

POLICY AND PROCEDURE



Solihull
Life
Opportunities

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Charity no: 1102297
Company no: 5025939

Vexatious and Repetitive Complaints

Category: Organisational

INTRODUCTION

Solihull Life Opportunities (SoLO) aims to respond positively to any concern or complaint that is brought to their attention, but occasionally these complaints, having exhausted the normal procedures can result in habitual or repetitive calls.

The difficulty in handling such callers may place a strain on time and resources and may cause undue stress for staff that may need support in difficult situations. SoLO staff are trained to respond in a professional and helpful manner to the needs of all callers and, in particular, those with a learning difficulty. However, there are times when the SoLO cannot reasonably do anything further to resolve a complaint or to rectify a real or perceived problem.

This policy links with:

- Complaints Procedure

PURPOSE OF THIS POLICY

It is perfectly reasonable for callers to request information or assistance. During this process SoLO staff will inevitably have contact with a small number of callers or complainants who absorb a disproportionate amount of resources in dealing with their issues. There is also a risk that they may become inappropriately dependent on individual members of staff. The aim of this Policy is to identify situations where callers might be considered to be habitual or repetitive and to suggest ways of responding to these situations.

It is emphasised that this policy should only be used as a last resort and after all reasonable measures have been taken to assist the callers. The decision to categorise a complainant as "repetitive" or "vexatious" will follow discussion between the CEO and the Trustee Board

Policy Name: Vexatious and Repetitive Complaints

Organisation: Solihull Life Opportunities

Date policy issued: May 2007 Approved by: SoLO Board of Directors Date: 11.6.07

Amended: May 2009 Approved by: SoLO Board of Directors Date: May 2009

Next Review Date: May 2011

The decision will be reported to the Staff who are likely to be in contact with the individual

CRITERIA FOR DEFINITION OF A REPETITIVE OR VEXATIOUS COMPLAINANT

Callers (and/or anyone else acting on their behalf) may be deemed to be a repetitive or vexatious complainant where previous or current contact with them shows that they meet two or more of the following criteria.

1. They persist in pursuing a complaint where the SoLO Complaints Procedure is being fully and properly implemented, or has been exhausted.
2. Change the substance of the complaint or continually raise new issues or seek to prolong contact by repeatedly raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken not to discard new issues that are significantly different from the original complaint. These might have to be addressed separately).
3. Do not identify the precise issues they wish to be investigated, despite reasonable efforts by SoLO staff and others to help them specify their concerns.
4. Where the individual will not accept that SoLO does not have a role in investigating their issue, for example, the complaint is with another service provider
5. The complaint or issue is trivial or appears to consume an excessive number of contacts with SoLO by telephone, email, letter or fax. Staff should be instructed to keep a clear record of the number of contacts to demonstrate their “excessive” nature.
6. Display unreasonable demands or expectations and fail to accept that they may be unreasonable e.g. insist on immediate responses from staff when they are not available and this has been explained.
7. Have threatened or used physical violence. All such cases must be reported to the CEO and must be documented in case of further action.
8. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with them. All cases must be documented in case of further action.

PROCEDURE FOR REPETITIVE OR VEXATIOUS COMPLAINANTS

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1. Ensure all relevant procedures and reasonable action has been correctly implemented. If there is any uncertainty, further advice can be obtained from the CEO
2. Please remember that the most difficult of callers may have issues that contain genuine substance.
3. Remain professional and polite. This does not mean staff have to listen continually to the same story of complaint, nor that staff cannot politely firmly terminate the call or meeting.
4. Inform the CEO that this person has been in touch and ascertain whether this person is a known habitual caller.
5. Record the date, time and how long the telephone call lasted or a face to face contact with the individual lasted and pass this information to the CEO
6. If a member of staff is dealing with a complaint who may fall into the category of “repetitive” or “vexatious” transfer them to the CEO with any information that would assist the process

Where a person who is determined to be ‘repetitive’ or ‘vexatious’, has a learning disability, every attempt will be made to ensure that this person understands the concept. Where appropriate, a face to face meeting will occur (although this will need to be held either in the office, when there are other staff available, or in a public place). Support will be offered to enable the person with learning disability to fully understand the process. If necessary, and in full consultation with the person, the parents or carers will be contacted to support the person with learning disabilities to understand the possible consequences of persistent contact.

FINAL LETTER

The decision to categorise a caller as “repetitive” or “vexatious” will follow discussion between the Chief Executive Officer, other staff involved and the board.

A letter will then be sent to the complainant by the CEO informing him or her that:

- staff are under no obligation to respond to telephone calls, correspondence or personal visits, which are unreasonable
- SoLO has responded fully to the points raised and that there is nothing further that can be added
- That any future telephone call, correspondence or personal visit will not be answered and staff have been given permission to terminate future telephone calls etc.

It must be emphasised that the classification of an individual as “vexatious” will not mean that any new issues having no connection with the original complaint will not be dealt with in the normal way.

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