
Unacceptable behaviour by complainants

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1 INTRODUCTION

1.1 Purpose and scope

- (a) This Unacceptable behaviour by complainants Policy outlines the process for dealing with what we consider to be unreasonable behaviour by complainants and sets out what we will do in these cases (including how we will monitor and review)
- (b) The framework:
 - Outlines how to take appropriate action against those residents who are deemed to be acting unreasonably and /or raising vexatious complaints, or are being unreasonably persistent in raising complaints
 - It also covers time wasting and or vexatious contact not related to complaints and sets out in clear terms what we can or cannot do in relation to your complaint/enquiry

1.2 Complaints and feedback

- We welcome the opportunity to hear from our residents when services are appreciated and we also want to know when things go wrong. We are committed to dealing with complaints/enquiries and providing a high quality service to those who make them. As part of this service, we do not normally limit the contact that residents have with our officers and Members. However, a very small minority of residents raise complaints or enquiries that are vexatious or unreasonably persistent, or act in an unacceptable manner. This can either be done deliberately to cause difficulty for the Council rather than to genuinely resolve a matter or unreasonably refusing to accept that we have already made our final position clear. This may hinder the investigation of a complaint or have significant resource implications for the organisation. It is important that our resources are used appropriately and whilst we are committed to dealing with all enquiries and complaints appropriately and in a timely manner, we are aware of the need to ensure that our time is not misspent dealing with unreasonable and / or vexatious contact.
- We do accept that when a resident makes a complaint, they may be acting in circumstances which may cause them upset or to be emotional and may behave in a way that is out of their normal character. However, we must also ensure that our employees, councillors and partners are protected from unacceptable or abusive behaviour, which is carried out directly or indirectly, e.g. criticism on social media. In these circumstances, we may take appropriate and proportionate steps to protect our employees or councillors.
- We maintain a Personal Security Register which provides details of those residents or their circumstances which may pose a risk to the welfare of our employees and councillors.

1.3 Terms and definitions

In this unacceptable behaviour by complainants Policy:

The following examples are broadly based on the Local Government & Social Care Ombudsman's (LGSCO) definitions of "unreasonable complainant behaviour" and "unreasonably persistent complaints". We have widened the definition of "vexatious complaint" to include contact from residents which may not be associated with a complaint issue. For the purposes of this policy the definition applies to all aspects of Council services delivery.

1.3(a) Who or what is a vexatious complaint / complainant

- There are insufficient or no grounds for the complaint and the complainant is making the complaint to cause annoyance
- Refusing to specify the grounds of a complaint, despite offers of help. o Refuses to co-operate with the complaints investigation process while still requiring their complaint to be resolved
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the complaint, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Failing to cooperate to progress complaints
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach i.e., pursuing parallel complaints on the same issue with various organisations.
- Making an unreasonable number of contacts with the Council via letters, emails or phone calls in relation to a specific complaint or complaints
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence or refuses to accept documented evidence as factual

- Refusing to accept the outcome of the complaint process after its conclusion, complaining about the outcome or denying that an adequate response has been given.

1.3(b) Unreasonable / Vexatious complaint, contact or behaviour

Examples are:

- Something which does not have a clear or serious purpose or value
- Something designed to cause disruption or distress
- Something which has the effect of harassing our staff or behaviour which can fairly be characterised as obsessive
- Complaints or contact made with the intention of causing distress or disruption to the officers or services involved, or where this is the outcome of their behaviour. This can be direct or indirectly such as by social media.
- Repeated complaints or contact regarding the same issue, service or employee, where an investigation or response has already been provided and appropriate action taken where applicable.
- Harassment, threatening behaviour, abuse or intimidation of our employees
- Raising of historic issues which have been dealt with in the past or repeatedly complaining or making repeated requests about similar issues after they have already been dealt with
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
- Persistently approaching the Council or its partners through different routes about the same issue

1.3(c) The definitions given above are illustrative and not exhaustive and are intended as guidance to allow officers to identify behaviour and complaints which may fall within these boundaries

2 MANAGING UNACCEPTABLE BEHAVIOUR

As set out above, there are relatively few complainants whose actions we will consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict contact with the complainant in order to manage the unacceptable action.

- (a) We will aim to do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints process, or your enquiry being responded to accordingly

- (b) We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We will try to maintain at least one form of contact with you, but we must make it clear that the threat or use of physical violence, verbal abuse or threatening behaviour towards our staff and councillors is likely to result in the ending of all direct contact with you. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened
- (c) We will not deal with correspondence (letter, fax or electronic) that is abusive to employees / councillors. When this happens we will tell you that we consider your language to be offensive, unnecessary and unhelpful. We will ask you to stop using such language and state that we will not respond to your correspondence if you do not stop. We may require future contact to be through a third party.
- (d) Neither the Freedom of Information Act 2000 nor the Environmental Information Regulations 2014 require the Council to answer vexatious requests.
- (e) Our employees and councillors will end telephone calls if the caller is considered aggressive, abusive or offensive. The employee or councillor taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- (f) Where a complainant repeatedly contacts us, sends irrelevant documents or raises issues that have already been answered, we may decide at our discretion to:
- only take telephone calls from you at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from you in the future (Single Point of Contact);
 - require you to make an appointment to see a named employee before visiting the office or stipulate that you contact the office in writing only;
 - return documents to you or, in extreme cases, advise you that further irrelevant documents will be destroyed.
 - route email traffic via a specific mailbox that is managed by named employee;
 - take other action that it considers appropriate.
- (g) We will always tell you what action we will be taking and why.
- (h) Where a resident continues to correspond with us on a wide range of issues and this action is considered excessive, we may refuse to deal with further correspondence or place a limit on the number of issues we are prepared to consider in a given period. We may also ask you to limit or focus your requests accordingly.

