephone except through a third party such as solicitor/councillor/friend/ family member acting in their behalf.
- Refusing to accept emails or telephone contact and correspond by letter only
- Appointment only visits at a specific office
- Allocating a point of contact for the complaint and offering specific times and dates of contact
- Requiring any personal contact to take place in the presence of an appropriate witness
- Restricting or denying access to our Social Media Sites

When the Head of Service has applied restrictions they should ensure that the customer is written to highlighting the restrictions.

Where the behaviour is so extreme or threatens the immediate safety and welfare of the staff, we may consider other options for example contacting the police or taking legal action. In these cases prior warning may not be given.

## 5. Right of Appeal

A customer will have a right to request an independent review of the decision made above. The request for appeal must be made within 15 working days and addressed to the Customer Experience Team.

Arrangements will then be made for an independent review to be conducted by a member of Derby Homes Executive Team within 30 working days and the response communicated to the customer and saved the detail in the Housing Management System. The restrictions will apply while the appeal is being heard.

Customers will also be advised that they have access to the review services of the Local Government Ombudsman.

## 6. Review period

There will be a review of vexatious cases on a 12 monthly basis.

The Head of Service will appoint a departmental manager to review the case, access volume and nature of contact received through the last 12 months and makes a decision whether the customer is to remain vexatious.

The decision must be recorded via the Housing Management System and a letter or email sent to the customer detailing the outcome. The letter will be saved into electronic file. The customer will also have the right to appeal after the 12 month review.