



Hinckley & Bosworth
Borough Council

Persistent and unreasonable complainant behaviour policy

1. Why do we need a policy?

We are committed to dealing with all complaints fairly and impartially and to providing a high quality of service to those who make them. We also have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public, and to protect the safety and welfare of our staff.

Occasionally there are complainants whose unreasonable behaviour makes this difficult to achieve. This policy sets out how we will manage such complainants fairly and consistently for benefit of both complainants and staff. It has been developed to meet the Local Government Ombudsman's guidance on "managing unreasonable complainant behaviour". This policy refers to 'complainants' throughout, which means not only those making formal complaints, but also informal complaints, persistent or unreasonable enquiries or unreasonable behaviour, which make it difficult to address the issues raised.

2. What is unreasonable or persistent behaviour?

Unreasonable behaviour is where the frequency or nature of a complainant's contact with us takes up unjustifiable officer time and resources, making it hard for us to handle their complaint and/or those of other people, or where their behaviour is offensive or abusive.

Listed below are some examples of the actions and behaviours of unreasonable and unreasonably persistent customers based on those defined by the Local Government Ombudsman. This is not an exhaustive list.

- Making excessive demands on the time and resources of staff by, for example, excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses and raising detailed but unimportant questions and insisting they are all answered;
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with more than one officer or service area in the authority and/or at the same time with other organisations;
- Refusing to accept the decision – repeatedly arguing points with no new evidence;
- Submitting repeat complaints after the complaints processes have been completed or with minor additions / variations the complainant insists make these 'new' complaints;
- Refusing to specify the grounds of a complaint, despite offers of help;
- Refusing to use or to co-operate with the complaints process;
- Refusing to accept that issues are not within the remit of a complaints procedure;
- Making unjustified complaints about the person(s) dealing with the complaint;

- Changing the basis of the complaint and introducing irrelevant new information as the investigation proceeds;
- Denying or changing statements he/she made at an earlier stage;
- Recording meetings and conversations without the prior knowledge and consent of the other person(s) involved;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure;
- Alleging that the council's policies and procedures are being applied in a discriminatory or biased fashion without good reason or evidence;
- Submitting falsified documents for themselves or others;
- Using bullying, physical or psychological threats as a means to gain leverage with an officer or to intimidate.

3. Procedure

Stage one

If a member of staff dealing with a complainant feels the complainant is behaving unreasonably, they should seek the advice of the Director of Corporate Services, submitting evidence to support their view.

Stage two

An informal warning letter may be sent to the complainant to explain why their behaviour may be considered unreasonable or persistent and how they may be able to rectify this to avoid receiving a formal warning letter. This stage may not always be appropriate and is at the discretion of the Director of Corporate Services.

Stage three

When a complainant's behaviour is considered unreasonable, the Director of Corporate Services may decide to restrict the complainant's contact with our offices (usually in relation to their complaint, but under certain circumstances this may apply for any contact) for a temporary period or permanently. A formal warning letter which may contain one or more of the following restrictions will be sent to the complainant, enclosing a copy of this policy and detailing how long the restrictions will apply, when they will be reviewed and by who:

Requesting contact in a particular form (for example by letter or email only)

Requiring contact to take place with one named officer only

Restricting the telephone calls to specified days and times and/or to a certain length

Asking the complainant to enter into an agreement about their future contacts with us.

We will need to inform certain officers within the council that this policy has been applied.

Stage four

Where a warning letter and/or restrictions have failed to modify the complainant's behaviour, the Director of Corporate Services can seek to close all contact with the complainant. A letter will be sent to the complainant advising them that any further communication from them will be read and placed on file without acknowledgement unless there is fresh evidence or a new complaint which affects that decision.

5. Challenging the council's decision

Customers may challenge the decision to apply the persistent and unreasonable complainant behaviour policy and/or the restrictions imposed by writing to the Director (Corporate

Services) who had made the decision. This challenge must be made within 21 days of the date of the letter. This will be considered and the customer notified of the outcome.

The customer may make a complaint about the way he or she has been treated to the Local Government Ombudsman at any time during the process. They can be contacted directly at:

Local Government & Social Care Ombudsman

PO Box 4771

Coventry CV4 0EH

Tel: 0300 061 0614

Website: www.lgo.org.uk