



VALE OF AYLESBURY HOUSING TRUST COMPLAINTS PROCEDURE

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1. Purpose

- 1.1 The objective of this procedural framework is to provide information on how the Trust's internal complaints process works, setting out the Trust's approach to dealing with complaints and complainants.
- 1.2 The procedure outlines what users of the service can expect to happen at each stage of the complaints process giving an indication of the timescales involved and sets out what further options are available to complainants should they exhaust the Trust's internal complaints process.
- 1.3 This procedure is being written as a general framework to be followed by complainants and Trust staff. There may be instances when a complaint cannot be progressed through this procedure or dealt with under the Trust's complaints policy, in such circumstances the complainant will be informed of the reasons why and where possible alternative options provided.

2. Legislation and Trust Policy

2.1 Legislation relevant to this policy and supporting procedure:

- The Housing Act 1996
- The Housing & Regeneration Act 2008
- The Localism Act 2011
- The Data Protection Act
- Current Equality Legislation

2.2 Trust policies relevant to this procedure.

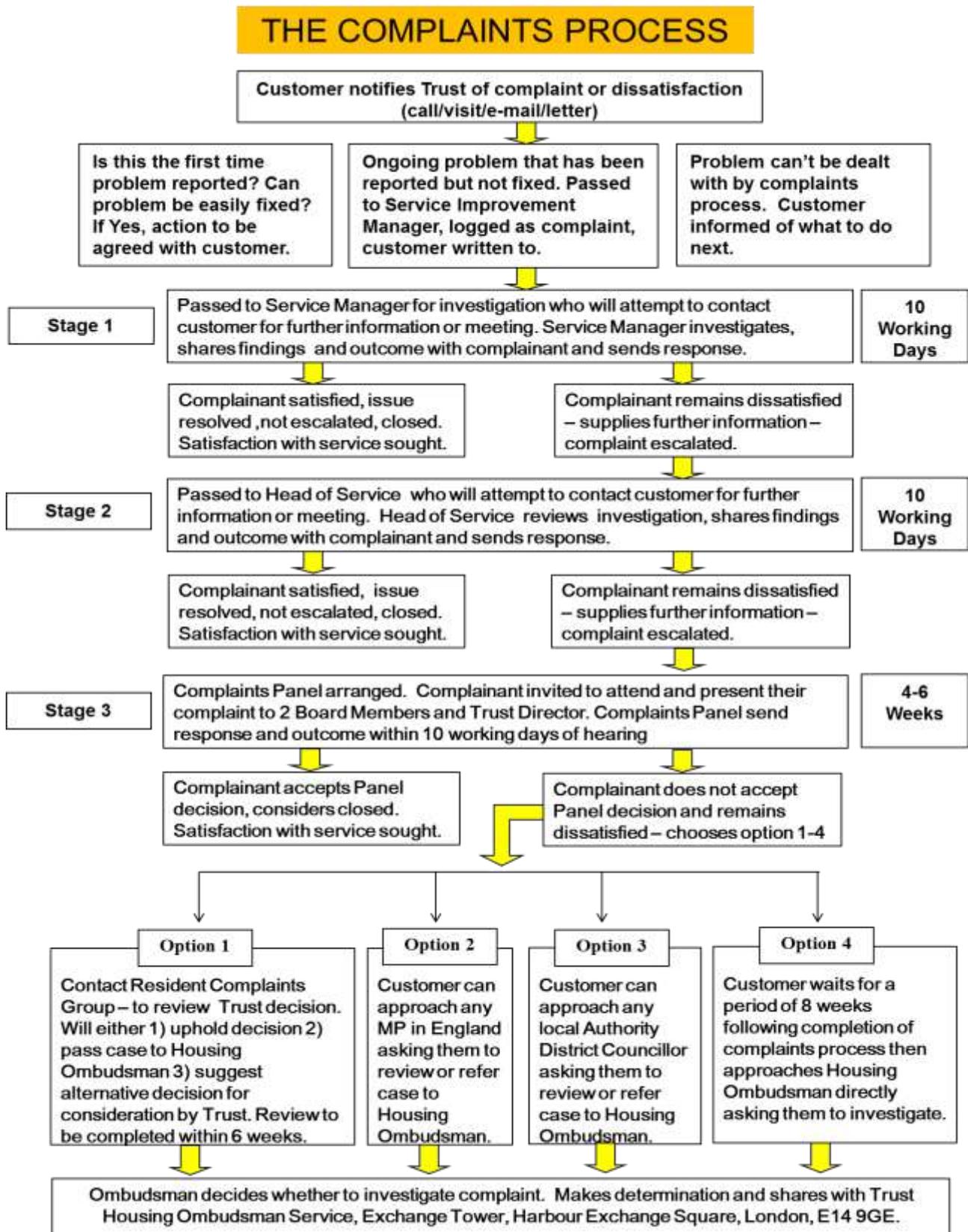
- Complaints Policy
- Compensation Policy
- All other Trust Policies covering operational process and procedures

