

Protocol for the management of unreasonable complainant behaviour

1. Aims

This protocol seeks to ensure that complainants who behave unreasonably are dealt with appropriately and proportionately to protect the welfare of our staff and the integrity of our processes.

The Council's resources are limited and dealing with unreasonable complainants is a disproportionate use of those resources. Therefore, if correspondence or other contact continues, we will acknowledge the communication stating that we have nothing to add to previous comments and will advise the complainant that we may not respond to any future communication for a specified period of time. If the complainant tries to continue communication, we will decline to comment any further. This includes terminating telephone calls relating to the complaint.

2. Background

Runnymede Borough Council recognises the importance of providing excellent customer care for every resident. A key part of excellent customer care is an open, responsive approach to customer complaints. We are committed to dealing with all complaints fairly and impartially, and to making the Council's services as accessible as possible.

We regard complaints as an expression of dissatisfaction about a Council service (whether the service is provided directly by us or by one of our partners/contractors) which requires a response.

We operate a formal complaints policy in line with best practice. This involves a two stage internal process, followed by the complainant being able to refer the matter themselves to the Local Government and Social Care Ombudsman (the Ombudsman) or other independent investigatory body if they wish.

The vast majority of complaints are resolved through the Council's internal policy or investigation by the Ombudsman. However, a small number of complainants are not satisfied with the outcome of this process, or with the process itself, and will continue pursuing the matter. It is recognised that a persistent complainant is not necessarily unreasonable. Just because a complainant is persistent does not make them wrong. One example of this would be if it appears that we have not followed our complaints procedure properly. There are however, some persons who will submit a series of complaints which, because of their frequency or content can be deemed unreasonable.

3. Unreasonable complaint conduct

We may consider a complainant to be unreasonable if they:-

- make frequent contact about a variety of different services/issues, often of a trivial and irrelevant nature
- persistently make the same complaint with minor additions or variations, and do not accept the outcome of the Council's investigations
- make the same complaint through a number of routes, e.g. different officers, business centres, councillors, MP, etc in the hope of achieving a different outcome by putting pressure on staff and others

- question an historic decision or action the Council has made or taken which cannot be changed.
- behave in a deceitful, abusive, offensive or threatening way towards staff
- question staff qualifications or judgement without justification or evidence
- submit falsified documents, changing their statement part way through or denying statements made
- introduce further issues while the complaint is still being dealt with which prevents the original complaint being investigated and resolved
- change aspects of or the basis of the complaint once the investigation is underway and/or seeking a different desired outcome
- make excessive demands on staff through frequent contact which is often lengthy and complicated and expecting an immediate response
- want their complaint to be dealt with in a way which is unrealistic or incompatible with our adopted complaints procedure, good practice or the law
- refuse to co-operate with the complaints process
- refuse to specify what the complaint is despite offers of help

4. Assessment

Officers investigate complaints through the Council's internal two stage complaints policy.

- Stage 1 – Investigation by the relevant Officer or Manager
- Stage 2 – Investigation by a more senior Officer

At any time during a complaint's passage through the internal procedure a complainant has the right to contact their local councillor, MP or other advisory organisation. At the end of the procedure, if the complainant remains unhappy, he/she is entitled to approach the Ombudsman, who may decide to investigate the complaint.

During the course of a complaint's investigation or following its conclusion, officers may conclude that they are dealing with an unreasonable complainant if they meet one or more of the characteristics outlined above.

In such cases the matter will be referred to the relevant Corporate Head who will decide whether or not to classify the complainant as unreasonable.

5. Restricting access to the Council

If it is decided that a complainant is unreasonable, the following actions will be considered, including for how long these actions should be in force:-

- Directing all contact from the complainant to a specific named officer.
- Accelerating the complaint to the final stage of the Council's complaints policy.
- Restricting contact to written correspondence only.
- Requiring the complainant to enter into an agreement about their future behaviour before the complaint is investigated or concluded.

Before taking any action the complainant will be warned that if their behaviour continues to be unreasonable we may consider taking action to restrict their contact with the Council. However, if 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.

6. Closure

Following the completion of the Council's complaints procedure, unreasonable (or potentially unreasonable) complainants will be notified of their right to refer the matter to the Ombudsman or an independent legal adviser.

If the complainant does not pursue any of these options and continues to submit further unreasonable complaints, we will remind the complainant of his/her right to contact the Ombudsman along with confirmation that the internal investigation has come to an end. Furthermore, the complainant will be notified that the Council may not enter into any further discussion or contact regarding the complaint.

New complaints from people whose behaviour has previously been deemed unreasonable will be treated on their merits.

A complainant has a right to appeal to the Council's Monitoring Officer against a decision to invoke this protocol and any particular restrictions that might be placed on them or their contact with the Council.

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