

Managing vexatious and unreasonable complainant behaviour policy

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INTRODUCTION

1. We want to be able to deal with complainants in ways that are open, fair and proportionate. A clear policy on dealing with what is considered to be unreasonable behaviour helps staff to understand what is expected of them, what options for taking action are available, and who can authorise such action.
2. Some customers may have justifiable complaints but may pursue them in unreasonable ways. Others may pursue complaints which appear to have no substance, or which have already been exhaustively investigated and determined; their contacts with the council may be amicable, but nevertheless will place heavy demands on staff time.
3. Situations can sometimes escalate, and complainants' behaviour may become abusive, threatening, offensive or otherwise unacceptable.

AIM

4. The aim of this policy is to:
 - Protect the wellbeing of our staff and the integrity of our processes
 - Outline the actions to be taken when people display vexatious and unreasonable complainant behaviour

DEFINING UNREASONABLE COMPLAINANT BEHAVIOUR

5. Our definition of unreasonable complainant behaviour is: Unreasonable and unreasonably persistent complainants are those who, because of the nature or frequency of their contacts with the council, hinder the councils' consideration of their, or other people's complaints, and who continue to occupy an unreasonable amount of staff time when it has been made clear that it is not possible to achieve the outcome they want.
6. Below are examples of actions and behaviours that may be considered unreasonable:
 - Abusive, offensive, aggressive, threatening behaviour and/or language from complainants.

- Submitting repeat complaints with minor additions/variations and insisting that these are 'new' complaints.
- Refusing to accept the decision and repeatedly arguing points with no new evidence.
- Persistence in presenting the details of the complaint in a confusing manner or refusing to provide evidence supporting their claims including diary sheets, despite offers of help.
- Making excessive demands on the time and resources of staff. This will include lengthy and/or frequent phone calls, emails or letters to council staff.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with more than one service area or authority.
- Demanding meetings with staff when it is clear this will not achieve what the complainant is seeking to achieve or resolve the complaint any further.
- Submitting falsified documentation.
- Refusing to cooperate with the complaints process, for example refusing to accept that certain issues are not within the scope of the corporate complaints policy and procedure, or that the matter is not the district councils' responsibility despite being directed to an external organisation including Oxfordshire County Council or the Police.
- Making unjustified complaints about staff who are trying to deal with the issues, including demanding to deal with someone else.
- Denying or changing statements that you made at the outset.

ACTIONS TAKEN BY THE COUNCILS TO MANAGE UNREASONABLE COMPLAINANTS

7. If such behaviours are displayed towards a member of staff, we will warn the complainant that we may:
 - Terminate the phone call if the behaviour does not change.
 - Terminate the meeting if the behaviour does not change.
 - Decline to provide a further response to an email or letter.
 - Where behaviour is so extreme that it threatens the immediate safety and welfare of staff, the council will consider other options, for example reporting the matter to the police.
8. If the inappropriate behaviour recurs, the relevant head of service will consider invoking this policy. In making this decision, they will review whether:

- The complaint is being or has been investigated properly and thoroughly, in line with relevant policy and procedures including the councils' formal corporate complaints procedure available at: www.southoxon.gov.uk/complaints and www.whitehorsedc.gov.uk/complaint
 - The decision reached is the logical, fair and reasonable.
 - Communications with the complainant have been adequate.
9. Should the head of service decide to invoke this policy, they will write to the complainant advising:
- Why a decision has been taken to invoke the policy.
 - What specific restriction(s) have been applied. Please see below.
 - How long the restrictions will be in place.
 - What they can do to have the decision reviewed by the Deputy Chief Executive.
 - That they have the right to contact the Local Government and Social Care Ombudsman about the fact that they have been treated as an unreasonable or unreasonably persistent complainant.
10. Restrictions may include:
- Advising the complainant that all future complaints on the same matter, not raising anything new, will be read and placed on file but not acknowledged.
 - Restrictions on the length or number of telephone calls and personal contact received from the complainant.
 - Restricting the way contact is made for example only by telephone, letter, or email.
 - Restricting the complainant to contacting one designated officer.
 - Requiring face to face contact to take place in front of a witness.
 - Recording of telephone calls, providing the complainant has been made aware that calls may or will be recorded.
11. A record of any decision made, and related correspondence, will be stored on the complaints database under the relevant complaint reference.
12. The decision made to invoke this policy will be reviewed by the Deputy Chief Executive after the agreed period, after which restrictions can be lifted and relationships restored unless there is good reason to extend the limit.