3. Informal approach (Stage 0)

- 3.1 If an expression of dissatisfaction is received however made, Trust staff will, wherever possible, take the opportunity of trying to resolve the issue or problem at the first point of contact subject to the expression of dissatisfaction being the first occurrence and is relatively easily resolvable. This is sometimes referred to as Stage 0 (zero).
- 3.2 The principle reason for applying this approach is to ensure that any minor breakdown in service provision is dealt with quickly for the benefit of the complainant therefore reducing the need to go through the complaints process. Adopting this approach is not used as a way of masking poor performance and records are maintained of where this approach has been used and the actions taken.
- 3.3 If the complainant is not satisfied with the response or outcome from this informal approach, they can ask for the matter to be entered into the complaints process.

4. Overview of the Complaints process

4.1 This flowchart provides a brief overview of the complaints process. Full details of the process are contained within this document.



Oct 2016

5. Stage 1 of the procedure

- 5.1 When an expression of dissatisfaction is received via any medium, the complaints definition as outlined in the complaints policy will be applied to establish that the expression of dissatisfaction can be regarded as a complaint. If the issue cannot be dealt with at first point of contact, the Service Improvement Manager will be alerted and it will be entered into the Trust's complaint procedure.
- 5.2 If the expression of dissatisfaction does not meet the complaints definition, the complainant will be informed of whom within the Trust or what external agency will be able to address the issue they have raised or under which Trust policy or procedure the issue will be addressed.
- 5.3 If the expression of dissatisfaction meets the complaints definition, the complaint will be entered into the Housing Management I.T System and allocated a unique auto-generated reference number. Any further correspondence relating to this complaint must reference this unique number.
- 5.4 An acknowledgment letter will be sent to the complainant within 48 hours of receipt (subject to office opening hours) informing the complainant of:
- The unique reference number that the complaint has been allocated
 - The name, position and contact details of the relevant Manager or employee responsible for the service who has been allocated the complaint to investigate and resolve and;
 - The target date on which the Trust aims to send a full reply
- 5.5 The emphasis at Stage 1 of the procedure is understanding what has gone wrong, the impact on the complainant and finding a solution to the problem. The allocated Manager or employee will:
- Telephone the complainant as soon as possible after they have been allocated the complaint and attempt to speak with them so they can introduce themselves to the complainant, ensure that all aspects of the complaint have been understood, what outcome the complainant is expecting and if felt necessary by either party, arrange for a meeting to be held;
 - Once all of the issues have been identified, investigate the matter to find out what happened and why;
 - Upon completion of the investigation the allocated manager or employee will telephone to speak to the complainant and summarise the key points of the investigation and what actions the Trust intends to take (if any) or has taken
 - Following a Trust quality control check (carried out by the Service Improvement Manager) to ensure that all aspects of the complaint have been addressed, send a full reply to the complainant confirming the outcomes of the investigation as discussed with the complainant and advising what to do if they wish to escalate the complaint within the procedure

