

Draft Unreasonable Complaints Policy

Chichester District Council is committed to dealing with complaints in an open and transparent way that is fair and equal to everyone.

This policy has been formulated to deal with the very small number of complainants whose frequency of contact with the authority, insoluble and persistent complaints, or unacceptable behaviour makes it necessary for special measures to be taken.

This policy sits alongside the Council's existing complaints policy and may be applied at any internal stage for that policy. It will not apply to complaints that have been referred on to the Ombudsman who shall apply their own policies to consideration of complaints referred to that body.

This policy may also be applied if an individual elects not to engage with the Council's complaints policy (or refuses to do so and continues to contact the Council).

This policy may be applied to complaints made to the Monitoring Officer about Councillors under the Code of Conduct though that would be at the Monitoring Officers absolute discretion.

On the whole, dealing with complaints is a simple process but there are a small number of complainants who because of the frequency, nature or tone of their contact with us, adversely affect our ability to do our job and provide a service to others. We will refer to these complainants as 'unreasonably persistent' or vexatious and apply this policy.

For the purposes of this policy, unreasonable or unreasonably persistent complainants are those who make complaints that demonstrate one or more of the following features:

- clearly do not have any serious purpose or value.
- are designed to cause disruption or annoyance.
- have the effect of harassing the Council or can easily be seen as obsessive or unreasonable.

Decisions under this policy will be made by Directors at the Council unless expressly required to be made by other named officers within this policy itself.

Actions and behaviours of unreasonably persistent complaints

Complainants or anyone acting on their behalf may be deemed to be vexatious or persistent if one or more of the following applies:

- Refusing to specify the grounds of a complaint, despite help from the council.
- Refusing or unreasonably failing to co-operate with the Council's Complaints and Compliments procedure but still wanting the complaint resolved.
- Making what appear to be groundless complaints about the staff dealing with the complaint and looking to have them replaced.

- Taking an excessive ‘scattergun’ approach – complaining officially to the council as well as raising the same complaint with other bodies such as MP/councillor/police/solicitors/Local Government Ombudsman.
- Changing the basis of the complaint as the investigation moves forward and/or denying earlier statements.
- Raising trivial information and expecting this to be taken into account or raising lots of detailed but unimportant questions and insisting they are answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other people involved.
- Making excessive demands on staff while a complaint is being dealt with.
- Sending a high volume of letters, emails and/or phone calls.
- Registering repeat complaints after the complaint has been fully investigated and completed.
- Refusing to accept the final decision of a complaint.
- Refusing to accept a complaint is outside the remit of the complaints procedure.
- Persistently contact the council through different routes about the same issue.
- Someone who is not looking to resolve a dispute but is looking to cause unnecessary difficulties or problems to the council.
- Refusing to accept that matters aren’t within the council’s power to investigate if the matter is the responsibility of another organisation for example.

If a complainant isn’t happy with the outcome of their complaint and wishes to challenge it, this is not necessarily grounds to label them as ‘unreasonably persistent’.

This policy will be used as a last resort once all measures have been taken to resolve issues under the Council’s complaints procedure. We will make sure we have communicated appropriately with the complainant and make sure no new information that will affect the decision has been put forward.

The complainant will receive one written warning confirming that if their actions/behaviour continues, it will result in the Council treating them as an ‘unreasonably persistent complainant’ and future contact may be restricted.

Aggressive complainants

Where a complaint is raised as to aggression decisions under this policy shall be applied by a Director. If an appeal against a decision is submitted a final review shall be carried out by the Chief Executive or the Council Monitoring Officer as those two officers consider appropriate.

On occasions a complainant can go from being unreasonably persistent to offensive, abusive or threatening any of which will not be tolerated.

Complaints will be seen to be vexatious in any situation where violence has been used or threatened towards staff at any time. This will mean personal contact with the complainant will be stopped and they will only be allowed to contact the Council in writing or through representatives. All such incidents will be logged through the Council caution alert register process and reported to the police.

Where an allegation of aggressive behaviour is denied a Director shall be entitled to make a decision as to whether to put in place steps notwithstanding that denial at the absolute discretion of that Director pending any further relevant investigation or fact finding on that issue by Police or otherwise.

Deciding to restrict complainant contact

According to the level and nature of the complainant's contacts with us, the following actions may be taken:

- Requesting contact in a specific form (e.g. by letter only).
- Requesting contact be made with a named officer only.
- Setting the number of phone calls that will be accepted (e.g. one call a week).
- Refusing to deal with future correspondence on the same matter if a decision has already been reached.

The complainant will receive a copy of this policy with a covering letter explaining that the policy has been applied and how it will affect their contact with us.

The letter will outline the length of time for which the restrictions will be in place and how they can ask for the restricted status to be reviewed at the end of this period.

Appealing a decision to restrict contact

A complainant can appeal the decision to place them on the 'unreasonably persistent complainant' list within 10 working days of being notified of our decision.

This should be carried out in writing with reasons why they want to appeal and sent to:

- The Monitoring Officer, East Pallant House, East Pallant, Chichester, PO19 1TY

Recording and reviewing decisions

If a decision is made to apply the policy, this information will be recorded and shared with relevant officers within the council.

Any further correspondence from the complainant will be read and new genuine complaints will be dealt with accordingly.

Any new complaints made about new issues from people who have been considered under this policy will be treated on their merits of that new complaint.

A decision to restrict contact may be reconsidered if the complainant shows a more acceptable and consistent approach in their contact with the council, makes an acceptable apology or made undertakings as to future conduct. The views of officers or members of the Council affected by behaviour will also typically be sought before a decision is made to restore full contact.