

Unreasonable Complaints Policy

Dealing with unreasonably persistent
complainants and unreasonable complainant
behaviour.

May 2021

Contents

1.	Introduction.....	2
2.	Why have a policy?	3
3.	Examples of unreasonable and unreasonably persistent complaints	3
4.Options for the council if behaviour is unreasonable or unreasonably persistent.....	5
5.	When the policy will be applied and restrictions	5
6.	Lifting the restrictions.....	6
7.	Rights of review or appeal	6
8.	Warning prior to applying restrictions	6
9.Details of the information to be given to complainants to whom this policy applies	6
10.	Who should be informed about restrictions?.....	7
11.	How this policy links with the council's general complaints procedure	7
12.	Operating the policy.....	7

1. Introduction

Folkestone & Hythe District Council recognises that people look to it to deal with many problems they encounter and is committed to enhancing quality of life across the district. People request services from the council on a daily basis about everything from housing benefits to waste collection. The council is committed to dealing with these requests fairly and impartially and providing a high quality of service to those who make them. The council has an established Customer Feedback and Complaints policy should a member of the public feel that they are not being fairly treated.

Most people make reasonable requests in a reasonable manner. This policy considers only people who make requests for service which, because of the frequency or nature of their contacts with the council, hinder the council's consideration of their or other people's requests for service.

This policy will refer to such enquires or requests for service as 'unreasonably persistent' or 'unreasonable complainant behaviour'. In exceptional circumstances, the council will take action to limit their contact with officers and their ability to use the council's time and resources.

Unreasonably persistent complainants and those demonstrating unreasonable behaviour may have justified complaints or grievances but may be pursuing them in an inappropriate way, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined.

Their contact with the council may be amicable but still place a very heavy demand on staff time or be very emotionally charged and distressing for all involved. Sometimes the situation between the council and the member of the public escalates and their behaviour becomes unacceptable, for example abusive, offensive or threatening. Such complaints are very rare but sometimes the council finds itself in a position of having to restrict access to its personnel or the offices or require contact in writing only.

In all cases where we decide to implement this policy, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

2. Why have a policy?

Having a policy enables staff to deal with complainants in ways which are demonstrably open, consistent and fair. It also helps staff to understand clearly what is expected of them, what options for action are available, and who deals with these actions. In the absence of such guidance staff may have greater problems with unreasonable and unreasonably persistent complainants.

3. Examples of unreasonable and unreasonably persistent complaints

Below are examples which the council will consider within this policy:

- Complaining persistently about matters that are trivial and of little substance;
- Complaining repeatedly about the same issue, despite previous investigations concluding that the complaint is groundless;
- Refusing to specify the grounds of a complaint, despite offers of assistance from the council's staff;
- Refusing to co-operate with the complaint investigation process while still wishing their complaint to be resolved;
- Refusing to accept that issues are not within the remit of an appropriate complaint procedure despite having been provided with information about the procedure's scope;

- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage;
- Introducing trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
- Electronically recording meetings or conversations without the prior knowledge and consent of the other persons involved;
- Adopting a scattergun approach: pursuing a complaint with the council and at the same time, with a member of parliament, a councillor, the standards board, local police, solicitors or the ombudsman;
- Making unnecessarily excessive demands, which are unreasonable and unsustainable on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses;
- Submitting repeat complaints after complaints processes have been completed essentially about the same issues, with additions or variations which the complainant insists make these new complaint which should be put through the full complaints procedure;
- Refusing to accept the decision of the council, repeatedly arguing the point and complaining about the decision;
- Combinations of some or all of these.

4. Options for the council if behaviour is unreasonable or unreasonably persistent

- Refusing to register and process further complaints about the same matter;
- Placing time limits on telephone conversations and personal contacts;
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week);
- Limiting the complainant to one medium of contact (telephone, letter, e-mail etc) and/or requiring the complainant to communicate only with one named member of staff;
- Requiring any personal contacts to take place in the presence of a witness; and
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, , or e- mails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged.

5. When the policy will be applied and restrictions

The decision to apply the policy and to impose restrictions will be made by the appropriate Corporate Director. Where appropriate the Corporate Director may involve and consult with the local elected member in the decision. The decision should normally be time limited; however for some situations (i.e. where a specific matter is clearly trivial or without merit or where it has been considered previously and there is no material change) it may be appropriate to continue the refusal to investigate indefinitely.

6. Lifting the restrictions

The decision to lift restrictions after a set period where appropriate will be made by the appropriate Corporate Director in conjunction with the Chief Executive.

7. Rights of review or appeal

Appeals against a decision or restrictions attached to a decision will be considered by the Chief Executive. Where appropriate the Chief Executive may involve and consult with the local elected member in any appeals process. In any case the local elected member shall be informed of the decision of any appeal.

8. Warning prior to applying restrictions

The council will normally write, e-mail or verbally inform the complainant that if his/her actions continue the council may decide to treat him/her as an unreasonably persistent complainant.

9. Details of the information to be given to complainants to whom this policy applies

If a decision is taken to apply the policy, the council will write to inform the complainant that:

- The decision has been taken;
- What it means for his/her contacts with the authority;
- How long any restrictions will last;
- What the complainant can do to have the decision reviewed; and
- A copy of this policy note will be enclosed with the letter.

10. Who should be informed about restrictions?

All officers and members who have experienced unreasonable complainant behaviour in respect of a specific complaint shall be informed of the decision to impose contact restrictions. The Corporate Director responsible for imposing any restrictions will report this to the next available Corporate Leadership Team meeting in order that directors can disseminate the information to the relevant staff. The ward councillor/s where the person lives should also be informed.

11. How this policy links with the council's general complaints procedure

The council has a general complaints procedure, whereby a person may make a formal complaint against a member of staff or about the service they have received. This procedure does not preclude a person making a complaint through the general complaints procedure however any decisions taken under this procedure will be considered as relevant to the general complaints investigation process.

12. Operating the policy

The Corporate Director making a decision shall note in writing that decision and input this information on the appropriate computerised system or file. This note shall include the details of the decision, the restrictions and the time limits if appropriate.

The decision to designate someone as an unreasonable or unreasonably persistent complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied, the Corporate Director should be satisfied that:

- the complaint is being or has been investigated properly;
- any decision reached on it is the right one;
- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the authority's view on the complaint.

If a decision is taken to apply the policy, the Corporate Director will write to inform the complainant that:

- the decision has been taken;
- what it means for his or her contacts with the authority;
- how long any restrictions will last;
- what the complainant can do to have the decision reviewed; and
- enclose a copy of the policy with the letter

When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated by officers on their merits, and decisions will be taken on whether any restrictions which have been previously applied before are still appropriate and necessary.