- 5.6 Where the complaint is upheld, the complainant will be offered an apology, notified of what action the Trust will be taking/has taken to resolve the issues and if appropriate, what compensation will be applied, in line with the Trust's Compensation Policy.
- 5.7 If the complaint is complicated and it becomes impossible to give a properly considered response within the timescale, a holding letter will be sent. The holding letter will inform the complainant of the reason for the delay and the date on which they can expect the investigation to be completed. In such instances the complainant will be sent a letter at least every 10 working days to keep them updated on progress.
- 5.8 A complaint response letter will be issued within the timescale whether the allocated Manager or employee has been able to contact the complainant by telephone or not.
- 5.9 If the complaint is about a Manager or employee responsible for a particular service area, it will still be entered as a Stage 1 complaint but will be investigated by the next relevant senior manager or a manager of equivalent seniority from another area.
- 5.10 If the complainant is not satisfied with the outcome from Stage 1, they have 20 working days from the date of the response letter to request that their complaint is progressed to Stage 2 of the process. Should the complainant decide to proceed further with the complaint they must give valid reasons for wishing to do so.
- 5.11 If the complaint was not fully resolved at Stage 1, information or evidence must be supplied to support this. Such information or evidence must be related to the original complaint and not change the substance of that complaint.
- 5.12 Any new but unrelated issues raised may be entered into the complaints procedure at Stage 1 to be investigated in their own right.
- 5.13 A complaint will not be escalated in the process without justification just because the complainant may be hoping to receive a more favourable outcome from a different employee or because it was judged that their expectations were unreasonable or disproportionate and cannot be met in full.
- 5.14 After 20 working days has elapsed and in the absence of any further communication from the complainant, the Trust will enter the details of the complaint into its process for capturing feedback on customer satisfaction with the complaints process. As part of this process the complainant may be contacted and asked to give their views about the complaints service and the complaint in its entirety may be used for training or auditing purposes.

6. Stage 2 of the procedure

- 6.1 If the complainant is not satisfied with the response they have received from Stage 1 and they feel they have a valid reason for wishing to progress the complaint they should contact the Trust.

- 6.2 If it is determined that the complainant does not provide valid reasons or their grounds for wanting the complaint escalated are unreasonable or unrelated such as, wishing to escalate the complaint for the sole purpose of hoping to receive a more favourable outcome from a different employee, the Trust reserves the right not to escalate the complaint further and will consider the complaint as closed.
- 6.3 Such determinations will only be reached following consultation and approval of an appropriate Trust Director and the complainant will be written to and notified of this.
- 6.4 If it is determined that the complainant has valid reasons for wanting the complaint to be escalated, the complaint will be entered into the Housing Management I.T System by the Service Improvement Manager and allocated a new unique auto-generated reference number. Any further correspondence relating to this complaint must reference this new unique reference number.
- 6.5 An acknowledgment letter will be sent to the complainant within 48 hours of receipt (subject to office opening hours) informing the complainant of:
- The unique reference number that the complaint has now been allocated
 - The name, position and contact details of the relevant Head of Service or senior employee who has been allocated the complaint to review; and
 - The target date on which the Trust aims to send a full reply
- 6.6 The emphasis at Stage 2 of the procedure is understanding what has not been satisfactorily resolved at Stage 1 i.e. what is it that is still causing the complainant to be dissatisfied with the outcome of their complaint. The allocated Head of Service or senior employee will:
- Telephone the complainant as soon as possible after they have been allocated the complaint and attempt to speak with them so they can introduce themselves to the complainant, ensure that all aspects of the complaint have been understood, what outcome the complainant is expecting and if felt necessary by either party, arrange for a meeting to be held;
 - Once all of the issues have been identified, review the response previously issued following Stage 1 and assess the matter against principles of fairness, reasonableness, consistency and proportionality;
 - Upon completion of the review the allocated Head of Service or senior employee will telephone to speak to the complainant and summarise the key points of the review and what actions the Trust intends to take (if any) or has taken;
 - Following a Trust quality control check (carried out by the Service Improvement Manager) to ensure that all aspects of the complaint have been addressed, send a full reply to the complainant confirming the outcomes of the investigation as discussed with the complainant and advising what to do if they wish to escalate the complaint within the procedure

