



## CUSTOMERS AND COMMUNITIES COMMITTEE

11 September 2014

### PRESENT:

#### Directors

Robert Buckley (Chair)  
 Joanne Carr  
 Pauline Dillon  
 Eileen Gill  
 John Hamilton

#### Advisers

Neil Bouch	Director of Customers and Communities
Kevin Johnson	Head of Customer Services
Julie McCartney	Head of Neighbourhood Services
Deborah Ewart	Housing Services Manager
Louise Taylor	Involvement and Diversity Manager
Teresa Smare	Neighbourhood Services Manager
Craig Gandy	Neighbourhood Services Manager
Jonathan Graham	Rent and Income Manager
Stuart Gibson	Governance and Risk Officer

#### Also Present: -

David Hewitson	Chair, TALISMAN
Steve Carr	TALISMAN
Margaret Gale	TALISMAN
Elizabeth Bird	TALISMAN
Carole Cutter	TALISMAN
Clare Butterfield	Mentor, TALISMAN

#### Apologies

Sheila Bouitieh  
 Kathryn Ferdinand  
 Gordon Spring

### 11 MINUTES

The minutes of the last meeting of the committee held on 8 May 2014 were approved as a correct record.

### 12 TALISMAN – REVIEW OF VOIDS

The committee was informed of the outcome of the review by TALISMAN of how the Company manages voids, particularly in respect of the knock on effect of the under-occupation rules.

TALISMAN conducted this review in eight months and used all resources available to ensure sound and accurate evidence was collected.

Overall, the review has highlighted 7 areas of positive practice covering both TGHC and Mears involvement in this work.

There have also been 23 recommendations which if implemented could result in improved asset management, potential cost savings and a better service to tenants.

The committee expressed its concern that the review would have been completed sooner if there hadn't been delays in receiving the presentations from TGHC and Mears Officers and also delays visiting void properties when work carried out was completed. It was agreed that processes would be put in place to ensure these types of delays did not occur in future reviews.

- RESOLVED – (i) That the outcome of the review by TALISMAN of how the Company manages voids be noted.
- (ii) That a formal response to TALISMAN's recommendations be requested from the Voids Service Area to be presented to the next committee and subsequently to report this response and action plan to TALISMAN.

### **13 VEXATIOUS CONTACT GUIDE**

In May 2014, the Board received a report outlining the findings of the review of Complaints and Compliments within the Company. At this meeting, the Board approved a revised policy for complaints and compliments and associated recommendations. This included a recommendation to introduce an approach to vexatious contact.

The Local Government Ombudsman provides guidance on managing unreasonable complainant behaviour or unreasonably persistent behaviour. It is now regarded as commonplace to have a procedure or guidance of this nature in place.

A Vexatious Contacts Guide was submitted. This covers all contact which could be considered vexatious, rather than being restricted solely to complaints.

The procedure ensures that the Company will apply this in a fair and consistent way through involving the service manager, Head of Service and the complaints officer in this process. This will help to identify the most appropriate action to take such as introducing a single point or method of contact.

The customer would be notified by the complaints officer of the Company's intention to apply this procedure and the reasons why.

Service managers have identified potential cases to be considered as vexatious contacts and these will be discussed in further detail before making any decisions about applying the procedure.

- RESOLVED – (i) That the Board be recommended to approve the Vexatious Contact Guide attached at the Appendix to these minutes and an update by provided through a future Complaints and Compliments Update report.
- (ii) That the guidance be rolled out to all employees.
- (iii) That summary information on vexatious contacts be provided through the six monthly update on complaints and compliments presented to this committee.

#### **14 TALISMAN – PROGRESS REPORT**

The committee received an update on progress against actions identified in TALISMAN reviews completed to date and a general progress update.

At its meeting in February 2014, the committee was informed that most of the actions following the review of anti-social behaviour had already been completed and an update was provided of three actions that were still outstanding. Progress made since the last update in February was reported.

