

# Unacceptable or Unreasonable Complainant Policy

**Northamptonshire County Council**



**Northamptonshire  
County Council**

**Version: 1.0**

**Effective from: October 2016**

**Next Review Date: October  
2017**

## Document details

# Unacceptable or Unreasonable Complainant Policy

**Version:** 1.0

**Status:** New

**Date:** October 2016

**Owner:** Head of Business Intelligence and Performance Improvement

## Document History

Version	Date	Editor	Details
0.1	01/06/2016		Initial Document Draft
1.0	05/10/2016		Final version

## Document sign-off

	[date]
--	--------

## Feedback

If you have any comments about this document please email:  
complaints@northamptonshire.gov.uk

For public access on the Internet YES  NO

For staff access on the Intranet YES  NO

## **1 INTRODUCTION**

1.1 Northamptonshire County Council is committed to dealing with all complaints and requests for information fairly and impartially in a timely manner. Dealing with complaints is usually a straightforward process, and we do not limit the contact between us and the complainant, but in a minority of cases complainants pursue their cases in a way that can impede the investigation of their complaint or present a significant resource issue for the Council. We further recognise that it is important to distinguish between people who make a number of complaints and/ or genuine requests for information and those whose persistence extends beyond what is reasonable.

## **2 PURPOSE**

2.1 This policy aims to identify the acceptable steps to take when dealing with unreasonably persistent complaints and unreasonable complainant behaviour in ways that are consistent, measured and fair. It also explains the definition of what we consider to be unreasonable complainant behaviour, what is expected of staff when confronted by such behaviour, and what options are available, as well as identifying who can authorise the options.

2.2 Raising legitimate queries or criticisms of the progress of a complaint should not in itself lead to someone being regarded as unreasonably persistent or unreasonably behaved. We acknowledge that complainants will be often frustrated and therefore it is important to consider the merits of their case rather than their attitude, however we also have a duty to ensure the health and safety of our staff.

## **3 POLICY STATEMENT**

3.1 We do not expect and will not tolerate unacceptable behaviour by complainants or customers. Unacceptable behaviour includes behaviour which is abusive, threatening or offensive and may include:

- Using abusive or foul language
- Sending multiple correspondence
- Prolonged and repeated contact beyond the point at which the complaints process has been exhausted

3.2 We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious we will follow this policy.

## 4 DEFINITIONS

- 4.1 We have adopted the Local Government Ombudsman's (LGO) definition of 'unreasonable complainant behaviour' and 'unreasonable persistent complaints.'
- 4.2 We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or the nature of their contact with the Council, hinder our consideration of theirs or other people's complaints. The description 'unreasonably persistent' or 'vexatious' may apply jointly or separately to a particular complainant.
- 4.3 Features of behaviour that places unreasonable demands on our workers may include but are not limited to:
- refusing to specify the grounds of a complaint or enquiry, despite offers of assistance
  - repeatedly demanding responses within an unreasonable time scale
  - demanding responses from several officers on the same subject
  - making unjustified complaints about officers who are trying to deal with the issues
  - insisting on seeing a certain officer when that is not possible
  - submitting false documentation
  - covertly recording meetings or conversations without agreement of those involved
  - making serial complaints about various matters or continuing to raise the same or similar matters over and over again
  - inundating the Council with emails, telephone calls, or copies of information that have already been submitted or that are irrelevant to the enquiry, request or complaint
  - pursuing parallel complaints on the same issue with a variety of organisations
  - refusing to follow the Council or Ombudsman complaint procedures or continuing to correspond when the procedures have been exhausted
- 4.4 Features of unreasonably persistent and/ or vexatious behaviour may include but are not limited to:
- insufficient grounds for the complaint
  - refusal to cooperate with the complaints investigation process whilst still wishing for their complaint to be resolved

- harassment or verbal abuse, including seeking to intimidate staff dealing with their complaint by using foul or inappropriate language or by the use of offensive or racist language
- introduction of trivial or irrelevant information whilst the complaint is being investigated and expecting this to be taken into account and commented on
- denying statements that have been previously made

## **5 WHEN THIS POLICY CAN BE USED**

### 5.1 Application of Policy:

This policy may be applied when the 'business as usual' management of behaviour has not been effective and it is deemed necessary by the relevant Head of Service or Service Manager to formally manage and/ or restrict contact or communication.

### 5.2 Exceptions:

Where a customer's behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, we will consider other options. These may include, for example, reporting the matter to the Police or taking legal action. In such cases we may not give the customer prior warning of that action.

## **6 What Complainants can expect when this policy is applied**

### 6.1 What Complainants treated under this Policy can expect:

In cases where we decide that someone's behaviour is unacceptable or we decide to treat them as 'unreasonably persistent' we will write to them to detail why a decision has been made, the restricted contact arrangements and the length of time that these restrictions will be in place. This will be done whether the decision was made at the time of the incident or following consideration by a senior manager.

Where the complainant continues to behave in a way which is unacceptable, the Complaints Manager, in consultation with the Head of Service, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

### 6.2 Referring unreasonably persistent or unreasonable complainants to the Local Government Ombudsman:

In some cases, the relationship between the Council and the unreasonable complainants may break down while complaints are under investigation, and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

### 6.3 How we record and review a decision of 'Unacceptable Behaviour':

We record all incidents of unacceptable actions which have resulted in contact being restricted. This log will detail:

- the name and address of the customer who is treated as unreasonably behaved or unreasonably persistent
- when the restriction came into force and ends
- what the restrictions are

Where it is decided to restrict contact, we will detail an entry from the relevant Service Manager in the relevant file and hold a record of this communication. A decision to restrict contact may be shared with other services to ensure it is enforced consistently.

On request, a decision to restrict contact as described above may be reconsidered by a senior manager if the customer has maintained a period of acceptable behaviour towards Council officers for the period stated in the decision letter.

All decisions to restrict contact will be reviewed every three months by the Head of Service. We may not always write to the customer to let them know the outcome of a review, even if the restrictions are lifted, if we feel the likelihood of doing so will re-start a cycle of correspondence.

### 6.4 New complaints from complainants who are treated as abusive, vexatious or persistent:

New complaints submitted from people who have come under effect of this policy will be treated on their individual merits. The Head of Service will decide whether any restrictions which have been applied before are still appropriate or necessary in relation to a new complaint. We do not support a 'blanket policy' of ignoring genuine service requests or complaints where they have foundation.

## 7 Restriction of contact

Restriction of contact may take a number of forms:

- banning the complainant from making contact by telephone except through a third party eg. solicitor/councillor/friend acting on their behalf
- banning the complainant from sending emails to individual and/or all council officers and insisting they only correspond by letter
- banning the complainant from using any of the council's services e.g. libraries
- banning the complainant from accessing any council building except by appointment

- requiring contact to take place with one named member of staff only (a single point of contact)
- restricting telephone calls to specified days / times / duration
- requiring any personal contact to take place in the presence of an appropriate witness
- letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, the single point of contact will read future correspondence)

Where a complainant continues to behave in a way which is unacceptable, the Complaints Manager, in consultation with the Monitoring Officer and having sought legal advice, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint. If this is the case, the complainant will receive a 'cease and desist' letter. At this point, the Council may choose to refer the complainant to the Local Government Ombudsman as the possibility of resolving the complaint will no longer be available. The Council will notify the complainant in writing that the Council has fully responded to the points raised, and has tried to resolve the issues but there is nothing more to add and continuing contact on the matter will serve no useful purpose. This notification should state that that correspondence is at an end and that further communications will be acknowledged but not answered.