



# Vexatious Complainants Policy

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## POLICY SUMMARY

**Please note that where we use EPIC within this policy, we refer to EPIC Limited.**

We are committed to providing clear and prompt responses to people who contact us wishing to make a complaint or service request.

A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the organisation, its staff or those acting on its behalf, affecting an individual tenant or group of tenants. We believe that our tenants have a right to be heard, understood and respected and we work hard to be open and accessible to everyone.

A service request is different from a complaint and is defined as a formal or informal request for a service by a tenant to address an issue in a home, such as a repair.

Vexatious complaints can be defined as unreasonable persistent, vexatious or abusive behaviour that is unacceptable if it is so demanding or unreasonable that it places a disproportionate set of demands on EPIC and impacts the level of service that can be offered to others.

When this happens, EPIC will take action to protect the health and wellbeing of our staff who have a right to do their jobs without fear of being abused or harassed.

### 1. APPLICABILITY

The Policy applies to:

- All full-time, part-time, and temporary staff employed by or working for or on behalf of EPIC.
- Volunteers.
- Contractors, consultants, and third parties working for or on behalf of EPIC.
- Tenants.
- Board Members.

### 2. INTRODUCTION

- 2.1. This Policy is aimed to provide the necessary guidance for challenging persistent, vexatious and unacceptable and abusive behaviour.
- 2.2. EPIC recognises that behaviour is not unacceptable just because a person is assertive or determined. EPIC also understands that the events leading to someone making a complaint may have been difficult or, upsetting and that their behaviour may be out of character. However, some individuals who contact us are so angry and/or persistent that their behaviour results in unreasonable demands on, or behaviour towards our staff and impacts the level of service that can be offered to others.
- 2.3. EPIC is committed to providing a safe environment for its staff, agents, contractors or persons acting on our behalf and does not expect them to tolerate unacceptable behaviour.
- 2.4. Occasionally, the behaviour or actions of individuals using our Service makes it very difficult for us to deal with their complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our process.
- 2.5. EPIC will support its employees when dealing with this type of customer by ensuring that staff have access to members of the Senior Leadership Team to discuss their concerns or to seek guidance and via EPIC's Employee Assistance programme if the harassment is such that the member of staff requires external support.

- 2.6. Where there are allegations against an employee of EPIC these will be investigated properly using this Policy as a mechanism to do this and in accordance with EPIC's Code of Conduct which sets out a set of principles and behaviours designed to steer the expected professional conduct and judgement of all employees. The objective is to ensure that all employees understand and maintain the highest professional standards behaviours and the ethics at all times.

### 3. CONTEXT

- 3.1. We define an unreasonable and persistent complainant as:

“Complainants who, because of the frequency or nature of their contacts with EPIC, hinder our consideration of their or other people's complaints.”

Although unreasonable or persistent, the complainant may have justified complaints which they are pursuing in inappropriate ways, therefore, before treating a complainant as such EPIC must be satisfied that:

- Their complaint is being or has been investigated in line with our procedure.
- The decision reached at the end of this was the right one.
- All communication with the complainant has been adequate and reasonable.
- The complainant is not providing any significant new information that may affect EPIC's decision.

Vexatious behaviour may be deemed as:

- Excessive phone calls, emails or letters, disproportionate to the issues being raised.
- Insistence on repeated personal attention from members of staff or demanding to only speak to or deal with staff at a senior level.
- 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 otherwise an unfounded or closed complaint.
- One or a combination of these behaviours may lead to a tenant's complaint being deemed to be vexatious.

- 3.2. If the above conditions have been satisfied, a member of the Executive Team will take the decision as to whether to treat the complainant as unreasonable, persistent, or vexatious

- 3.3. Any restrictions imposed on complainants will be reviewed every six months and a decision taken as to whether to continue or lift the restrictions. All decisions must be communicated to the complainant in writing (including via email where appropriate).

- 3.4. All complaints will be dealt with in accordance with EPIC's Complaint Policy.

- 3.5. EPIC is required to handle complaints as part of its regulatory requirement and the Housing Ombudsman Complaint Handling Code.

