



DALE & VALLEY HOMES

CUSTOMER OUTCOMES COMMITTEE

11 May 2010

Report of Director of Housing Operations

POLICY FOR DEALING WITH UNREASONABLY PERSISTENT COMPLAINANTS, UNREASONABLE COMPLAINANT BEHAVIOUR AND UNREASONABLE REQUESTS FOR SERVICE.

purpose of the report

Dale & Valley Homes is committed to dealing with all complaints fairly and impartially and to providing a high quality service to complainants. Having a policy on unreasonably persistent complainants and unreasonable complainant behaviour helps the Company to deal with complainants in ways which are consistent and fair.

background

- 1 The Local Government Ombudsman guidance on running a complaints system makes it clear that Local Authorities should have clear guidance for staff on how to deal with customers who are unreasonably persistent or make unreasonable demands through the complaints procedures. They have published guidance notes on this matter to assist Local Authorities.
- 2 Dale & Valley Homes does not have a procedure or any guidance for staff (and customers) on unreasonably persistent complainants, hence the development of this policy which is attached at Annex 1.
- 3 In developing this policy, research was carried out to see how other Local Authorities and organisations manage this issue. The majority have followed the guidance provided by the Local Government Ombudsman and incorporated it into their existing complaints process and their management structure.

current situation

- 4 The key points to be considered include the following:
The Local Government Ombudsman has defined 'unreasonable' and 'unreasonably persistent' complainants as:

“Those who, because of the frequency or nature of their contacts with the local authority, hinder the authority’s consideration of their or other people’s, complaints.”

- 5 Examples of unreasonably persistent complainant behaviour include:
- a) Introduction of trivial or irrelevant new information and expecting it to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
 - b) Adoption of a 'scattergun' approach – pursuing a complaint with one department and, at the same time, with other departments within the Company and/or with other parties, eg the MP, a Councillor, the Police, solicitors, or the Local Government Ombudsman.
 - c) Making excessive demands on the time and resources of staff whilst the complaint is being investigated – eg, excessive telephoning or sending e-mails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
 - d) Submission of repeat complaints - after the complaints process has been completed – essentially about the same issue but with additions/variations which the complainant insists make these 'new' complaints which s/he wants to be put through the full complaints procedure.
 - e) Refusal to accept the decision reached on the complaint – repeatedly arguing the point and complaining about the decision.
- 6 This list is not exhaustive and unreasonably persistent complainant behaviour is not limited to one (or a combination of any) of the above.
- 7 When a complainant's behaviour is considered unreasonable, the relevant Director will liaise with the Chief Executive and the Company's legal advisor to determine whether or not to restrict the complainant's contact with the office.
- 8 Before applying any restrictions, the complainant should be given a warning in writing that if his/her actions continue, Dale & Valley Homes may decide to treat him/her as an unreasonably persistent complainant and explain why.
- 9 The following is a list of some possible actions for managing a complainant's involvement with Dale & Valley Homes (The list is not exhaustive and local case-by-case factors may be relevant in deciding appropriate action):
- Placing time limits on telephone conversations and personal contacts.
 - Restricting the number of telephone calls that will be taken (eg one call on one specified day of any week).
 - Limiting the complainant to one contact medium (eg telephone, letter, e-mail) and/or requiring the complainant to communicate with one named member of staff.
 - Requiring personal contacts to take place in the presence of a witness.
 - Refusing to register/process further complaints about the same matter.

- 10 If the decision is made to apply the policy, the relevant Director (or member of Executive Management Team) will write to the complainant to:
- Inform him/her that the decision has been taken to invoke the policy.
 - Explain what it means for his/her contacts with Dale & Valley Homes.
 - Explain how long any restrictions will last.
 - Explain what the complainant can do to have the decision reviewed. They should also be given information on how to appeal any decision.
 - Enclose a copy of this policy with the letter.

future Complaints by the Same Complainant:

- 11 When/if the complainant makes a complaint about a new issue, this should be treated on its merits and a decision will need to be taken on whether any restrictions which have been applied before, are still appropriate/necessary.

reviews of decisions

- 12 All cases will be reviewed six months after a decision to restrict or terminate contact has been made to ensure that the action taken remains appropriate and proportionate.

persistent and unreasonable requests for service

- 13 There are occasions when a customer has not made a formal complaint about a service but makes persistent or unreasonable requests for service/s.
- 14 An example might be:
- Adoption of a 'scattergun' approach – pursuing an enquiry / request for service with one team and, at the same time, with other teams within the Company and/or with other parties, e.g., the MP, a Councillor, the Police, solicitors, or the Local Government Ombudsman.
 - Making excessive demands on the time and resources of staff whilst the enquiry or request for service is being investigated – eg, excessive telephoning or sending text messages or e-mails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.
- 15 In these instances it is proposed that the same approach be taken with regard to referral to the Chief Executive and Legal Advisor to determine the best course of action.
- 16 It is important to note that there are few occasions when application of the policy will be necessary, however, without a policy in place there is a risk to the company.

equality and diversity

- 17 An Equality Impact Assessment of the complaints process, including this policy, has been carried out. Evidence gathered suggests there is a possibility that customers with a sight or hearing problem and those of an ethnic minority may not be registering any dissatisfaction with our service delivery and that those in these categories who do express concern are not having their concerns fully analysed and investigated. Whilst there is no evidence of discrimination, positive action is being taken to make sure we gather more robust customer profile information and that this is used fully when dealing with all customer complaints.

value for money/financial implications

- 18 There are no 'value for money' or financial implications arising from this report.

business plan

- 19 Following the recent Audit Commission inspection and recommendations relating to our handling of complaints our revised Business Plan includes the following action:

1.19 Improve customer satisfaction with the outcomes of the complaints process.

The expected outcome is that the company improves its understanding of customer insight and journey mapping and satisfaction and retention rates improve.

consultation

- 20 Customer Panel considered the policy at their meeting in February 2010. They were satisfied that any cases dealt with under the policy would be subject to review. The policy will be available on the company web site.

recommendations

- 1 That the Customer Outcomes Committee approves the policy and agrees to receive related feedback and performance information as part of the complaints monitoring process.

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