

Policy on the management of unreasonable complainant behaviour

Introduction

1. The Council is committed to dealing with all complaints fairly and impartially, providing a high quality service to those who make them.
2. When dealing with complaints, the Council does not normally limit the contact complainants have with its staff and offices. However, there are a small number of complainants who, because of the nature and/or frequency of their contact with the Council, can hinder our consideration of their complaints and have significant resource issues for the Council.

Unreasonable complainant conduct

3. Unreasonable or unreasonably persistent complainants are those who, because of the frequency or nature of their contacts, hinder the Council's consideration of their complaints. They may have justified complaints or grievances, but are pursuing them in inappropriate ways, or are pursuing complaints which appear to have no substance or which have already been investigated and determined.
4. Examples of complaints being pursued inappropriately include writing or telephoning several people about the same complaint, writing several times a week, raising different issues while the original complaint is being dealt with or organising mass mailings. This behaviour can impede the investigation of the complaint.
5. Examples of actions and behaviours of unreasonable and unreasonably persistent complainants include but are not limited to the following:
 - Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff.
 - Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
 - Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
 - Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.

- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
 - Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
 - Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
 - Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
 - Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
 - Combinations of some or all of these.
6. Equally, the Council does not expect its Councillors or staff to tolerate behaviour by complainants which is unacceptable, for example which is abusive, offensive or threatening, and it will take action to protect Councillors and staff from harassment and harm resulting from that behaviour.
7. In the above cases (ie paragraphs 2-6), we will take action to limit the complainant's contact with the Council.

Decisions to restrict contact & warnings

8. The decision to restrict a complainant's contact with the Council will be taken at Director level and will normally follow a prior warning to the complainant. The warning will set out why the Director considers that a complainant's behaviour or conduct is unacceptable and the action which may be taken to restrict contact if it continues. Warnings should be issued in all but the most serious circumstances. An example of where it may not be appropriate to issue a warning is where the Director reasonably considers there to be a threat to the safety and welfare of Councillors or staff.
9. Where the behaviour of a complainant is so extreme that it threatens the safety and welfare of Councillors or staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.
10. Any restrictions imposed will be appropriate and proportionate. Although this is not an exhaustive list, options we may consider are:
- requesting contact in a particular form (for example, letters only);
 - restricting access to council premises or staff;
 - requiring contact to take place with a single point of contact such as a named officer;
 - restricting telephone calls to specified days and times;

- placing time limits on telephone conversations and personal contacts;
- requiring any personal contacts to take place in the presence of a witness;
- where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged; and/or
- asking the complainant to enter into an agreement about their future contact with us.

11. Other suitable options will be considered in the light of the complainant's circumstances.
12. When applying the restrictions, the Director will take into account whether the complainant can be described as vulnerable.
13. In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.
14. The Director making the decision to restrict the complainant's contact must keep a record of the formal decision and any subsequent review. This is to ensure the Council has a proper audit trail of how it applied this policy and reached its decision.
15. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Future contact

16. Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant and where appropriate refer the complainant to the Local Government and Social Care Ombudsman. In such cases, we will read future correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint, we will simply acknowledge it or place it on the file with no acknowledgement.
17. New complaints (ie about an entirely separate matter to the previous complaint) from people whose contact has been restricted previously under this policy will be treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.