

Two Towers Housing Co-op

Habitual Complainants Policy



1. Introduction

- 1.1 Habitual complainants are a problem as the difficulty in managing such complainants places a strain on the limited time and resources and causes unacceptable stress for staff. Staff will respond with patience and understanding to the needs of all complainants, but there are times when there is nothing further that can reasonably be done to help them or to put right a real or perceived problem.
- 1.2 When considering how to manage these types of complainant, Two Towers will consider the following:
 - 1.2.1 that the Complaints Procedure has been correctly implemented and that no material element of a complaint has been overlooked or inadequately addressed. In doing so it should be appreciated that habitual complainants may have issues, which contain substance.
 - 1.2.2 the stage at which a complainant has become habitual.

2 Purpose of this Procedure

- 2.1 Complaints about the TMC, staff or about services provided by contractors working for the Co-op should be processed in accordance with the Management Complaints Policy and Procedure. During this process, staff will inevitably have contact with a small number of complainants who take up an unwarranted amount of TMC resources. The aim of this procedure is to identify situations where the complainant could be considered habitual and to suggest ways of responding to these situations.
- 2.2 The procedure will only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints following the TMC's complaints procedure. Advocacy groups can be involved at the complainant's request.

3 Criteria for Recognition of a Habitual Complainant

A complainant (and/or anyone acting on their behalf) may be considered to be habitual where current or previous contact with them shows that they meet any of the following criteria:

- 3.1 persists in pursuing a complaint where the Co-op's complaints procedure has been fully implemented and exhausted.
- 3.2 changes the substance of a complaint, persistently raising new issues, unreasonably raising further concerns or questions on receipt of a response while the complaint is being dealt with. N.B. Care must be taken not to disregard new issues which differ from the original complaint – these may need to be addressed as separate complaints.
- 3.3 using new complaints to resurrect issues which were included in previous complaints.
- 3.4 is unwilling to accept documented evidence of services provided as being factual. This may also extend to complainants who do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- 3.5 insists they have not had an adequate response in spite of a large number of letters and emails specifically answering each of their questions/concerns.
- 3.6 is unable to identify the precise issues they wish to be investigated, despite efforts to help them do so by staff and, where appropriate, advocacy groups.
- 3.7 is unwilling or unable to accept that the concerns identified are not within the remit of the TMC to investigate.
- 3.8 focuses on a trivial matter to an extent, which is out of proportion to its significance and continues to focus on this point. It is recognised that determining what is trivia can be subjective.
- 3.9 makes repeated complaints where there is not a real dispute.
- 3.10 has an excessive number of contacts with the TMC placing unreasonable demands on staff. Such contacts may be in person, by telephone, letter, fax or electronically. The specific circumstances of each individual case are used in deciding how many contacts are excessive.
- 3.11 harasses or is personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint, or their families and/or colleagues. It is recognised that complainants may sometimes act out of character at times of stress, anxiety or distress and allowances are made for this. All incidents of harassment or aggression are documented and dated.
- 3.12 electronically records meetings or conversations without the prior knowledge and consent of the other parties involved. It may be necessary to explain to a complainant at the start of the investigation into their complaint that such behaviour is unacceptable and can, in some circumstances, be illegal.
- 3.13 acts in a vexatious or vindictive way that causes harm or distress to a member of staff, Committee member or their families/colleagues.

- 3.14 displays unreasonable demands or expectations and fails to accept that these may be unreasonable once a clear explanation has been given (e.g. insisting on the response to a complaint or enquiry being provided more urgently than is reasonable or recognised practice).
- 3.15 attention seeking behaviour involving other outside agencies inappropriately, without any constructive reason.

4 Safeguarding Vulnerable Adults

Some complainants may be repeatedly complaining because of mental health problems. Where this is the case any concerns that staff may have about vulnerability should be raised with the Council through its Safeguarding Adults Policy and Procedures.

5 Procedure for Dealing with Habitual Complainants

- 5.1 Staff and Committee members who believe a complainant is placing a strain on time and resources and causing unacceptable stress for staff or other members will consult with the Council's Customer Resolution Manager who will advise on what information is required to apply the Council's policy.
- 5.2 A chronology of contacts and a report will normally be prepared by the Co-operative Manager or Committee member and documentation collated.
- 5.3 The Customer Resolution Manager will consider the information provided by the Co-op Manager or Committee Member and will decide if action is appropriate and will normally contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour.
- 5.4 The Customer Resolution Manager will explain the actions that the TMC or the Council will take if the behaviour does not change.
- 5.5 However if behaviour is severe the TMC may ask the Council to take action without notice.
- 5.6 If the behaviour continues, the Customer Resolution Manager, after appropriate consultation will prepare a report for consideration by the Chief Executive. The report will detail the behaviour causing concern and detail the proposed action and the period.
- 5.7 The Chief Executive will consider the report and decide if the action is justified and proportionate. In the absence of the Chief Executive the Director of Housing and Community Services will make the decision.
- 5.8 If the Chief Executive decides to take action, a letter will be sent from the Chief Executive detailing the action to be taken and for what period.

5.9 This letter will be copied to others already involved in the complaint such as practitioners, conciliator, CAB, Member of Parliament, advocates etc.

6 Action to be taken may include:

6.1 drawing up a signed agreement with the complainant setting out a code of behaviour for the parties involved if the TMC is to continue dealing with the complaint.

6.2 declining further contact with the complainant either in person, by telephone, fax, letter or electronically, including blocking access to a particular email address – or any combination of these – provided that one form of contact is maintained. A suggested statement may be used by staff to help them end telephone conversations.

6.3 restricting contact to liaison through a third party.

6.4 writing to the complainant that the Chief Executive has responded fully to the points raised, that there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant is notified that the correspondence is at an end and that further communication will be acknowledged but not answered.

6.5 informing the complainant that the TMC reserves the right to refer unreasonable or habitual complainants to the Director of Communities, Law & Governance and/or the police where they believe a criminal offence has been committed.

6.6 temporarily suspending all contact with the complainant, or investigation of a complaint, whilst seeking legal advice or guidance.

6.7 banning the complainant from the TMC Office/ TMC meetings, if necessary by means of an injunction.

7 Reviewing Habitual Status

7.1 The situation will be reviewed at the end of the period or if for more than one year after a minimum of one year to consider whether

7.1.1 a more reasonable approach is being used by the complainant and

7.1.2 if the policy has been used for one particular matter, a different complaint is being reported, for which the usual complaints procedure needs to be implemented.

7.2 The review should be undertaken by the Customer Resolution Manager with input from the TMC. The Customer Resolution Manager will provide a report to the Chief Executive recommending what action is appropriate.

8 Monitoring use of the policy

- 8.1 A list should be maintained of current habitual complainants by the TMC Manager and the LBS Customer Resolution Manager. This must be kept secure at all times.
- 8.2 At quarterly Monitoring meetings the TMC Manager should provide the TMI Monitoring Officer with the name and address of any tenants and residents who are being dealt with under the Habitual Complainant Policy.
- 8.3 Where possible, equality data should be collected of complainants.

Adopted at the Management Committee meeting dated 12th June 2013