



Policy for dealing with unreasonable or unreasonably persistent complainants

This policy is in conjunction with the [Corporate Complaints Policy and Procedure](#).

1. Introduction

Dealing with a complaint is normally a straightforward process. However, in some cases people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.

Gravesham Borough Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. This procedure will only be enforced if the complainant is considered to be unreasonable which can include abusive, offensive or threatening in their language or behaviour or contact with council; or when their complaints are considered to be unreasonably persistent or vexatious.

This policy has been based on the Local Government & Social Care Ombudsman's guidance note on 'unreasonably persistent' complainants.

2. Aim of this policy

The purpose of this policy is to support the overall aim for dealing with complaints in a consistent fair and reasonable way. This document sets out how we will come to a decision that a complainant is unreasonable or unreasonably persistent and how we will deal with those instances.

3. Definitions

For the purposes of this procedure, we have adopted the Local Government & Social Care Ombudsman's definition - that is:

Unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with the council, hinder the way we consider their, or other people's complaints.

The description 'unreasonable' or 'unreasonably persistent' may apply separately or jointly to a particular complainant".

Examples can include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.



4. Actions and behaviours of unreasonable or unreasonably persistent complainants

The following are some of the actions and behaviours, set out by the Local Government & Social Care Ombudsman, of unreasonable and unreasonably persistent complainants which authorities often find problematic. It is by no means an exhaustive list but are examples that frequently come to their attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be considered and commented on or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after the complaint process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaint's procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

5. Considerations for invoking this procedure and implementing action

This procedure will be followed in all cases when a complainant is being considered as unreasonable or unreasonably persistent. We recognise that our action could have serious consequences for the individual involved and therefore before invoking this procedure we will be satisfied of the following:



- that the complaint is being (or has been) handled and investigated properly
- that any decision reached is the right one
- that communication with the complainant has been adequate
- that the complainant is not providing any significant new information that could affect our view on the complaint.

Once we are satisfied with the above, the following actions will be considered and implemented where deemed appropriate:

- Offer the complainant a meeting with an officer of appropriate seniority to try to dispel any misunderstandings and move the matter to a resolution
- If the complaint involves more than one department / agency - set up a meeting with other departments / agencies as appropriate to agree a cross-departmental/agency approach and designate one officer to co-ordinate a response
- Consider advocacy if the complainant has special needs and offer to find an independent advocate on the complainant's behalf if this is deemed appropriate

In all cases, the complainant must be given a warning about their actions and that if they continue, we may decide to implement action.

6. Options for action

Any action taken must be appropriate and proportionate to the nature and frequency of the complainant's contact at that time. The following is a list of options suggested by the Local Government & Social Care Ombudsman which may be used individually or in combination, if warranted. This list is not exhaustive and other action may be considered more appropriate:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week).
- Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness.
- Refusing to register and process further complaints about the same matter.

Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.

7. Decision making and responsibilities

In the first instance the relevant Head of Service or Director will meet with the Head of Community Support to discuss the case. Evidence will be required to prove that the



complaint has/is being investigated correctly and the complainant is acting unreasonably or being unreasonably persistent.

If agreed that the procedure should be applied, the relevant Head of Service / Director should contact the complainant by the most appropriate method to explain why the behaviour is causing concern and to ask that the complainant changes their behaviour. The council's options for acting if the behaviour does not change should also be discussed. Written confirmation of this should also be sent.

If the behaviour continues, the relevant Head of Service/Director and Head of Community Support will meet to discuss the ongoing behaviour and what action is considered most appropriate. The Head of Service/Director will then issue a letter (or arrange contact by another method if letter is not appropriate) to the complainant advising them of the action the council will be taking and for what period.

In most cases, the action will apply for between 6 months and one year and this may be extended on review. All actions must have an applicable period assigned to them. All actions will be reviewed on a 6 monthly basis by the relevant Head of Service/Director and Head of Community Support to ensure the action is still appropriate and proportionate. The complainant will be informed of the result of this review if the decision has been changed or extended.

Where a complainant continues to behave in a way which is unacceptable, the relevant Head of Service/Director and Head of Community Support may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action. Such cases will also be managed in conjunction with the Unacceptable and Aggressive Behaviour Policy.

8. New complaints from complainants who are treated as abusive, vexatious, or persistent

New complaints from people who have come under this policy will be treated on their merits. Heads of Service must consider whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint.

It is imperative that services do not introduce a blanket approach and fail to correctly consider and investigate new, legitimate complaints or service requests.

9. Referring unreasonable or unreasonably persistent complainants to the Local Government & Social Care Ombudsmen

In some cases, relations between councils and unreasonable or unreasonably persistent complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be



little purpose in following all the stages of the complaint's procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

The Head of Community Support can provide more information and guidance as required.

Head of Service
Community Support

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