A further updated action plan following the review of rent and income was submitted and most of these actions are now complete.

The committee also received a general update around the current membership, training/events attended and an invitation to facilitate one of the workshops to showcase its review of voids at the fourth Annual Conference which is taking place in November 2014 at York Racecourse.

RESOLVED – That the information be noted.

#### **15 CUSTOMER INVOLVEMENT ACTIVITY – UPDATE**

The committee received an update on customer involvement activity for the first quarter of 2014/15.

During the period, 66 involvement activities took place. Customers have been involved in activities on over 2,862 occasions, however some may have been involved in more than one event.

There have been a number of outcomes from customer involvement during the period and details of these were reported.

Details of Gateshead Volunteers' Month in June 2014, work in partnership with Newcastle Eagles across primary schools in Gateshead to deliver the Hoops for Health initiative, performance against service standards, involvement database, external recognition, Mears involvement activity and activities planned for the second quarter of 2014/15 were reported.

RESOLVED – That the information be noted.

## **16 ANTI-SOCIAL BEHAVIOUR PARTNERSHIP UPDATE – APRIL TO JUNE 2014**

The committee received a quarterly update on the following anti-social behaviour partnership work, areas of development and neighbourhood activity: -

- Domestic abuse/violence
- Hate incidents/crimes
- Mental health Link Worker
- Families Gateshead
- Non Attendance Panel
- Victim Support
- Safeguarding Adults/Children
- Social Landlords and Crime and Nuisance Group
- ASB, Crime and Policing Bill

RESOLVED – That the information be noted.

## **17 TENANCY MANAGEMENT ACTIVITY – 2013/14**

The committee received an update on the following tenancy management activity in 2013/14: -

- HomeViews
- New tenancies
- Home Welcome Visits
- Tenancy changes
- Mutual exchanges
- Tenancy terminations
- Temporary rehousing
- Redevelopment areas
- Abandoned properties
- Home improvement requests

The committee also received details of key service improvements planned for 2014/15.

RESOLVED – That the information be noted.

## **18 ESTATE MANAGEMENT ACTIVITY – 2013/14**

The committee received an update on the following estate management activity in 2013/14: -

- Estate tours and grading
- External Estate Tour Peer Review
- Neighbourhood Pride
- Designing Out Crime
- Grounds Maintenance
- Pest Control
- Street Action and Enforcement
- Garden management

- Garden Scheme

The committee also received details of key service improvements planned for 2014/15.

RESOLVED – That the information be noted.

## **19 SHELTERED HOUSING SERVICE – ANNUAL UPDATE 2013/14**

The committee received an update on activity, performance and customer satisfaction for the Sheltered Housing Service for 2013/14.

In particular, estate tours, drop-ins, Home welcome visits, Neighbourhood Pride, improving the quality and choice of housing, investment works, Digital Inclusion and customer involvement were reported.

RESOLVED – That the information be noted.

## **20 REPAIR REPORTING SERVICE – UPDATE**

The committee received an update on the outcome of a number of changes in relation to repair reporting that were implemented in late 2013.

The overall objective of the changes was to improve access to repair reporting and to reduce queue times. There have been some promising results since the changes were implemented, details of which were reported.

The Advice Assistants dealing with repair queries aim to resolve issues before they escalate to a formal complaint. This approach is showing positive results. Formal complaints relating to repairs have reduced significantly since the changes were implemented.

The switch to the new opening hours has been very successful with no complaints received about the changes implemented.

The lettings team were identified as the most natural team to offer additional support, as they already used the same telephony system and were able to be located next to the repair reporting team when we moved to our current office in the civic centre. Repairs training for all the Lettings Clericals is now complete and they are able to provide repair reporting cover if required.

There is still work to be done to encourage more tenants to use the online repair reporting tool.

The service receives approximately 100 texts/emails per day from customers in relation to repairs and there is scope to develop this access method further.

RESOLVED – That the information be noted.

## **21 LETTINGS REPORT 2013/14**

The committee received details of lettings activity in 2013/14.

