

Wonersh Parish Council

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Policy for dealing with unreasonably persistent complaints and unreasonable complainant behaviour

<i>Owned by:</i>	<i>Lisa Davison, Clerk to the Council</i>
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Policy Statement

The Council aims to provide excellent customer service to all its customers and to deal with all customers' complaints fairly, comprehensively and as efficiently as possible. In most cases, this is a straightforward process. However, occasionally a complainant will try to pursue their complaint in a way that not only obstructs the investigation of their complainant, but also creates significant resource issues for the Council.

This document explains how Wonersh will deal with unreasonably persistent complainants and unreasonable complainant behaviour.

Policy aims

The aim of this policy is to:

- help the Council to deal with unreasonable and unreasonably persistent complainants in a way that is open, fair and proportionate;
 - ensure that staff and Members understand clearly what is expected of them, what action can be taken to deal with such complainants, and who can authorise this action.
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Scope of Policy

1. The Council will not normally limit the contact which complainants have with its staff or Members. However, the Council does not expect its staff or Members to tolerate unacceptable behaviour by complainants, or indeed other customers, and the implementation of this policy is one of a number of ways in which the Council can protect its staff from harassment and harm.
2. Unreasonable behaviour of this kind can occur either while the complaint is being investigated, or once the authority has completed its investigation.

Definition of an unreasonable or unreasonably persistent complainant

3. The Council considers an unreasonable or unreasonably persistent complainant to be someone who, because of the frequency or nature of their

contacts with the Council, hinders the authority's consideration of their complaints or complaints made by other customers.

Examples of unreasonable actions and behaviours that fall within the scope of this policy

4. Even though their contacts with the Council may be amicable, unreasonable or unreasonably persistent complainants can still place heavy demands on staff time. They may also be emotionally charged which can be distressing for all involved.
5. The following types of behaviour may result in a complainant being regarded as either unreasonable or unreasonably persistent.
 - Refusing to specify the reason for a complaint, despite being offered assistance from staff or Members.
 - Refusing to cooperate with the complaints investigation process.
 - Refusing to accept that certain issues are outside the scope of the Council's complaints procedure.
 - Adopting a 'scatter-gun' approach by raising concerns with different staff across the Council or by pursuing parallel complaints on the same issue with other organisations.
 - Insisting on the complaint being dealt with in ways which are incompatible with the Council's 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, including denying or changing statements that have been made at an earlier stage.
 - Introducing trivial or irrelevant new information at a later stage.
 - Raising many detailed but unimportant questions, and insisting that these are all answered.
 - Covertly recording meetings and conversations without the prior knowledge and consent of the other people involved.
 - Making excessive demands on the time and resources of staff or Members while their complaint is being investigated by, for example, making lengthy telephone calls, emailing or sending detailed letters to numerous council staff and expecting immediate responses.
 - Submitting repeat complaints with minor additions or variations, and insisting these are 'new' complaints.
 - Refusing to accept the Council's decision, repeatedly arguing points with no new evidence.
 - Using bullying, physical or psychological threats against staff or Members.
 - Alleging discrimination on the grounds of disability, race, age, gender, sexual orientation or religion without good reason or evidence.

6. This list is not exhaustive, and there may be other factors that would justify taking action under this policy.

Operation of the policy

7. All decisions to designate a complainant as either unreasonable or unreasonably persistent will be taken by the Clerk in consultation with the Council.
8. The Council will ensure that any action taken to manage the behaviour of a complainant who has been designated as unreasonable or unreasonably persistent, is proportionate to the nature and frequency of the complainant's contacts and personal circumstances and needs. The primary objective will be to manage the complainant's unreasonable behaviour in such a way that their complaint can be concluded quickly, without any further delay.
9. The procedure for dealing with unreasonable and unreasonably persistent complainants is set out in appendix 1.

Author and feedback

The Council welcomes comments and feedback on its policies and procedures. Please contact the Clerk, Lisa Davison, if you have any comments.

Related Information

Councillor Code of Conduct
Complaints Procedure
Local Government Ombudsman's guidance note on management of unreasonable complainant behaviour.

Procedure for dealing with unreasonable and unreasonably persistent complainants

1. The Clerk will record the decision to designate a complainant as unreasonable or unreasonably persistent, and the reasons for this decision, on the complaints database, and will ensure that the decision is reviewed after a period of six months.
2. The following options will be considered for dealing with unreasonable and unreasonably persistent complainants:
 - Requiring the complainant to communicate with only one named member of staff or councillor, i.e. a single point of contact.
 - Placing limits on the number and duration of contacts with staff / councillors per week or month.
 - Offering a restricted time slot for necessary calls.
 - Limiting the complainant to one method of contact with the Council (telephone, letter or email).
 - Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
 - Refusing to register and process any further complaints about the same matter.
3. If a decision is taken to apply restricted access, the Clerk will write to the complainant with a copy of the policy to explain:
 - why the decision has been taken
 - what this means for the complainant's future contacts with the Council
 - how long any restrictions on access will remain in place (usually 12 months in the first instance).
4. The complainant's details may be recorded on a Staff Safety Register if appropriate.
5. When a decision on the complaint has been made, the complainant will be informed that any future correspondence will be read and placed on the file by a designated officer or councillor, but not acknowledged, unless it contains material new information.
6. Further letters or emails from the complainant will be checked to identify any significant new information. When a complaint about a new issue is made, this will be treated on its merits, and consideration will be given to whether any restrictions previously applied are still appropriate and necessary.