



NORWICH
City Council

UNREASONABLY PERSISTENT, ABUSIVE OR VEXATIOUS CONTACTS OR COMPLAINTS **(“Unreasonable complaints/complainants”)**

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 makes 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, whether full and reasonable responses have already been given and whether the complainant is now unreasonable.

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

3. We have formulated this policy in accordance with guidance from the Local Government Ombudsman’s (LGO) in relation to the definition of “**unreasonable complaint behaviour**” and “**unreasonable persistent complaints**”

4. We define unreasonable complaints as contact from persons who, because of the frequency or nature of their contacts with the Council, hinder our consideration of their or other people’s complaints.

5. Examples include the way (or frequency) in which complainants raise their complaint with staff, or how complainants respond to our dealing with the complaint.

6. Features of an unreasonable complaint include the following (the list is not exhaustive, nor does one single feature on its own necessary imply that the complaint will be considered as being unreasonable).

Examples

The following is a non-exhaustive description of the behaviour of an unreasonable complainant who may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or 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 within the Council's staff;
- 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 and procedure 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 - for example 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 (insisting, for instance, that there must not be any written record of the complaint or that a certain officer shall or shall not deal with a matter);
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or displaced;
- Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints;
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails or demands to be seen straight away when coming to the Council offices);
- Repeatedly attend Council offices, harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language;

- Raise subsidiary or new 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 new information whilst the complaint is being investigated and expect this to be taken into account and commented on;
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed;
- Deny statements he or she made at an earlier stage in the complaint process;
- Electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
- 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 and other councils, 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 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, members, MPs or MEPs etc) about the same issue;
- Persist in seeking an outcome which we have explained is unrealistic for legal or 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 or their families;
- Combine some or all of these features;

Classification

7. The decision to classify a complainant as unreasonably persistent or as behaving unreasonably should be made by the Head of customer services and the public protection manager. In the case of dispute about the classification of a complainant, the matter shall be referred to the Executive Head of strategy, people and democracy 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 which is made. The Council shall act in a proportionate, fair and objective way.

9. If more than one service area is being contacted by the complainant, perhaps with different complaints, a nominated officer will coordinate the response and the Council may consider setting up a joint meeting to agree a cross-service approach.

Initial notification

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

11. The options which the council may consider include:

- Refusing to accept a 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 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;
- Restricting access to one or more Council premises

In deciding on an appropriate option care must be taken:

- not to interfere with a complainant's statutory rights, e.g. to attend Council meetings or view papers, when making such restriction; and
- to ensure 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 etc.

13. If none of the options listed above offer the protection that staff are entitled to, other options may be available, such as taken 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 head of customer services or the public protection manager will write to the complainant explaining the council's decision and what restrictions were being made and, if appropriate, for how long. A client's special needs, e.g. literacy problems or language difficulties, may make a face to face meeting appropriate to give this information to the complainant.

15. If the complainant considers that the authority is acting improperly or unfairly to making the restrictions, they have the option of complaining to the Local Government Ombudsman (which will be explained in any event in a stage two complaints letter response.)

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

Reviewing decisions

17. 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 changed in circumstances and/or behaviour.

18. Reviews will be undertaken by the head of customer services and the public protection manager. In the case of dispute about the review of classification of a complainant, the decision will be made by the Executive head of strategy people and democracy. Complainants should be notified that a review has taken place and of its outcome.