At the start of April 2013 there were 9,671 applicants on the Tyne and Wear Housing Register that had requested assessment for housing in Gateshead (out of 32,052 applicants across the whole scheme). By the end of March 2014, this had increased to 12,778 applicants requesting Gateshead (out of 38,319 on the whole scheme).

1,746 properties were let to applicants on the Housing Register in 2013/14, compared to 1,451 in 2012/13.

Whilst numbers of new applications remains high, the increase in refusals has resulted in properties becoming more difficult to let. In general applicants are getting housed with less waiting time and lower priorities, and more properties have to be re-advertised. This trend of increased numbers of refusals has been mirrored by the other Tyne and Wear authorities.

165 mutual exchanges took place in 2013/14, which was an increase from 140 the previous year.

RESOLVED – That the information be noted and the report also be submitted to the next Board Meeting for information.

## **22 RENT ARREARS MONITORING 2013/14**

The committee received an update on rent arrears monitoring for the 2013/14 and details of the Company's approach to rent arrears prevention. In particular, information was provided around the following: -

- Current rent arrears
- Under 25's
- Former tenant arrears
- Welfare Reform
- Under occupation
- Discretionary Housing Payment
- Universal Credit
- Advice and Support Officers
- Energy Angels

RESOLVED – That the information be noted and the report also be submitted to the next Board Meeting for information.

## **23 FORWARD PLAN**

A forward plan of reports that will be presented to meetings of this committee during the next year was submitted.

RESOLVED – That the forward plan be noted.

## **24 DATE AND TIME OF NEXT MEETING**

The next meeting of the committee will be held on Thursday, 6 November 2014 at 10am in Room S21 at Gateshead Civic Centre, Regent Street, Gateshead.





# The Gateshead Housing Company

Working with Gateshead Council

1. Introduction
2. Definition
3. Procedure
4. Monitoring & Review



## 1.0 Introduction

The Gateshead Housing Company (TGHC) is committed to dealing with all enquiries and complaints appropriately and in a timely manner. However we are aware of the need to ensure that our time is not misspent dealing with vexatious contacts.

1.1 We must also ensure that our employees, councillors and partners are protected from unacceptable or abusive behaviour.

1.2 In managing complaints, we accept that when a customer makes a complaint they may be distressed or emotional and may behave in a way that is out of character.

1.3 We also expect complainants to be persistent in their complaint.

1.4 However, in a minority of cases, people pursue their complaints in a way or to a degree that is unreasonable. This may hinder the investigation of their complaint or have significant resource issues for the organisation.

1.5 There can also be cases where the complaint itself is vexatious rather than the behaviour of the complainant.

1.6 This guide sets out how we will decide which complaints & complainants are vexatious or unreasonably persistent, and what we will do in these cases (including how we will monitor and review them). It also covers vexatious, timewasting contact not related to complaints.

1.7 The purpose of the guide is to help employees to understand what is expected of them and what options for action are available to them when they are dealing with vexatious contacts.



### 2.0 Definitions

The following are based on the Local Government Ombudsman's (LGO) definitions of "unreasonable complainant behaviour" and "unreasonably persistent complaints". TGHC have broadened the definition of "vexatious complaint" to include contact from customers which may not be associated with a complaint issue.

#### 2.1 *Vexatious complainant*

- Someone who, because of the frequency or nature of their contacts with us, hinders our consideration of their own (or other customer's) complaints.
- Someone who is not seeking to resolve a dispute but to cause unnecessary aggravation or disruption to service delivery.
- Someone with a genuine complaint who pursues it in inappropriate ways. Their contact with The Gateshead Housing Company may be amicable but their demand on employee time is too great or causes distress.
- Someone who pursues complaints that are not valid, or that have already been investigated and settled.
- Someone who fully exhausts the Company's complaints procedure but continues to make contact about the same issue
- Someone who is being legally represented but continues to contact the Company about the issue rather than going through their representative

#### 2.2 *Vexatious complaint or contact*

- Complaints or contact made with the intention of causing distress or disruption to the officers or services involved, or where this is the outcome of their behaviour
- Repeated complaints or contact regarding the same issue, service or employee, where an investigation or response have already been provided and appropriate action taken where applicable.

