

Complainant behaviour policy

Revised June 2024



1. Introduction

In a minority of cases people pursue their complaints in an unreasonable way. They may behave unacceptably, or be unreasonably persistent in their contacts with us, which can take up a lot of staff time and resources.

We are committed to dealing with all complaints fairly, comprehensively and within our stated timescales.

The aim of this policy is to ensure a proportionate and consistent approach to unreasonable complainant behaviour, based on the Local Government and Social Care Ombudsman's (LGO) good practice guidance.

2. Definitions

Unacceptable behaviour

We do not expect staff to tolerate unacceptable behaviour from any customer. We define unacceptable behaviour as deceitful, abusive, offensive, threatening or violent.

Unreasonably persistent behaviour

We define complainants as unreasonably persistent when their contact with us is so frequent that it prevents us from considering their complaint properly and affects the normal delivery of council services.

However, this is not unreasonable behaviour:

- asking why agreed timescales have not been met
- initially challenging the outcome of a complaint
- asking for more (relevant) information.

3. Purpose

We want to deal with complainants openly, fairly and proportionately.

4. Examples of unreasonable behaviour

- 4.1 Refusing to specify the grounds of a complaint, despite offers of help, or having no grounds for the complaint.
- 4.2 Refusing to co-operate with the complaint investigation process.
- 4.3 Refusing to accept that some issues are not within the scope of the complaints procedure (for example planning appeals and Penalty Charge Notice appeals).
- 4.4 Insisting on the complaint being dealt with in ways which are not compatible with our complaints procedure (for example, saying that there must not be a written record of the complaint or that it should not be dealt with by a particular officer).

- 4.5 Refusing to accept that the issue is not within the council's remit (for example an issue on private land or that another organisation is responsible for).
- 4.6 Making unjustified complaints about officers who are trying to deal with the issue, and seeking to have them replaced, disciplined or dismissed.
- 4.7 Changing the basis of the complaint as the investigation proceeds.
- 4.8 Denying or changing statements made at an earlier stage.
- 4.9 Contacting us significantly more often than is necessary or continuing to contact us about the same issue following a LGO decision.
- 4.10 Raising many detailed but unimportant questions and insisting they are all answered.
- 4.11 Introducing trivial or irrelevant information at a later stage.
- 4.12 Covertly recording meetings and conversations.
- 4.13 Submitting falsified documents from themselves or others.
- 4.14 Adopting a 'scattergun' approach - pursuing the same complaint at the same time with different people (for example, their MP, the Chief Executive or their councillor).
- 4.15 Submitting repeat complaints with minor variations that the complainant insists are 'new' complaints.
- 4.16 Refusing to accept that documented evidence is factual.
- 4.17 Complaining about an issue that is based on an historic or irreversible decision or incident.
- 4.18 Refusing to accept the decision and repeatedly arguing points with no new evidence.

An unreasonable complainant is not someone who has to keep contacting us because we haven't replied to them or investigated their complaint properly.

5. Managing unreasonable behaviour

This policy may be invoked if we consider that a complainant has behaved in a manner which is deemed unreasonable (see above). We may take any actions against a complainant that we consider to be reasonable and proportionate in the circumstances.

If the complainant has completed our complaints procedure, we will refer them to the Local Government and Social Care Ombudsman.

If the complaint is still being considered, we may:

- share this policy with the customer and warn them that we may restrict their contact with us if their behaviour continues.
- nominate a key person or team as their single point of contact and restrict contact if appropriate.
- limit the complainant to written contact (email or letter).
- ensure that a witness attends any meetings with the customer.
- refuse to deal with complaints about previously resolved issues.

Where the customer's behaviour threatens the safety and welfare of staff, we may report the matter to the police or consider taking legal action.

6. New complaints

Restrictions imposed on a complainant for an earlier complaint will not automatically apply to a new issue. However, if the complainant has behaved unreasonably for a long time, we may not consider any future complaints, particularly when the complainant isn't personally affected.

7. Refusing complaints

If we think that the substance of a complaint or the complainant's language is racist, sexist or otherwise abusive in relation to protected characteristics, we will refuse to deal with the complaint. We will agree what action to take with the council's Equality and Diversity Manager.