

Procedure for dealing with unreasonably persistent complainants

The Council is committed to dealing with formal complaints fairly and in line with our published complaints procedure.

Occasionally we encounter complainants who, because of the frequency or inappropriate nature of their contact, may hinder consideration of their complaint.

Unreasonably persistent complainants may have justified complaints or grievances, but are pursuing them in inappropriate ways. They may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined.

What constitutes an unreasonably persistent complainant?

Unreasonably persistent complainant behaviour may include one or more of the actions listed below (this is not an exhaustive list).

- Refusing to co-operate with the stated complaints procedure, whilst still wishing their complaint to be resolved.
- Refusing to accept that some issues are not within the remit of a complaints procedure.
- Insisting that a complaint be dealt with in a way that is incompatible with the complaints procedure and good practice.
- Using abusive, offensive or threatening language or behaviour.
- Changing the basis of the complaint as the investigation proceeds.
- Raising large numbers of detailed and unimportant questions and insisting that all are fully answered.
- Electronically recording meetings or conversations without the knowledge or consent of all involved.
- Making unnecessarily excessive demands on the time and resources of staff, for example, excessive telephoning or sending emails to numerous recipients or writing lengthy letters on a frequent basis and expecting immediate responses.
- Submitting repeated complaints after a complaint investigation has concluded.
- Refusing to accept the decision on a complaint.

Considerations before taking action under this policy

Prior to taking action, the Monitoring Officer (in conjunction with the Complaints Officer) must be satisfied that:

- the complaint is being (or has been) investigated properly;
- any decision reached is the right one; and
- the complainant is not providing any significant new information that might affect the Council's view of a complaint.

Before taking any action, the complainant must be told that the Council is considering treating him or her as an unreasonably persistent complainant and what this may mean.

The complainant should be provided with a copy of this procedure document.

Procedures and actions

Likely actions to restrict a complainant's contact with officers include (but are not limited to):

- requiring communication via one method only (such as in writing) to one named member of staff;
- restricting telephone calls to specified times;
- restricting or barring access to Council buildings;
- where a decision on a complaint has been made, providing only acknowledgements of letters, faxes or emails; or
- informing a complainant that future correspondence will be read and placed on file but not acknowledged.

Any decision to take action may only be taken by the Monitoring Officer. Action should never be taken by individual Service Heads, Complaint Reps or other Directors without prior consultation with the Complaints Officer and Monitoring Officer.

Before action is taken, relevant staff who have had involvement with the complaint, should be made aware so that the complainant is treated consistently.

Further consideration

The complaints officer will maintain a file of all correspondence (including notes of telephone calls or visits) received from unreasonably persistent complainants.

The complaints officer will provide information to Audit and Governance Committee as and when this policy is invoked.

The complaints officer should check, 6 months after restrictions have been imposed, to assess whether the restrictions are still appropriate. Any decision to lift restrictions must be made by the Monitoring Officer.

New and unrelated complaints from people who have previously been treated as unreasonably persistent complainants will be treated on a case by case basis.

For information:

Monitoring Officer – Denise Lyon

Complaints Officer – Kate Symington