

Vexatious and Persistent Complaints

6 September 2024



Table of Contents

1. Introduction.....	3
2. Scope.....	3
3. Principles and Aims.....	3
4. Policy Statement.....	4
5. Definition of Vexatious and Persistent complaints.....	4
6. Examples of Unacceptable Complaint Behaviour.....	4
7. Action Prior to invoking the Policy.....	5
8. Operating the Policy.....	6
9. Procedures.....	7
10. Record Keeping.....	7
11. Harassment and Bullying.....	8
12. Contact Information.....	8

1 Introduction

- 1.1 Renewable Energy Assurance Ltd (“the Executive” as defined in the RECC Bye-Laws) carries out a range of certification and consumer protection activities all of which promote sustainable energy. Renewable Energy Assurance Ltd’s activities fall under two headings: consumer codes and certification schemes. The largest consumer code is the Renewable Energy Consumer Code (“RECC, the Code”).
- 1.2 RECC was established to ensure that consumers wishing to install small scale heat or power generation units, whether from renewable or other low carbon sources, and any product connected or linked to the energy generator, for their homes have the necessary confidence and service standards to make an informed choice. Code Members are businesses who sell and install these units and connected or linked products.
- 1.3 RECC is approved by the Chartered Trading Standards Institute (CTSI) under the Consumer Codes Approval Scheme and is CTSI approved Alternative Dispute Resolution body. Consumers with a complaint about Code members can access RECC’s Dispute Resolution Process to achieve a resolution.
- 1.4 A key part of the Executive’s role is to provide advice and guidance to consumers wishing to make a formal complaint against a Code member under a CTSI Approved Consumer Code. The Executive will deal with consumers fairly, honestly and impartially, and provide additional support for vulnerable consumers.
- 1.5 A very small minority of consumers who make or pursue complaints do so in a persistent or vexatious way which can either slow down the progression of their complaint or be so time consuming to manage that the behaviour interferes with proper consideration of the complaint.

2 Scope

- 2.1 This policy and procedure apply to the Executive.

3 Principle and Aims

- 3.1 The purpose of the Vexatious and Persistent Complaints Policy and Procedure is to provide a fully transparent framework which helps the Executive to complainants who are unreasonably persistent and vexatious are dealt with fairly and proportionately. These actions can occur either while a complaint is active, or once the Executive or their nominated alternative dispute resolution service provider has made a decision regarding a formal complaint against a business member of our Code.
- 3.2 It sets out clearly for staff and complainants what is expected of them, what they can do, and who can authorise actions. This policy aims to identify a clear allocation of responsibility for reporting and dealing with incidences of persistent, vexatious or unreasonably persistent behaviour.

4 Policy Statement

- 4.1 Renewable Energy Assurance Ltd as a Chartered Trading Standards Approved Code Sponsor are committed to dealing with all complaints fairly and impartially, and to making our consumer support services as accessible as possible in accordance with RECC's Dispute Resolution Process.

5 Definition of Vexatious and Persistent complaints

- 5.1 A vexatious complainant is a consumer (as defined in RECC Dispute Resolution Process) or nominated person acting on behalf of a consumer such as a trusted friend or relative who is pursuing a complaint which is entirely without merit and is made with the intention of causing inconvenience, harassment or expense to the Executive.
- 5.2 'Unreasonable complaint behaviour' may include one or two isolated incidents, as well as 'unreasonably persistent behaviour'. Persistent complaints, specifically 'Unreasonably Persistent' are complaints which have merit, but, because of the frequency or nature of their contact with complaints handlers, hinder consideration of their own or other's complaints, or require a disproportionate level of resources or time to handle the complaints raised.

6 Examples of Unacceptable Complaint Behaviour

- 6.1 The following list contains examples of behaviour by complainants, which may be described as persistent, vexatious or unreasonable.
- refusing to specify the grounds of a complaint, despite offers of assistance;
 - refusing to co-operate with and follow the Executive's escalation procedure set out in the [RECC Dispute Resolution Process](#);
 - refusing to accept that certain issues are not within the scope of the Code and escalation procedure;
 - insisting on the complaint being dealt with in ways which are incompatible with the Code or RECC's Dispute Resolution Process;
 - making unjustified complaints about staff who are trying to deal with issues, and seeking to have them replaced;
 - changing the basis of the complaint by adding new issues as it proceeds through the dispute resolution process;
 - denying or changing statements or complaint details made at an earlier stage;
 - introducing trivial or irrelevant new information at a later stage;
 - raising many, detailed but unimportant questions; insisting they are all answered;
 - submitting falsified documents from themselves or others;
 - adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with other organisations.
 - making excessive demands on the time and resources of staff with numerous and lengthy telephone calls, excessive emails to staff on a daily basis or detailed letters every few days, and expecting immediate responses;

- sending isolated or numerous emails to other members of staff who are not involved in handling the complaint;
- submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints;
- refusing to accept the decision, repeatedly arguing the point with no new evidence;
- raising the same complaint via their political representative or legal representative to try to overturn a previous decision; and
- using abusive, offensive or threatening, rude and condescending language in written correspondences or by telephone.

6.2 Some individuals that staff may consider to be vexatious or persistent complainants may be behaving as such because of a specific circumstance or difficulty and may be in vulnerable circumstances.

6.3 Where this is indicated, any concerns that staff may have about a complainant's vulnerable circumstances must be raised immediately with their line manager.

7 Action Prior to invoking the Policy

7.1 When considering the application of this policy, it is critical that the Executive firstly consider and ensure it understands a complainant's circumstance, how and why they feel as they do and what it is that would resolve the matter for them. The Executive must be sure that it has given them the right opportunity to express their views and opinions and ensure it has listened and given appropriate and proportionate thought and effort to resolving and explaining the position and our actions.

When it is necessary to designate the complainant as behaving unreasonably, the Executive consider using the following steps:

- offering the complainant a telephone call with a member of staff of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable;
- sharing our policy with the complainant and advising them that restrictive actions may need to be applied if their behaviour continues;
- appointing a key officer to coordinate the organisation's response;
- advise the complainant to find a suitable independent advocate, especially if the complainant has different needs; and
- signpost the complainant to other routes to resolve their dispute with the business, such as legal action or appropriate regulators.

The Executive must ensure that:

- the complaint is being or has been considered properly and fairly in line with the Code and the RECC Dispute Resolution Process;
- communications with the complainant have been adequate;
- the complainant is not providing any significant new information that might affect our view on the complaint; and
- the Executive has exhausted all possible options within reason to find a solution for the complainant.

8 Operating the Policy

8.1 Based on the circumstances and behaviour of the complainant and their complaint, restrictive actions will be tailored accordingly. If a decision is taken to apply restricted access, write to the complainant with a copy of the policy to explain:

- why the decision has been taken;
- what it means for their contact with the organisation; and
- how long any limits will last, and what the complainant can do to have the decision reviewed.

8.2 When complaints about new issues are made, these should be treated on their merits. The Executive should consider whether any restrictions previously applied are still appropriate and necessary.

8.3 Options for Action

Any actions taken should be proportionate to the nature and frequency of the complainant's current contact. The following options may be suitable, taking 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 concluded quickly, without further distractions. Options included:

- placing limits on the number and duration of contact with staff per week or month;
- requesting contact in a particular form only (e.g. emails without telephone calls);
- placing restrictions on telephone calls to specific times and days of the week;
- banning the complainant from contacting the Code Administrator;
- requiring contact to take place with one named member of staff only;
- letting the complainant know that the Executive will not reply to or acknowledge any further contact from them on the specific topic of that complaint;
- emails/letters or any other communication method to anyone other than appropriate point of contact will be deleted and not responded to;
- refusing to register and process further complaints about the same matter;
- seeking support from IT to block all emails and telephone calls from the complainant; and
- end the dispute resolution process by closing the complaint.

8 Procedures

- 9.1 The decision to restrict or stop a complainant's access to the dispute resolution process can only be taken by the Head of Dispute Resolution providing clear documented evidence to support this and outlining how the behaviour needs to change.
- 8.2 The Head of Dispute Resolution will send a letter to the complainant, with a copy of this policy and procedure. The letter will clearly explain to the complainant the actions that the Executive may take if their behaviour does not change.
- 8.3 If the behaviour continues, the Head of Dispute Resolution will make a decision as to the action to take. A letter will then be sent to the complainant outlining this decision. All letters will include:
- why the Head of Dispute Resolution has taken the decision; and
 - the right of the complainant to appeal to Consumer Code Approval Scheme about the fact that they have been treated as a vexatious or persistent complainant.

9 Record Keeping

- 10.1 The decision made, and letters sent, will be retained by the Executive.
- 9.2 The Executive will keep a record of all complainants who have had this policy applied to them.
- 9.3 Adequate records will be kept to show:
- when a decision is taken not to apply the policy when a member of staff asks for this to be done, or
 - when a decision is taken to make an exception once it has been applied, or
 - when a decision is taken not to put a further complaint from this complainant through our complaints procedure for any reason; and
 - when a decision is taken not to respond to further correspondence, make sure any further letters, or emails from the complainant are checked to identify any significant new information.

When complaints about new issues are made, these should be treated on their merits. Consideration will be given to whether any restrictions previously applied are still appropriate and necessary.

- 9.4 Records will be retained for a period of 3 years.

10 Harassment and bullying

11.1 Persistent and vexatious complainant behaviour may amount to bullying or harassment. All staff have the right to be treated with respect and dignity in the workplace. Behaviour by third parties that bullies, harasses or intimidates staff is unacceptable and will not be tolerated.

The Executive will take all reasonable steps to prevent such behaviour. Staff will be protected from victimisation after raising genuine complaints, whatever the outcome.

11 Contact information

Renewable Energy Consumer Code
The Executive
York House
23 Kingsway
London WC2B 6UJ
info@recc.org.uk

Consumer Code Approval Scheme
1 Sylvan Court
Sylvan Way
Southfields Business Park
Basildon SS15 6TH
ccab@tsi.org.uk