- 6.7 Where the complaint is upheld, the complainant will be offered an apology, notified of what action the Trust will be taking/has taken to resolve the issues and if appropriate, what compensation will be applied, in line with the Trust's Compensation Policy.
- 6.8 If the complaint is complicated and it becomes impossible to give a properly considered response within the timescale, a holding letter will be sent. The holding letter will inform the complainant of the reason for the delay and the date on which they can expect the review to be completed. In such instances the complainant will be sent a letter at least every 10 working days to keep them updated on progress.
- 6.9 A complaint response letter will be issued within the timescale whether the allocated Manager or employee has been able to contact the complainant by telephone or not.
- 6.10 If the complaint is about a Head of Service or senior employee previously involved in the complaint, it will be reviewed by the next relevant senior member of staff or a manager of equivalent seniority from another area.
- 6.11 If the complainant is not satisfied with the outcome from Stage 2, they have 20 working days from the date of the response letter to request that their complaint is progressed to Stage 3 of the process. Should the complainant decide to proceed further with the complaint they must give valid reasons for wishing to do so.
- 6.12 If the complaint was not fully resolved at Stage 2, information or evidence must be supplied to support this. Such information or evidence must be related to the original complaint and not change the substance of that complaint.
- 6.13 Any new but unrelated issues raised may be entered into the complaints procedure at Stage 1 to be investigated in their own right.
- 6.14 If it is determined that the complainant has valid reasons for wanting the complaint to be escalated, the Head of Service or senior member of staff dealing with the complaint may take the opportunity to re-investigate the matter and try to resolve the complaint rather than automatically escalating the complaint to Stage 3 of the procedure and convening a Panel Hearing.
- 6.15 After 20 working days has elapsed and in the absence of any further communication from the complainant, the Trust will enter the details of the complaint into its process for capturing feedback on customer satisfaction with the complaints process. As part of this process the complainant may be contacted and asked to give their views about the complaints service and the complaint in its entirety may be used for training or auditing purposes.

7. Stage 3 of the procedure

- 7.1 If the complainant is not satisfied with the outcome they have received from Stage 2 and they have valid reason for wishing to progress the complaint they should contact the Trust.

- 7.2 If it is determined that the complainant does not provide valid reasons or their grounds for wanting the complaint escalated are unreasonable or unrelated such as, wishing to escalate the complaint for the sole purpose of hoping to receive a more favourable outcome from a different employee, the Trust reserves the right not to escalate the complaint further and will consider the complaint as closed. At this point the complainant will be informed that they have exhausted the Trust's complaints process.
- 7.3 Such determinations will only be reached following consultation and approval of an appropriate Trust Director and the complainant will be written to and notified of this.
- 7.4 If it is determined that the complainant has valid reasons for wanting the complaint to be escalated, the complaint will be entered into the Housing Management I.T System by the Service Improvement Manager.
- 7.5 The complainant will be contacted and informed that a Complaints Panel Meeting will be convened. The complainant may also be asked to submit a summary of their complaint setting out what they understand to be the issues unresolved and what action they believe the Trust should take to resolve their complaint.
- 7.6 The Complaints Panel will be convened as soon as practicably possible and convenient for all attending, normally within 20 working days and no later than 30 working days following the date on which the complaint reached Stage 3.
- 7.7 The Complaints Panel will consist of two members of the Trust's Board and the Chief Executive or another Director who has not been involved in the case previously. Depending upon circumstances the relevant Head of Service or senior manager may also be requested to attend the meeting. Also in attendance will be a support officer to keep a record of the meeting.
- 7.8 The complainant will be invited to attend the Panel meeting and given the opportunity to present their case. The complainant can bring an advocate with them if they wish. Advocates can include such people as relatives, care providers, voluntary workers or even "designated persons" (although in some circumstances this may then prevent the designated person from taking part in any later review of the case). The Panel will hear the complaint and will have the opportunity to question the complainant and if in attendance, the Trust's Head of Service. A record of the meeting will be made.
- 7.9 The complainant will be advised in writing within 10 working days of the Panel hearing of the outcome of the meeting. The letter will notify the complainant of the Panel's decision(s) and how this (these) were arrived at. The complainant will be provided with a copy of the Trust guidance note: "What to do if you have exhausted the internal complaints process".
- 7.10 After 20 working days has elapsed and in the absence of any further communication from the complainant, the Trust will enter the details of the complaint into its process for capturing feedback on customer satisfaction with the complaints process. As part of this process the complainant may be

