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# Unreasonable/ Unreasonably Persistent Complainant’s Policy

The council needs to ensure that we have the appropriate resources applied to deal with complaints that we receive so that they are dealt with in a timely way. A small minority of complaints received by the council take up a disproportionate amount of council resource and officer time preventing the council from dealing with complaints in a timely way. Due to this, the council feels it appropriate to introduce this policy to help it and officers in dealing with complaints.

**Definition of unreasonable/unreasonably persistent complainant behaviour**

The council has adopted the Local Government Ombudsman’s definition and the identified characteristics for unreasonable or unreasonably persistent complainants

“*For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature and/or frequency of their contacts with an organisation, hinder the organisation’s consideration of their, or other people’s, complaints*”.

**Examples of an unreasonable or unreasonably persistent complainant**

(This list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

1. These complainants may have justified complaints or grievances but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance, or which have already been investigated and determined.
2. The substance of a complaint is changed, or new issues are raised persistently, or complainants seek to prolong contact by unreasonably raising further concerns, although care must be taken not to disregard new issues, which differ materially and/or significantly from the original complaint.
3. Complainants are unwilling to accept documented evidence of facts or deny receipt of an adequate response despite correspondence specifically addressing and/or answering their questions/concerns. This could also extend to complainants who do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
4. Complainants have, in the course of pursuing a registered complaint, had an excessive and/or persistent number of contacts (or unreasonably made multiple complaints) with the council placing unreasonable demands on council resources. Such contacts can include in person, by telephone, letter or electronically (emails and social media).

Discretion must be exercised in deciding how many contacts are required to qualify as excessive and/or persistent contact. Staff are encouraged to use judgment based on the specific circumstances of each individual case and are entitled to take into account what appears objectively to be a course of conduct. The council will respond in accordance with published timescales appropriate to the case.

1. Complainant adopts a continuous 'scattergun' approach: pursuing a complaint or complaints with the council and, at the same time, with a Member of Parliament, Secretary of State(s) a Councillor, the authority’s independent person, local police, solicitors or one of the Ombudsman organisations.
2. Refusing to accept that certain issues are not within the scope of the terms of reference for any relevant investigation and/or the council’s relevant complaint’s procedure being used.
3. Repeatedly submitting objectively inaccurate and/or false complaints or documents from themselves or others or in what appears to be in co-ordination with others.
4. Pursing what objectively appears to be or amount to a personal campaign and/or vendetta against the council and/or Members and/or members of staff.
5. Raising objectively unjustified complaints or allegations about staff that are trying to address and/or answer a complainant’s concerns, questions or issues and seeking that member of staff or a group of staff replaced.

**Possible behaviours of a citizen who is making unreasonable or unreasonably persistent complaints**

1. The complainant may act inappropriately and place heavy unreasonable demands on our staff member’s time and/or council resources. The complainant may persist in pursuing a contact or enquiry or complaint where the council’s complaints procedure has been exhausted and there may have been a determination by one of the Ombudsman organisations.
2. Complainants who refuse to specify or do not clearly identify the precise issues or grounds they wish to be investigated despite reasonable efforts to help them to do so by staff or those engaged outside the council to assess and/or investigate the complainants concerns or queries.
3. Complainants, their families or associates who have harassed, been abusive, verbally aggressive, used foul language, threatened or bullied council staff and/or Members and/or staff dealing with a complaint on one or more occasion. All the above behaviours will be centrally documented/logged, dated and reported to the Line Manager.
4. Raising objectively unjustified complaints or allegations about staff that are trying to address and/or answer a complainant’s concerns, questions or issues and seeking that member of staff or a group of staff replaced.
5. Those behaviours consistent with the non-exhaustive examples of an unreasonable complaint above.

**Managing unreasonable or unreasonably persistent complainants**

1. Where it is considered that the contact from a complainant is or has become unreasonable, the relevant senior officers (Heads of Service in Directorates) will review the case. A decision will be made on whether the contact is to be deemed unreasonable and/or unreasonably persistent behaviour or not. Objective and documented evidence will be examined to ensure that the matter is considered fully.
2. Following the review, the Head of Service may decide to issue a warning letter to the complainant. This will provide the complainant the opportunity to modify their behaviour. The Head of Service will be required to update the appropriate Assistant Director.
3. If the complainant’s behaviour is deemed unreasonable and/or unreasonably persistent by the Head of Service, the complainant may be informed that any further contact must be through a nominated officer/channel of communication (e.g. email only). The complainant should also be advised that it may not be possible to progress the complaint further if the complainant does not adhere to this reasonable request and/or cease the identified unreasonable behaviours
4. The complainants will be informed that any action taken as a result of the decision reached will only relate to contact with the council over their specific complaint(s). It does not, and is not intended to, have any impact on any other reasonable dealings between the council and the complainant on other unrelated matters.
5. Any correspondence must be copied to the complaints team, who will be responsible for ensuring others already involved in the complaint are aware of the decision. A record will be kept within the Central Team for future reference of the reasons why a complainant has been classified as presenting with unreasonable and/or unreasonably persistent behaviours.
6. If the outcome is that all future contact will be through one assigned officer, this will be made clear to the complainant in writing.
7. The council will notify the complainant in writing that we believe we have responded fully to the points raised and have tried to resolve the complaint but there is nothing further to add and continuing contact on the matter will serve no useful purpose or reasonable outcome without material impact on staff time or council resources. Complainants should also be notified that correspondence is at an end and that further communications will not be acknowledged or answered but retained on file. This will not prevent the complainant going to the appropriate Ombudsman organisation.
8. Any restriction that is imposed on the complainant’s contact with the council will be proportionate and based on an objective evidence base. The complainant will be advised of the period the restriction will be in place for. In most cases restrictions will apply for between three and six months, but in exceptional cases this may be extended. In such cases the restriction will be reviewed on a quarterly basis by the relevant Assistant Director in consultation with the council’s Monitoring Officer or Deputy Monitoring Officer(s).
9. If the complainant continues to conduct themselves in a way which is deemed contrary to this policy, the relevant Head of Service may decide to refuse all contact with the complainant and close any further investigation on their complaint. Any such decision will consider the relevant evidence and be recorded in writing.

Before implementing these restrictions in relation to someone who is considered vulnerable (people who may be in need of care and support or with a disability) the council will consider whether or not, adjustments to this policy could be made or whether there are other appropriate means of support and contact outside of this policy which can be used to assist them. In order to do this full consent from the complainant must be sought in relation to their relevant circumstances with the consent not being unreasonably refused

**Review**

The Central Complaints Team in collaboration with the Directorate teams will review any initial restrictions imposed upon the complainant after three months and at the end of every subsequent three months during which time the policy is to apply.

Should there be a need to extend a period of restriction the complainant will be advised in writing by the council with the reason for the extension of the restriction and the period of extension.

If at the end of a restriction period, it is considered that the complainant’s behaviour is no longer deemed to be unreasonable the council will confirm this in writing advising the complainant.

At each of the above stages, the complaint will be advised of their right to refer the matter to the relevant Ombudsman.