



Policy for managing unreasonably persistent, abusive or vexatious contact or complaints from outside bodies

Introduction

1. Dealing with a complaint is usually a straightforward process. However, in a minority of cases people pursue complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the council. This policy has been formulated to deal with the small number of complaints which make it necessary for special arrangements to be taken.
2. Before implementing the provisions in this policy, officers must 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.
3. The council has a duty to provide a safe working environment and system of work for its officers. Regardless of this policy, 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

4. This policy is formulated in accordance with the definition of **unreasonable complaint behaviour** and **unreasonable persistent complaints**.
5. Unreasonable complaints are defined as contact from persons who, because of the frequency or nature of their contacts with the council, hinder the consideration of their or other people's complaints.
6. Examples include the way, or frequency, in which complainants raise their complaint with staff, or how complainants respond to officers dealing with the complaint.

The following are non-exhaustive descriptions of the behaviour of an unreasonable complainant who may have insufficient or no grounds for their complaint and be making the complaint only to inconvenience the council, or for reasons that the complainant does not make obvious.

- a) Refusal to co-operate with the council's complaints procedure while still wishing their complaint to be resolved.
- b) Refusal 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.
- c) Refusal 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 higher tier Council)
- d) Insist on the complaint being dealt with in ways which are incompatible with the council's complaints procedure or with good practice (e.g., insisting that there must not be any written record of the complaint or that a certain officer shall or shall not deal with a matter)
- e) Make groundless complaints about the staff dealing with the complaints and seek to have them dismissed or displaced.
- f) Make an unreasonable number of contacts with the council in relation to a specific complaint or complaints.
- g) Make persistent demands of staff and/or the complaints process after their behaviour has been explained to them as unreasonable (e.g., a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- h) 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
- i) Raise new or secondary issues whilst a complaint is being addressed that were not part of the original complaint.
- j) Introduce irrelevant information whilst the complaint is being investigated and expect this to be addressed.
- k) Deny statements made at an earlier stage in the complaint process.
- l) Electronically record meetings and conversations without the prior knowledge and consent of the staff member involved.
- m) 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.
- n) Make the same complaint repeatedly, perhaps with minor differences, after the complaint's procedure has been concluded, and insist that the minor differences make these new complaints which should be put through the full complaint's

procedure.

- o) Refuse to accept documented evidence as factual.
- p) Behave in an abusive, offensive or threatening manner towards council employees or their families.
- q) Combination of some or all these features.

Classification

- 7. The decision to classify a complainant as unreasonably persistent or as behaving unreasonably should be made by the Clerk. Where there is a dispute about the classification of a complainant, the matter shall be referred to the Chair of Executive Committee for a final decision.
- 8. A written record shall be kept of why the complainant is believed to be unreasonable, what information has been considered and the decision made. The council shall act in a proportionate, fair and objective way.

Initial notification

- 9. When an unreasonable persistent complaint/complainant has been identified, the unacceptable behaviour should be explained to the complainant by the Clerk, usually by letter or email. 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 an unreasonable complainant

- 10. The options which the council may consider include:
 - a) Refusing to accept a complaint or to amend the terms of a complaint
 - b) Requesting contact to be in a particular format (e.g., letters only)
 - c) Requiring contact to take place with one named member of staff only
 - d) Restricting telephone calls to specified/times/day/duration
 - e) Requiring any personal contact to take place in the presence of an appropriate witness
 - f) Letting the complainant know that the council will not reply or acknowledge any further contact with them on the specific topic of that complaint or at all
 - g) Restricting access to council premises.
- 11. In deciding on an appropriate option, care must be taken:
 - a) not to interfere with a complainant's statutory rights, e.g., to attend council meetings, view papers whilst respecting their rights to the Freedom of Information Act, when making such restriction; and
 - b) to make sure that the council takes appropriate action in response to a matter included in a complaint where necessary.

12. 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 a complainant's contacts must take into account the complainant's circumstances such as age, disability, literacy levels, race, language barrier etc.
13. 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 against a complainant or involving the police. These will be considered on a case-by-case basis, in consultation with legal services as necessary.
14. When a decision has been made as to the appropriate restrictions to be used, the Town Clerk will write to the complainant explaining the council's decision and the nature of restrictions being made.
15. Appropriate managers and staff, e.g., those likely to be involved in implementing the restrictions should be notified of the decision.

Reviewing decisions

16. All restrictions will be subject to review, at least once every six months.
17. Reviews will be undertaken by the Executive Committee. Complainants should be notified that a review has taken place and of its outcome.