contacted and asked to give their views about the complaints service and the complaint in its entirety may be used for training or auditing purposes.

- 7.11 If the complainant is dissatisfied with the outcome of the Panel meeting and having effectively exhausted the Trust's complaints procedure, they can then seek to have their complaint considered by a Designated Person or the Housing Ombudsman Service using one of the four options available to them.

8. The Designated Person and Housing Ombudsman Service

- 8.1 Having first exhausted the Trust's complaints process, should a complainant remain dissatisfied with the outcome of their complaint, they can request that their complaint be considered by a "Designated Person". The Designated Person is either a landlord recognised "Designated Tenant Panel" any MP in England or any Local District Councillor.
- 8.2 The designated person may try to help resolve the complaint directly and /or may refer the complaint to the Ombudsman.
- 8.3 Should the Trust be approached by a complainant wishing to take their complaint to the Housing Ombudsman Service (the complainant having first exhausted the Trust's internal complaints process), arrangements for a Designated Tenant Panel made up from three members of the Resident Complaints Group, will be made. This Designated Tenant Panel will undertake an independent desk-top review of the case from a tenant's perspective to ensure to the best of their abilities that the Trust
- has correctly followed its policies and procedures
 - has acted in a "fair and reasonable" way
 - proposed remedial measures or compensatory amounts are "adequate and proportionate"
- 8.4 Having been approached to act as a designated person and having reviewed the complaint it is likely that there will be one of five possible outcomes:
1. The Designated Panel considers that they do not have the necessary technical or professional skill sets to enable resolution of the complaint locally; they have been authorised by the complainant to refer the complaint to the Housing Ombudsman Service – the complaint will be referred to the Housing Ombudsman Service
 2. The Designated Panel identifies that there has been some form of service failure not previously addressed or that the Trust has not acted in line with its policies or procedures; this is highlighted to the Service Improvement Manager at the Trust who will liaise with the relevant staff to re-consider the final response and outcome from the Trust; depending upon the re-consideration, Designated Panel to consult with the complainant who will either accept any revised outcome or they will authorise the Designated Panel to refer the complaint to the Housing Ombudsman Service
 3. The Designated Panel concludes that the Trust may not have acted in "fair and reasonable" way; this is highlighted to the Service Improvement Manager

at the Trust who will liaise with the relevant staff to re-consider the final response and outcome from the Trust; depending upon the re-consideration, Designated Panel to consult with the complainant who will either accept any revised outcome or they will authorise the Designated Panel to refer the complaint to the Housing Ombudsman Service

4. The Designated Panel considers that the Trust's remedial measures or compensatory offers are not "adequate or proportionate"; this is highlighted to the Service Improvement Manager at the Trust who will liaise with the relevant staff to re-consider the final response and outcome from the Trust; depending upon the re-consideration, Designated Panel to consult with the complainant who will either accept any revised outcome or they will authorise the Designated Panel to refer the complaint to the Housing Ombudsman Service

5. The Designated Panel considers that the Trust has handled the complaint correctly, there has been no unaddressed service failure issues, that the complainant has been treated in a fair a reasonable way and that the outcome proposed by the Trust is adequate and proportionate; complainant informed of this and that no further action will be taken – complainant can take their case to the Housing Ombudsman Service.