2.3 The definitions given above are illustrative and are intended as guidance to allow officers to identify behaviour and complaints which may fall within these boundaries.

Further examples of behaviour which is characteristic of vexatious complainants and of vexatious complaints and contacts are detailed in **Appendix A** of this policy.



# The Gateshead Housing Company

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### 3.0 Procedure

An employee experiences behaviour or contact which they believe is vexatious. This may include repeated unnecessary contact, persistently difficult behaviour or timewasting. See **Appendix A** for more detailed examples.

- 3.1 The employee should complete a Vexatious Contact Form (**Appendix B**) detailing examples of the behaviour and why they feel the contact should be managed as vexatious, including any evidence (call logs, emails etc)
- 3.2 The employee should then meet with their line manager and the Complaints Officer who will go through the information and supporting evidence and discuss whether there are any mitigating factors or alternative approaches that could be applied instead. This will include checking the customer record for any previous vexatious contact forms. They should come to one of the following decisions:
  - a) to request authorisation to invoke the procedure
  - b) to manage the issues by other means – for example a warning to the customer about their behaviour or additional training and support for the employee
  - c) the contact or behaviour is not vexatious.

In all cases the form should be scanned and held against the customer record for future reference.

- 3.3 The decision to apply this procedure will be an exceptional step and must be authorised by a Head of Service, following consultation with the relevant team manager and Complaints Officer.
- 3.4 The decision must be recorded on the complaints system and Northgate and must be supported by the following information:
  - Grounds for applying the procedure.
  - Any restrictions to be applied, including scope.
  - Date for review – typically after 6 months.

We will also advise frontline staff of contact restrictions for specific customers; for example where the customer has been required to make contact in writing only. This is because employees may not have access to check our ICT systems at the point that they come into contact with the customer – for example when answering the phone.

### 3.5 Before taking this step, TGHC will:

- Ensure any complaint which has triggered the procedure is investigated fully in accordance with TGHC complaint policy.
- Ensure that the complaint is dealt with in line with other similar complaints.
- Ensure that all relevant sections have met to discuss the complaint where there are cross cutting issues highlighted by the complainant.
- Check all records of previous contact to ensure that all appropriate steps have been taken to provide the customer with requested answers or information.



- 3.6 The Complaints Officer will also contact the customer to inform them that we are considering applying this procedure and why. This gives us an opportunity to explain what the problem is, and gives the customer the opportunity to change their behaviour before restrictions are applied.
- 3.7 If the situation cannot be resolved, TGHC will inform the customer of our decision to apply the procedure and the reason behind it.
- 3.8 We will explain any restrictions, and how we intend to manage any contact in future. See **Appendix C** for options which can be considered.
- 3.9 Employees should notify the Complaints Officer of any contact in breach of the restrictions used so that further steps can be taken to manage future contact.



## 4.0 Monitoring & Review

When implementing the procedure with a customer, a timescale will be set for a review. This will take place between the Complaints Officer and Service Manager to discuss how this has been working, any issues that have occurred and whether the approach should be continued.

The Complaints Officer will provide information to Management Team detailing all current cases

- 4.1 At this stage the Complaints Officer will provide further information on recent contact between TGHC and the customer, and recommend whether or not the procedure should continue to be applied.
- 4.2 Where we believe it is no longer necessary to apply the procedure, the Complaints Officer will contact the customer to let them know that this has been decided, and to confirm what (if any) contact restrictions have been lifted. This will also be recorded on Northgate.
- 4.3 Where we feel it is still necessary to apply the procedure, the Complaints Officer will contact the customer to explain how the decision was reached, and to confirm whether any restrictions are in force. The customer will be given the opportunity to appeal this decision.
- 4.4 An appeal against application of the vexatious contacts guide will be reviewed by the Involvement and Diversity Manager and a Head of Service. The complainant will be expected to set out the reasons why they are opposing this decision.
- 4.5 The appeal decision will then be made and the customer notified in writing within 10 working days



