



## Management of Unreasonable Complainant Behaviour

V1.0

### Document Control

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## **Introduction**

Chichester District Council is committed to dealing with all complaints fairly and impartially, and to making our services as accessible as possible. In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contact and submission of information; they can take up an unwarranted amount of council resources or impede the investigation of their complaint.

This policy does not apply to complaints made in respect Councillors. Guidance on how to proceed with the complaint about a Councillor can be found in the Code of Conduct

## **The purpose of this policy**

- To identify situations where the complainant could be considered vexatious or unreasonable or unreasonable persistent.
- To ensure the Council's resources are managed appropriately and efficiently
- To ensure staff of the District Council are offered a safe working environment and do not suffer any detriment from customers making unreasonably persistent complaints or behaving in an unacceptable way
- To identify a corporate approach to respond fairly to such behaviour
- To recognise the rights of complainants under the Human Rights Act 1998
- To follow best practice as set out by the Local Government Ombudsman

## **Unreasonable behaviour by a complainant**

It must be recognised that complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.

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 consideration of their or other people's complaints.

Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but are pursuing them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contact with the council may be amicable but still place heavy demands on staff time, or they may be very emotionally charged and this can be distressing for all involved.

This hinders the consideration of their complaint and if necessary, we will take action to restrict access to our service when unreasonable behaviour persists.

## **Warnings**

In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with our offices.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may report the matter to the police or consider taking legal action. In such cases, we may not give the complainant prior warning.

## **Restricting Access**

If a complainant's persistence adversely affects the council's ability to do its work and provide a service to others, a Divisional Manager or Director will decide whether the circumstances justify any restriction to access. They will record the reason for their decision and explain it to the person concerned. They will state how long any restriction will apply for before it is reconsidered.

The sort of restrictions imposed could include;

- Limiting the complainant to one method of contact (telephone, letter or email)
- Limiting contacts to one form only (for example, a maximum of one letter or email a week)
- Requiring contact to take place with one named staff member
- Managing contact with the help of an independent advocate.

Other suitable options will be considered in the light of the complainant's circumstances. Our objective, wherever possible, is to complete consideration of the complaint on its merits in a managed way.

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to our service, we may decide to terminate contact with them and end any investigation into their complaint.

## **Referring unreasonable and unreasonably persistent complainants to the Local Government Ombudsman**

A complainant who has been treated as behaving unreasonably can complain to the LGO Ombudsman who may be prepared to consider their complaint. The contact details for the LGO are:-

Online <https://www.lgo.org.uk/make-a-complaint>

Telephone 0300 061 0614

## **Other Relevant Council Policies that should be read in conjunction with this Policy**

Responding to FOI requests (S.14 of the FOI Act 2000)

Responding to DPA requests

Health and Safety at Work