

Policy on dealing with unreasonable and unreasonably persistent complainant behaviour

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**London Borough
of Hounslow**

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1. Introduction

- 1.1 We are committed to dealing with all complaints equitably, comprehensively and in a timely manner.
- 1.2 Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint, can have significant or disproportionate resource issues for the council or where their behaviour becomes unreasonable. This can happen either while the complaint is being investigated, or once the council has finished dealing with the complaint.
- 1.3 Our staff manage a number of cases at any one time, using their time and resources to best effect. They cannot do so if someone tries to dominate their attention with frequent lengthy contacts and repetitive information. This hinders the consideration of their, or other people's cases. When necessary, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes. This may include restrictions in contacts to the Council.
- 1.4 We do not expect staff to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:
 - Using abusive or foul language on the telephone
 - Using abusive or foul language face to face
 - Sending excessive and multiple emails surrounding the same issue or different issues without allowing time for the Council to investigate or where the Council has fully addressed the issue
 - Leaving an excessive number of voicemails surrounding the same issue or different issues
- 1.5 We will take action to protect staff from such unreasonable behaviour. If a complainant behaves in a way that is unreasonable or unreasonably persistent we will follow this policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone's behaviour being regarded as unreasonable or unreasonably persistent
- 1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause someone's behaviour to be labelled unreasonable or unreasonably persistent.

2. Aim of this policy

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will decide which complaints and complainant's behaviour will be treated as unreasonable or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, staff in Hounslow's partner organisations, Councillors and customers.

3. Definitions

- 3.1 We define unreasonable and unreasonably persistent complainants as those whose behaviour, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints.
- 3.2 Sometimes the situation between the London Borough of Hounslow, its partner organisations, Councillors and a complainant can escalate and the behaviour moves to behaviour which is unacceptable and unreasonable, for example, abusive, offensive or threatening behaviour. Such complainants are in a very small minority, but sometimes the London Borough of Hounslow finds itself in the position of having to instigate action under this policy.
- 3.3 Features of unreasonable or unreasonably persistent behavior include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

Unreasonable or unreasonably persistent behavior of a complainant may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious).
- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure e.g. parking ticket and planning appeals.
- Refuse to accept that issues are not within the power of the council to investigate, change or influence examples could be a complaint about a

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private car park, or something that is the responsibility of another organization.

- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint).
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced.
- Make 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.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails).
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- Raise many detailed but unimportant questions and insist they are all answered.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statements he or she made at an earlier stage in the complaint process.
- Submit falsified documents from themselves or others
- Electronically record meetings and conversations without the prior knowledge and consent of the other person involved.
- Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the council, but at the same time with a Member of Parliament, other councils, elected councillors of this and other councils, the council's independent auditor, the Standards Board, the police, solicitors, and the Local Government Ombudsman.

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- Refuse to accept the outcome of the complaint process after its conclusion and having exhausted the council's complaints policy, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- Persistently approach the council through different routes about the same issue.
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on a historic and irreversible decision or incident.
- Combination of some or all of these features.

4. Decision to Restrict Contact

- 4.1 We will ensure that the complaint is being, or has been, investigated properly according to the corporate complaints procedure found at the following link;

https://www.hounslow.gov.uk/download/downloads/id/602/complaints_policy.pdf

- 4.2 If the complainant raises the same complaint or similar complaints repeatedly and unjustifiably or seems to be raising a complaint without grounds to cause annoyance or disruption, in line with the classification guidance in this policy the officer should inform their Head of Service.
- 4.3 The Head of Service will contact the complainant either by telephone (following up with written communication), in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. An independent mediator could also be present. At this stage it should also be determined whether the complainant has specific circumstances that should be taken into consideration e.g. mental health issues. The Head of Service will explain the actions that the council may take if the behaviour does not change. This will always be followed up in writing.
- 4.4 If the behaviour continues, then the persistent complainant checklist is completed by the Head of Service and forwarded to the persistent complaints lead (which comes under the role of the Customer Relations and Improvement

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Manager). The Customer Relations and Improvement Manager will issue a reminder letter to the complainant with a copy of the Unreasonable and Unreasonably Persistent Complainants Behaviour Policy, issuing a warning and asking them to change their behaviour, outlining the actions the council may take if this behaviour does not change should also be included and the ground rules for continued contact.

4.5 If this does not resolve the issue, then the existing persistent complainant checklist is further updated and completed by the Customer Relations and Improvement Manager and signed by the Director of Customer Services and Communications to determine whether the policy should be applied.

4.6 When the decision has been taken to apply this policy to a complainant, the persistent complainant lead (Customer Relations and Improvement Manager) will contact the complainant in writing (and as appropriate) to explain:

- why we have taken the decision,
- what action we are taking,
- the duration of that action,
- the review process of this policy, and
- the right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as an unreasonable and unreasonably persistent complainant.

The Customer Relations and Improvement Manager will enclose a further copy of this policy in the letter to the complainant.

4.7 Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In all cases the restrictions would be reviewed on a quarterly basis.

4.8 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Prevent the complainant from making contact by telephone except through a third party e.g. solicitor/Councillor/friend acting on their behalf
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls and email responses to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness

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- Prevent the complainant from sending emails to individuals and/or all council officers and insisting they only correspond by letter or diverting emails to a specific internal mailbox
- Prevent the complainant from accessing any council building except by appointment
- Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)

- 4.9 Where a complainant continues to behave in a way which is unacceptable, the Customer Relations and Improvement Manager, in consultation with the Director of Customer Services and Communications, may decide to refuse all contact with the complainant and stop any investigation into their complaint. This action would only be taken in extreme circumstances.
- 4.10 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

5. New complaints from complainants who are treated as unreasonable or unreasonably persistent

- 5.1 New complaints from people who have come under this policy will be treated on their merits. The Director of Customer Services and Communications will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded. The decision outcome will be provided in writing to the complainant.
- 5.2 The fact that a complainant’s behaviour is judged to be unreasonable or unreasonably persistent means that any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within the council.

6. Reviewing the decision to restrict contact

- 6.1 When imposing this policy and placing a restriction on contact, the Council will specify a review date, usually 3 months from the initial decision.
- 6.2 The review should be carried out by the Departmental representative and the Customer Relations and Improvement Manager to consider whether the restrictions can be lifted or modified, or should continue. The complainant will be notified of the outcome of the review.

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- 6.3 Restrictions should be lifted and relationships returned to normal unless there are grounds to continue with the restrictions. If the restrictions are to continue, the Council will explain the reasons to the complainant and state when the restrictions will next be reviewed.

7. Referring unreasonable & unreasonably persistent complainant behaviours to the Local Government Ombudsmen

- 7.1 In some cases, relations between councils and unreasonable and unreasonably persistent complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course. The council will provide a written statement to the complainant to say why they consider the relationship has broken down.

8. Record keeping

- 8.1 Adequate records will be retained by the appropriate Head of Service of the details of the case and the action that has been taken. The Customer Relations and Improvement Manager will retain a record of:
- The name and address of each customers who is treated as abusive, unreasonable or unreasonably persistent
 - When the restriction came into force and ends
 - What the restrictions are
 - When the customer and departments were advised
- 8.2 The lead Member for Performance and Corporate Customer Care will be provided with a quarterly report giving information about customers who have been treated as Unreasonable & Unreasonably Persistent in line with this policy.