

Management of unreasonable complainant behaviour policy

Kempsey Parish Council recognises that, on occasion a complainant may feel that a complaint has not been resolved to his/her satisfaction. However, in a minority of cases members of the public pursue their complaints in a way that is unreasonable.

They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the investigation of their complaint or complaints by others and can have significant resource issues for the Council. These actions can occur either while their complaint is being investigated, or once the Council has concluded the complaint investigation.

This policy is designed to manage unreasonable complainant behaviour, prevent duplication and abortive work by employees, and protect the Council's employees from harassment and harm.

Identification of an unreasonable complainant

For the purposes of this policy, unreasonable complainant behaviour may include, but not be limited to; persistent, frivolous, vexatious or aggressive behaviour and may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with the Council, hinder the Council's service delivery, consideration of their or other constituent's complaints.

Some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

A persistent and/or vexatious complainant is a member of the public who complains repeatedly about issues that they consider to be within the remit of the council. The complaints may become persistent, vexatious or repetitive. The complainant may, despite having had an original complaint investigated and been notified of the result, not accept that the matter is concluded.

Very occasionally complainants also act deceitfully by forging documents, making covert recordings of meetings, adopting false identities and so on. Such behaviour is unacceptable and managing it can become a distraction from service delivery or consideration of the original substance of complaint.

Situations can escalate and, in a few cases, complainants become abusive, offensive, threatening or otherwise behave unacceptably. In response the Council may have to exercise its duty of care to all employees and invoke procedures for protecting them from harassment and harm.

Examples of unreasonable actions and behaviours

Single incidents may be unacceptable, but more often problems arise as a result of unreasonably persistent behaviour, which is time consuming to manage and interferes with service delivery or proper consideration of the complaint. These are some of the actions and behaviours that the Council may regard as being unreasonable:

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Refusing to co-operate with the complaints investigation process;
- 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 issues, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements he or she made at a later stage;
- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed but unimportant questions; insisting they are all answered;
- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of organisations or departments within the Council;
- 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 that the complainant insists makes these 'new' complaints;
- Refusing to accept the decision; repeatedly arguing points with no new evidence;
- Making complaints which have no reasonable chance of succeeding;
- Making complaints which do not have sufficient grounds and which serve only to act as an annoyance to the Council.

Options for Action

Any actions the Council takes will be proportionate to the nature and frequency of complainant's current contacts. 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. When it is necessary to designate a complainant as behaving unreasonably, the Council will consider the following options:

- Offering the complainant a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as being unreasonable;
- Sharing the policy with a complainant and warning him/her that restrictive actions may need to be applied if the behaviour continues;
- Designating a member of the Council's response(s);

- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for calls;
- Limiting the complainant to one medium of contact (telephone, letter, email 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;
- In exceptional circumstances, unreasonable behaviour will be reported to the Police. Especially where it includes actual or threatened violence, or causes harm or distress to the officer concerned.

Procedure

Should an employee form the view that a complainant is behaving unreasonably then the matter should be referred as soon as possible to the Chairman of the F&GP Committee.

In addition, the complainant should be reminded of their right to obtain independent professional advice.

When the internal procedure has not been fully exhausted but the complainants behaviour is determined to be unreasonable by the Council, taking the complainants behaviour and circumstances into account, they will decide which of the actions specified above or any other actions, the Council will take to manage a complainant's unreasonable or unreasonably persistent behaviour. If a decision is taken to apply restricted access, the Council will write to the complainant with a copy of the policy and explain:

- Why the decision has been taken;
- What it means for their contacts with the organisation;
- How long any restrictions will last, and;
- What the complainant can do to have the decision reviewed.

The Council should endeavour to ensure that any fresh complaint is not overlooked or that a complainant who is the subject of this policy is not now providing any significant new information that might affect the Council's view on the complaint.

Where a decision has been made to restrict access, the complainant should be informed that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated Councillor should be identified who will read future correspondence. Notes should be attached to and remain with any file, record or account of the complainant, detailing the matter which has been closed.

When complaints about new issues are made, these should be treated on their merits. If this occurs, the Council will consider whether any restrictions previously applied are still appropriate and necessary.

Reviewing decisions to restrict access

When imposing a restriction on access, the Council will specify date. On review, restrictions will be lifted and relationships returned to normal unless there are good grounds to extend the restrictions.

The Council will inform the complainant of the outcome of the review. If restrictions are to continue, the reasons will be explained and the date on which the restrictions will next be reviewed will be stated.

Variation to Procedure

Where the Clerk in conjunction with the Chairman is satisfied that a complaint is unreasonable, they may authorise a variation to the Council's internal complaints policy and procedure. Thereafter the internal complaints policy and procedure will be deemed to be exhausted.

ADOPTED 9TH November 2015