

Procedure on the Management of Unreasonable Complaint Behaviour



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1. Introduction

Fenland District Council aims to provide a consistently high level of service. However, we recognise that there will be occasions where customers will be dissatisfied and will want to make a complaint.

Our formal complaints procedure (3C's policy) explains how customers can express their dissatisfaction with our service(s). It is designed to ensure that complaints are consistently and fairly investigated in a timely manner.

We recognise that customers may exert pressure on the Council to receive a swift resolution to their complaint. This pressure may be persistent, but in most cases, is reasonable and acceptable.

In a minority of cases, customers pursue their complaints in a way that is unacceptable or inappropriate. Their behaviour may slow down the investigation of their complaint and/or impose a significant and disproportionate resource requirement to the Council. This may happen only once or continue persistently over a longer period of time, even after the investigation has been completed. In these cases, a complainant is fairly defined as unreasonably persistent.

We do not usually seek to limit the contact complainants can make with officers or councillors. However, the Local Government Ombudsman (LGO) recommends that councils have a procedure in place to both identify and manage unreasonable and/or persistent complainers.

Our procedure aims to ensure that complainants displaying unreasonable behaviour are dealt with fairly, honestly and properly, whilst protecting other service users, officers, members and the Council from harm.

We have a zero tolerance approach to aggressive and abusive behaviour. Whilst we understand a complainant may be frustrated by the circumstances surrounding their complaint, we expect them to remain calm and work with us so that their complaint is quickly and satisfactorily resolved.

2. Types of unacceptable behaviour

Unreasonably persistent, vexatious and abusive complainants hinder our consideration of their complaints. This is due to their frequency or nature of contact. Their contact may be amicable or distressing, but ultimately places disproportionate demands on our resources. Complaints may relate to justified complaints, those with no substance, or those that have already been investigated and completed.

We recognise that complainants may sometimes act out of character during times of stress, anxiety or distress. We aim to make reasonable allowances for this; however, this does not mean unreasonable, abusive or vexatious behaviour will be tolerated.

The following list is not exhaustive, but gives examples of the types of behaviour that we consider unacceptable:

- Adopting a ‘scatter gun’ approach by pursuing parallel complaints on the same, or very similar issues
- Submitting repeat complaints with minor additions/variations and insisting they are treated as ‘new’ and/or separate complaints
- Unreasonably changing the basis of the complaint as the investigation proceeds
- Raising many detailed but unimportant and/or unrelated questions, and insisting they are all answered
- Making excessive demands on the time and resources of staff. This may involve making lengthy phone calls, sending emails or letters to (numerous) council staff and expecting an immediate response
- Refusing to co-operate with the complaints investigation process
- Refusing to specify the grounds for the complaint
- Refusing to accept that certain issues are not within the scope of our complaints procedure
- Insisting on the complaint being dealt with in ways that are incompatible with our complaints procedure
- Refusing to accept the decision made by the Council, Government Organisation, LGO or High Court; repeatedly arguing points with no new material evidence
- Denying or changing statements previously made by the complainant
- Introducing trivial or irrelevant new information at a later stage

3. How we deal with unacceptable behaviour

The actions we will take will be proportionate to the type of behaviour and circumstances. They should allow us to conclude a thorough investigation of the complaint

Examples of actions include:

- Placing limits on the number and duration of contacts with staff
- Limiting the complainant to one medium of contact (e.g, written only)
- Requiring the complainant to only communicate with one named member of staff
- Requiring 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, or very similar, matter
- Referring the complainant straight to the LGO when the complaints process can no longer deal with or resolve the complaint
- Designating the complainant a “persistent and unreasonable complainant”, which can permanently attach any combination of the above measures. This will result in no further complaints being accepted unless they can be clearly shown, in writing, as new and novel complaints not relating to previous issues that have already been through the system.

Before this procedure is applied, we will contact the complainant in writing to explain why their behaviour is unreasonable. We will outline expected standards of behaviour and provide a copy of this procedure for reference.

4. Applying the procedure

The decision to apply this procedure is taken by the 3Cs manager, Head of HR and the Head of Service of the team handling the complaint. Before the policy is applied, they will consider:

- Whether the complainant is raising legitimate concerns
- Whether the complaint is being (or has been) investigated properly in accordance with the 3C's Policy and Procedures.
- Whether communications to the complainant have been adequate
- Whether the complainant is providing significant new material or information to support the complaint
- Relevant circumstances to the complaint relating to mental health, age, gender, sexual orientation or disability
- Steps that have already been taken to inform the complainant about their unacceptable behaviour

If a decision is made to apply this procedure, the 3Cs manager will write to the complainant to explain:

- Why the decision has been taken
- What it means for their future contacts with the organisation
- How long any limits applied will last
- What they can do to have the decision reviewed