- 8.5 If a complainant wishes to choose the option of the Designated Tenant Panel, then they will not act on behalf of the complainant unless they first have written and signed documentation from the complainant authorising them to act on their behalf and further authorising that Panel members can have access to all of the relevant complaint correspondence, data and information held by the Trust in relation to the case.
- 8.6 All Trust employees will cooperate fully with any further questions or requests for information that the Designated Tenant Panel may have but outside of this, the Trust will not be involved in the review or decision making processes of the Designated Tenant Panel.
- 8.7 The Designated Tenant Panel will aim to complete any desk-top review that it carries out within 6 weeks from being contacted by the complainant. Following the review, the complainant will be written to and notified of the outcome of the review.
- 8.8 The Trust undertakes to consider carefully the outcomes of any desk-top review or suggestions for improvement.
- 8.9 If a complainant chooses the option to contact an MP or a Local District Councillor then it will be the responsibility of these Designated Persons on how they will deal with the complainant.
- 8.10 Should an MP or Local District Councillor approach the Trust in the capacity as acting as a Designated Person, the Trust will provide answers to specific questions or copies of correspondence subject to signed authorisation being received from the complainant and that the Trust considers the requests for answers or correspondence to be reasonable and relevant. Where a submission is made, and where appropriate, referral will be made back to the

investigating or reviewing Manager for further consideration and response within 6 weeks.

- 8.11 The other option that is available to complainants, having first exhausted the Trust's complaints process, is to wait for a period of eight weeks following the completion of the Trust's complaints process and then to approach the Ombudsman Service directly without need to involve a designated person.
- 8.12 Should the Ombudsman agree to investigate a complaint, all Trust employees will cooperate with the Ombudsman and make all files and records available upon request. The Chief Executive or relevant Senior Manager will be the point of contact and all correspondence issued through him/her. The Trust will ensure full compliance on receipt of the Ombudsman's "Final Determination" barring any exceptional circumstances.

9. Unreasonable or persistent complainants

- 9.1 This section sets out the approach of the Trust to the very few service users whose actions or behaviour is considered unacceptable. The term service user includes anyone who contacts our office in connection with complaints and disputes.
- 9.2 The Trust aims to deal fairly, honestly, consistently and appropriately with all service users, including those whose actions the Trust considers unacceptable. The Trust believes that everyone who contacts it has the right to be heard, understood and respected. It also considers that Trust staff have the same rights.
- 9.3 The Trust aims to provide a complaints service that is accessible to everyone who is entitled to it. However, the Trust reserves the right, where it considers a service user's action to be unacceptable, to restrict or change such access.
- 9.4 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made. The Trust does not view behaviour as unacceptable just because someone is forceful or determined. The Trust accepts that being persistent can be a positive advantage when pursuing a complaint.
- 9.5 However, the actions of service users who are angry, demanding, or persistent may result in unreasonable demands on, or unacceptable behaviour towards, Trust staff. It is actions such as these that the Trust aims to manage under this procedure. The Trust has grouped these actions under three broad headings: aggressive or abusive behaviour, unreasonable demands and unreasonable persistence. Further details of what is included under these headings are set out in the appendices to the procedure.

10. Managing unacceptable actions by complainants

- 10.1 How the Trust manages unacceptable actions depends on their nature and extent. If it adversely affects the ability of staff to do their work and provide a service to others, the Trust may need to restrict a person's contact with the office in order to manage the unacceptable action. The Trust will aim to do this

in a way, wherever possible, which will still allow a complaint / issue to progress through our processes. The Trust may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. The Trust will try to maintain at least one form of contact. In extreme situations, the Trust will tell the service user in writing that they must restrict contact with our office to either written communication or through a third party.