3 PROCESS

3.1 How we will apply this policy

If our staff experience behaviour or contact which they believe is vexatious, the employee should complete a Vexatious Contact Form (Appendix A) detailing examples of the

behaviour and why they feel the contact should be managed as vexatious, including any evidence (call logs, emails, file notes etc)

- The employee should then meet with their line manager who will go through the information and supporting evidence and discuss whether there are any mitigating factors or alternative approaches that could be applied instead. This will include checking the records for any previous vexatious contact forms.
- The line manager will come to one of the following decisions:
 - (a) Invoke this procedure
 - (b) Manage the issues by other means – for example a warning to the resident about their behaviour
 - (c) Decide that the contact or behaviour is not vexatious.

In all cases, the decision should be scanned and held against the record for future reference.

- Ordinarily, a decision to apply this procedure will be an exceptional step and must be authorised by a Director or Head of Service, following consultation with the relevant Manager.
- The decision must be recorded on the complaints system and the operating system of the service and must be supported by the following information:
 - o Grounds for applying the procedure.
 - o Any restrictions to be applied, including scope.
 - o Date for review – typically after 6 months
- The resident will be notified in writing within 5 working days outlining:
 - o the reason/s why the decision to apply the policy was taken;
 - o what it means for his or her contacts with the Council;
 - o how long any restrictions will last; and
 - o What the complainant can do to have the decision reviewed.
- We will also explain any restrictions, and how we intend to manage any future contact. See Appendix B for options which can be considered.
- We will advise frontline staff of contact restrictions for specific customers for example, where the customer has been required to make contact in writing only. This is because employees may not have access to check our ICT systems at the point that they come into contact with the customer – for example when answering the phone.
- Before taking this step, we will:

- o Confirm any complaint which has triggered the procedure is investigated fully in accordance with the Council's Complaints Policy.
- o Confirm that the complaint is dealt with in line with other similar complaints.
- o Confirm that all relevant sections have met to discuss the complaint where there are cross cutting issues highlighted by the complainant.
- o Check all records of previous contact to ensure that all appropriate steps have been taken to provide the customer with requested answers or information
- Our employees will notify their line manager of any contact in breach of the restrictions used so that further steps can be taken to manage future contact.
- Persistent disregard by the complainant to be compliant to the conditions set out may lead to further action being taken by us which may include reporting the matter to the police or taking civil action under the Protection from Harassment Act 1997.

3.2 Monitoring and Review

- When implementing the procedure, a timescale will be set for a review and this will be communicated to you. This review will be carried out by the respective Head of Service or service manager and reporting officer to discuss how it has been working, any issues that have occurred and whether the approach should be continued.
- The Head of Service or service manager will consider recent contact between the Council and the resident and come to a decision as to whether or not the procedure should continue to be applied.
- Where we feel it is still necessary to apply the procedure, Head of Service or service manager will contact you within 10 working days of the decision being made to explain how the decision was reached, and to confirm whether any restrictions remain in place. You will be able to request a review of this decision.
- Where we believe it is no longer necessary to apply the procedure, the Head of Service or designated office will contact you within 5 working days of the decision being made to let you know the outcome, and to confirm what (if any) contact restrictions have been lifted. This will also be recorded on relevant service IT operating systems.
- You will be able to request a review of the application of this policy and any decision to continue to apply restrictions. This will be carried out by a Head of Service who is unconnected with the process. In requesting a review, you will be expected to set out the reasons why you disagree with the decision. This review request must be submitted to us within 5 working days of you receiving our decision.
- The Head of Service will carry out the review and you will be notified in writing within 10 working days of the appeal being received.

4 ROLES AND RESPONSIBILITIES

- Community Access and Engagement Manager
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5 RELATED DOCUMENTS

- Complaints Policy
- Data Protection Policy
- Records Management Policy
- Equality, Diversity and Inclusion Policy
- Personal Security Register Policy

6 ACKNOWLEDGEMENTS

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7 APPENDICES

- A. Unacceptable Actions by Complainant Report form
- B. Options which may be considered when managing persistent and/or vexatious complaints or Complainants

8 REFERENCES

The relevant ICO guidance is available at this link:

<http://www.ico.org.uk/information-centre/reports/advice-and-guidance/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

Appendix A

Unacceptable Actions by Complainant
Name of officer:
Date completed:
Name of customer:
Address:
Summary of vexatious contact (continue on additional sheets if necessary)
Include dates of contacts:
Attach any evidence such as call logs or emails:
Include any complaint reference numbers or incident numbers:
Any other information about the customer
Support worker details:
Any special requirements:
Disabilities/vulnerabilities/safeguarding issues:
Current alert:
Rent account or Council Tax status and any other relevant debts:

Any other information:
To be completed by the referring officer
What action proposing to take and why:
Timescale for implementing (dates from and to):
To be completed by service manager
Decision and justification:
Management measures to be applied:
Review date:
Authorisation:
Name:
Signature:
Date:

Appendix B

Options which may be considered when managing persistent and/or vexatious complaints or Complainants

Where a complaint, or the behaviour of a complainant is deemed to be vexatious we may consider:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (e.g. telephone, letter, email)
- Requiring the complainant to communicate only with one named member of staff (or a designated deputy to cover for leave etc).
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.

The Local Government Ombudsman advises that use of these options should be proportionate to the nature and frequency of the complainant's current contacts and should take the complainant's behaviour and circumstances into account. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be brought to a conclusion briskly, without further distractions. Where a final decision on a complaint has been made, we will inform the complainant that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated officer should be identified who will read future correspondence