- 3.6. EPIC's clear purpose is to be a good landlord, and our strategic objectives are the foundation of this policy:-
- To work alongside our tenants, ensuring that their tenancy with EPIC is sustainable, supported and enjoyable.
  - Ensure that tenants homes are accessible, appropriately sized, safe, and well maintained and there is clear and timely communications in place to replace key components.
  - Make the most of our geography and place in the community or the benefit of all. This will be driven by having deep knowledge of every tenant, their community and other organisations in the area.
  - Make the best use technology available and be confident in the integrity of the data held to inform decision making.
  - Develop our culture to enable a great employee experience and opportunities to fulfil everyone's potential for the benefit of the individual and our tenants.

#### 4. Management Strategies

##### 4.1. Informal Action

- 4.2. If in any case 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 seeking possession of the property.
- 4.3. The tenant will be informed in writing that their complaint has been deemed to be 'unacceptable', and the reasons for this will be given. This correspondence will clearly set out how future communications will be dealt with this may be by:
- Providing a single point of contact.
  - Limiting contact to a single form i.e., to writing, email, or telephone only.
  - Limiting contact to certain times or to a limited number of times per week or month.
  - Declining to give any further consideration to an issue unless any additional evidence or information is provided.
  - Only considering a certain number of issues in a specific period.
  - Through an advocate or representative.
- 4.4. The above measures may be accompanied by an 'Acceptable Behaviour Contract' which spells out behaviours which are not acceptable and on the understanding that any breach of the contract could lead to further action.
- 4.5. If the tenant's behaviour gives rise to concerns about their health or wellbeing, a referral should be made as per EPIC's Safeguarding Policy.
- 4.6. In extreme cases such as violence or harassment towards an employee, actions will include involving the police, taking legal action, and ending direct contact with the tenant.

##### 4.7. Legal Remedies

- 4.8. Decisions to implement any of the following measures will be taken by the Housing Manager, regard will be given to the tenant's personal circumstances at every stage.
- 4.9. A written record must be kept of the decision-making process so that 'due regard' can be evidenced.
- An injunction may be sought through the Courts to oblige the tenant to stop from nuisance behaviour if the management strategies have failed and the behaviour persists.
  - A Notice to Quit or Notice of Seeking Possession 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.

## 5. RESPONSIBILITIES

5.1 All staff and tenants are responsible for:

- Ensuring that they adhere to this Policy.
- Escalate complaints in accordance with the Complaints Policy and Procedure.

5.2 The Director of Housing Management is responsible for ensuring that the Policy and Procedure are effective and in line with the Housing Ombudsman's Complaint Handling Code.

## 6. TRAINING

6.1 Staff will be given the appropriate training to enable them to deal effectively with complaints and to recognise and feel confident when dealing with vexatious complainants.

## 7. DATA VALIDATION, REVIEW AND MONITORING

7.1. This Policy will be reviewed every three years. A review may be conducted earlier if there are significant changes to either legislation or EPIC's operating practices.

## 8. EQUALITY AND DIVERSITY IMPLICATIONS

8.1 We are committed to ensuring and promoting equality of opportunity for all. We are opposed to discrimination on any grounds, including race, religion, gender, marital status, sexual orientation, disability, age, or any unjustifiable criteria. We are committed to developing a culture that values people from all sections of society and the contribution which each individual can make. We will ensure our approach to accessing properties is considerate to people's individual needs. We also adhere to the Equality Act 2010.

EPIC recognises that some people experience disadvantage due to their socio-economic circumstances and will strive to ensure no person or groups of persons is treated with injustice due to their personal circumstances. EPIC will also ensure that all services and actions are delivered within the context of current Human Rights legislation and will make sure the central principles of the Human Rights Act (1998) will be adhered to.

An Equality and Impact Assessment has been completed in conjunction with this policy and has been found to have no adverse impact on particular group or individual.

## 9. ASSOCIATED DOCUMENTS

- Complaints Policy 2024
- Safeguarding Policy
- Housing Ombudsman Complaint Handling Code
- Consumer Standards
- EPIC Code of Conduct

**Version Control**

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