11. Deciding to restrict service user contact

- 11.1 Trust staff who directly experience aggressive or abusive behaviour from a service user when a case is still under consideration have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this guidance and the Trust's Violence at Work Policy and Procedure.
- 11.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Trust are only taken after careful consideration of the situation by a Senior Manager. Wherever possible, the Trust will give a service user the opportunity to modify their behaviour or action before this decision is taken. Service users will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.
- 11.3 A service user can appeal a decision to restrict contact by contacting the Trust using the restricted contact arrangements that the Trust have put in place. An appropriate Trust Director will consider the appeal. They will advise the service user in writing either that the restricted contact arrangements still apply or that a different course of action has been adopted.
- 11.4 The Trust will record all incidents of unacceptable actions by service users. Where it is decided to restrict contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 11.5 A decision to restrict service user contact may be reconsidered if the service user demonstrates a more acceptable behaviour. A Senior Manager will review the status of all service users with restricted contact arrangements as necessary.
- 11.6 When the behaviour of a service user continues to be unacceptable, the Trust may decide that it will no longer deal with them, even if the case has not yet exhausted the internal processes. Should this course of action be decided upon then they will be notified of this in writing.

Appendix A

Aggressive or abusive behaviour

Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness. The Trust also considers that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened, or abused. The threat or use of physical violence, verbal abuse, or harassment towards Trust staff is likely to result in the ending of all direct contact with the perpetrator. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened. Trust staff will end telephone calls if the caller is considered aggressive, abusive, or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable, and end the call if the behaviour does not stop.

The Trust does not deal with correspondence or other forms of communication which is abusive to staff or contains allegations that lack substantive evidence. When this happens the Trust will tell the sender that it considers their language offensive, unnecessary, and unhelpful. Whenever possible the Trust will ask them to stop using such language and state that it will not respond to them if they do not stop. The Trust may require future contact to be through a third party, and if they do not agree the Trust will no longer deal with them.

The Trust expects its staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Trust staff understand the difference between anger and aggression. The anger felt by many complainants, for example, involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards Trust staff.

Appendix B

Unreasonable demands

Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls, emails, or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.

Service users may make what the Trust considers unreasonable demands on it through the amount of information they seek or provide the nature and scale of service they expect, or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the person.

When someone repeatedly telephones, visits the office without appointment, sends irrelevant or duplicate documents, or raises the same issues already considered, the Trust may decide to:

- only take telephone calls from the person at set times on set days, or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future;

- require the person to make an appointment to see a named member of staff before visiting the office, or that they only contact the office in writing;
- return the documents to the person or, in extreme cases, advise them that further irrelevant documents will be destroyed;
- take other action that is considered appropriate. The Trust will, however, always say what action it is taking and why.

When a person continues to correspond on a wide range of issues and this action is considered excessive, then the Trust will tell them that only a certain number of issues will be considered in a given period, and ask them to limit or focus their requests accordingly.

The Trust considers these demands as unacceptable and unreasonable if they start to impact substantially on our work, such as taking up an excessive amount of staff time to the disadvantage of other service users or functions.

Appendix C

Unreasonable persistence

Examples of actions grouped under this heading include persistent refusal to accept a decision or explanation made in relation to a complaint concerning what the Trust can or cannot do, and continuing to pursue a case without presenting any new information. The way in which these service users approach the Trust may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

The Trust recognises that some service users will not or cannot accept that the Trust is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their case or contact the Trust persistently about the same issue.

Service user action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the person continues to dispute the decision the Trust made – be it the outcome of a complaint or the manner in which the complaint was handled. The Trust will tell the person that no future communications concerning the case will be accepted. If they insist in contacting us about the same issue, their communication will be read and filed, but only acknowledged or responded to if it provides significant new information relating to the case.

The Trust considers the actions of persistent complainants and other service users to be unacceptable when they take up what the Trust regards as being a disproportionate amount of time and resources.

Procedure Author: Gerry Hodge – Service Improvement Manager

Date Written / Amended: July 2016

Date of EIA: April 2017

**Date of review: Jan 2016-Resident Complaints Group,
July 2016 – EMT**

Date of next review: 1st October 2020