## Appendix A

### Unreasonably persistent or vexatious complainants and complaints

An unreasonably persistent or vexatious complainant could be someone who:

- Has insufficient or no grounds for their complaint and is making the complaint only to annoy (or for reason that he or she does not admit or make obvious)
- Refuses to specify the grounds of a complaint despite offers of assistance from employees
- Harasses, threatens, verbally abuses or intimidates staff dealing with their complaint
- Refuses to co-operate with the complaints investigation process while still requiring their complaint to be resolved
- Refuses to accept that issues are not within the remit of the complaint policy and procedure despite having been provided with information about the scope of the policy and procedure
- Makes an unreasonable number of contacts with TGHC via letters, e-mails or phone calls in relation to a specific complaint or complaints
- Expects immediate responses to any contact
- Introduces trivial or irrelevant new information whilst the complaint is being investigated and expects this to be taken into consideration or who raises large numbers of detailed but unimportant questions and insists they are all fully answered
- Electronically records meetings and conversations without the prior knowledge and consent of the other persons involved
- Repeatedly complains or makes repeated requests about similar issues after they have already been dealt with
- Denies statements they made at an earlier stage in the complaint process
- Refuses to accept the outcome of the complaint process after its conclusion, complaining about the outcome or denying that an adequate response has been given.
- Adopts a 'scattergun' approach with the intention of causing confusion and duplication – pursuing a complaint or complaints with the company and at the same time with a Member of Parliament, a councillor, an independent auditor, police, solicitor or the Ombudsman
- Persistently approaches TGHC or partners through different routes about the same issue
- Refuses to accept documented evidence as factual
- Complains about or challenges an issue based on a historic and irreversible decision or incident
- Combinations of some or all of these

An unreasonable or unreasonably persistent complaint could be:



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- Something which does not have a clear or serious purpose or value
- Something designed to cause disruption or distress
- Something which has the effect of harassing TGHC or can otherwise fairly be characterised as obsessive

Lists are not exhaustive and local factors will vary.



## Vexatious Contact Form

<b>Name of officer:</b>	
<b>Date completed:</b>	

<b>Name of customer:</b>	
<b>Address:</b>	

<b>Relationship to TGHC (delete those that do not apply)</b>				
Current Tenant	Former Tenant	Leaseholder	Applicant	Other

### Summary of vexatious contact (continue on additional sheets if necessary)

- Include dates of contacts
- Attach any evidence such as call logs or emails
- Include any complaint reference numbers or incident numbers

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### Any other information about the customer

<b>Support worker details</b>	
<b>Any special requirements</b>	
<b>Current Alert 01 or NRT involvement?</b>	



### To be completed by the referring officer

<b>What action proposing to take and why</b>	
<b>Timescale for implementing</b>	

### To be completed by Complaints Officer

<b>Decision and justification</b>	
<b>Management measures to be applied</b>	
<b>Review date</b>	

### Authorisation

Name	Signature	Date



**Options which may be considered when managing vexatious complaints or complainants**

Where a complaint, or the behaviour of a complainant is deemed to be vexatious we may consider:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc.).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness, and in a suitable location.
- Refusing to register and process further complaints about the same matter.

The Local Government Ombudsman advises that use of these options should be proportionate to the nature and frequency of the complainant's current contacts and should take the complainant's behaviour and circumstances into account.

The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be brought to a conclusion briskly, without further distractions.

Where a final decision on a complaint has been made, we will inform the complainant that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated officer should be identified who will read future correspondence.

Reference:

Local Government Ombudsman

<http://www.lgo.org.uk/publications/advice-and-guidance/unreasonable-complainants/#options>, accessed 17<sup>th</sup> February 2014