



Unreasonably Persistent, Abusive or Vexatious Contact & Complaints Policy
(Dealing with Unreasonable or Unacceptable Behaviour)

Introduction

Dealing with an enquiry or complaint is usually a straightforward process. However, in a minority of cases people behave in a way that can impede the investigation of their enquiry or complaint, or can have significant resource implications for the council. This policy has been formulated to deal with the small number of people who make it necessary for special arrangements to be taken.

Before implementing the provisions in this policy, officers will consider whether the council's procedures have been followed correctly, make sure full and reasonable responses have already been given and decide if the complainant is now unreasonable.

The council has a duty to provide a safe working environment and system of work for its officers. Assertive behaviour (for example, putting forward your case in a persuasive manner) will not be deemed unreasonable. However, abusive, offensive or threatening conduct may be referred to the police to take action as appropriate in addition to any action the council may take.

Unreasonable complaints or behaviour

We have formulated this policy in accordance with guidance from the Local Government and Social Care Ombudsman in relation to the definition of unreasonable complaint behaviour and unreasonable persistent complaints.

We define unreasonable complaints and behaviour as contact from persons, in whatever format who, because of the frequency or nature of their contacts with the council, hinder our consideration of their own or other people's complaints. This might be verbally, in writing or on social media.

Examples include the way, or frequency, in which complainants raise their enquiry or complaint with staff, or how they respond to officers dealing with their enquiry or complaint.

- Have insufficient or no grounds for their complaint and be making the complaint only to inconvenience the council, or for reasons that he or she does not admit or make obvious
- Refuse to specify the grounds of a complaint despite offers of assistance from council employees
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved

- Refuse to accept that issues are not within the remit of the complaints policy, despite having been provided with information about the scope of the policy and procedure (e.g. parking ticket and planning appeals)
- Refuse to accept that issues are not within the power of the council to investigate, change or influence (e.g. something that is the responsibility of another organisation)
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that a certain officer shall or shall not deal with a matter)
- Make groundless complaints about the staff dealing with enquiries or complaints, and seek to have them dismissed or displaced
- Make an unreasonable number of contacts with the council in relation to a specific enquiry or complaint
- Make persistent and unreasonable demands of staff and after the unreasonableness has been explained (e.g. someone who insists on immediate responses, frequent and/or complex letters or demands to be seen immediately when coming to the council offices)
- Repeatedly attend council offices, harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by use of foul, inappropriate offensive or discriminatory language
- Raise new or secondary issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Introduce trivial or irrelevant information whilst the complaint is being investigated and expect this to be addressed
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- Deny statements made at an earlier stage in the complaint process
- Adopt an excessively scattergun approach, for instance, pursuing a complaint or complaints not only with the council, but at the same time with a Member of Parliament, other councils, members of the council, the council's independent auditor, the police, solicitors and the Local Government Ombudsman
- Refuse to accept the outcome of the complaint process after its conclusion; repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given
- Make the same enquiry or complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these new complaints which should be put through the full complaints procedure

- Persistently approach the council through different routes (e.g. different officers, elected members, MPs or MEPs etc) about the same issue
- Persist in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- Refuse to accept documented evidence as factual
- Complain about or challenge an issue based on an historic, irreversible decision or incident
- Behave in an abusive, offensive or threatening manner towards council employees, Councillors or the Mayor and their families or members of the public.
- A combination of some or all of these features

Classification

The decision to classify contact as unreasonably persistent or behaviour as unreasonable will be made by a Head of Service. Where there is a dispute about the classification, the matter will be referred to a Strategic Director.

A written record will be kept of why the contact is believed to be unreasonable, what information has been considered and the decision made. The council will act in a proportionate, fair and objective way.

If more than one service area is being contacted, perhaps with different enquiries or complaints, a nominated Head of Service will coordinate a response and the council may consider setting up a joint meeting to agree a cross-service approach.

Initial notification

When unreasonable contact or behaviour has been identified, the unacceptable behaviour should be explained to the complainant, usually in writing. An explanation of the action the council is to take should also be given and the complainant advised of the content of this policy.

Options for dealing with unreasonable behaviour

The options which the council may consider include:

- Refusing to accept an enquiry or complaint or to amend the terms of a complaint
- Requesting contact to be in a particular format (e.g. letters only)
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified/times/day/duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the person know that the council will not reply or acknowledge any further contact with them on the specific topic of that complaint or at all
- Restricting access to one or more council premises

In deciding on an appropriate option, care must be taken:

- not to interfere with someone's statutory rights, e.g. to attend council meetings or view papers, when making such restriction; and
- to make sure that the council takes appropriate action in response to a matter included in a complaint where necessary.

These options are not exhaustive and other factors individual to the case or service may be relevant in deciding on an appropriate course of action. For example, any arrangements for restricting contact must take into account circumstances such as age, disability, literacy levels, race etc.

If none of the options listed above offer the protection that staff are entitled to, other options may be available, such as taking out an injunction or involving the police. These will be considered on a case by case basis, in consultation with legal services as necessary.

When a decision has been made as to the appropriate restrictions to be used, the Head of Service will write explaining the council's decision and the nature of restrictions being made. If there are accessibility needs, e.g. literacy problems or language difficulties, a face to face meeting may be appropriate to give this information to them.

If a complainant considers that the council is acting improperly or unfairly when making restrictions, they have the option of complaining to the Local Government and Social Care Ombudsman, this will have been explained previously in response to their complaint at stage two.

Appropriate managers and staff, e.g. those likely to be involved in implementing the restrictions should be notified of the decision.

Reviewing decisions

All restrictions will be subject to review, at least once every six months. Service areas may wish to review within a shorter time period to take account changes of circumstances and/or behaviour.

Reviews will be undertaken by the Head of Service who took the original decision. Where there is a dispute about the review of a complainant's classification, the decision will be made by a Director.

Complainants should be notified that a review has taken place and of its outcome.

Implementation date: August 2019

Review Date: November 2019 (following the implementation of JADU CXM)

Originator: Christine Fenton, Corporate Customer Services Manager

Last Amended: