

Bagworth & Thornton Parish Council

Serving the people of Bagworth, Merry Lees & Thornton

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POLICY DETAILS	
Policy Title	Persistent and Unreasonable Complainant Behaviour Policy
Responsibility	Full Council
Date Adopted	14/05/18
Version	3
Revision Dates	04/11/19, 04/05/2021

These rules are supplemental to and do not in any way override the Parish Council's Standing Orders &/or Financial Regulations.

Why We Need a Policy

1. 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.
2. Dealing with a complaint is a straightforward process but in a minority of 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. 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 'unreasonably persistent' complainants and 'unreasonable complainant behaviour'. This policy covers all contact with the council concerning complaints.

What is Unreasonable or Persistent Behaviour?

3. 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 those of other people, or where their behaviour is offensive or abusive.
4. Listed below are some of the actions and behaviours of unreasonable and unreasonably persistent complainants based on those defined by the Local Government Ombudsman. The list is not an exhaustive list.
 - a. There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).
 - b. There are no specified grounds for the complaint.

- c. The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- d. The complaint is about issues not within the power of the Parish Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this.
- e. The complainant insists on the complaint being dealt with in ways which are incompatible with the complaints' procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chair).
- f. There appears to be groundless complaints about the staff or Councillors dealing with the complaints, and an attempt to have them dismissed or replaced.
- g. Using bullying, physical or psychological threats as a means to gain leverage.
- h. There is an unreasonable number of contacts with the Parish Council, by any means, in relation to a specific complaint or complaints.
- i. There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and /or complex letters, faxes, telephone calls, texts, emails etc).
- j. Attempts to harass, verbally abuse or otherwise seek to intimidate staff or Councillors dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language.
- k. Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- l. Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on.
- m. There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- n. The complainant denies statements he or she made at an earlier stage in the complaint process.
- o. The complainant electronically records meetings and conversations without the prior knowledge and consent of others involved.
- p. The complaint is the subject of an excessively "scattergun" approach; for instance, the complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the councils independent auditor, the Monitoring Officer or Standards Committee, the police, solicitors, and/or the Local Government Ombudsman.

- q. The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- r. The same complaint is made repeatedly, perhaps with minor differences, after the complaints' procedure has been concluded and where the complainant insists that the minor differences made these 'new' complaints which should be put through the full complaints' procedure.
- s. The complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons.
- t. Documented evidence is not accepted as factual by the complainant.
- u. The complaint relates to an issue based on a historic and irreversible decision or incident.
- v. The complaint combines some or all of these features.

Procedure

- 5. In the first instance the Clerk investigating the complaint will consult with the Chair, or the Vice Chair in their absence, prior to issuing a warning to the complainant. The Clerk will contact the complainant either in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Clerk will explain the actions that the Parish Council may take if the behaviour does not change. A copy of this policy should also be forwarded to the complainant.
- 6. If the disruptive behaviour continues, the Clerk will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The Clerk can consult with the Monitoring Officer or the Parish Council's legal adviser if they so wish.
- 7. Any restriction that is imposed on the complainant's contact with the Parish Council will be appropriate and proportionate, and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Imposing Restrictions

- 8. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - a. Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf.

- b. Banning the complainant from sending emails to individual Councillors and/or all council officers and insisting they only correspond by letter.
 - c. Requiring contact to take place with the Clerk only.
 - d. Restricting telephone calls to specified days/times/duration.
 - e. Requiring any personal contact to take place in the presence of an appropriate witness.
 - f. Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designed member of staff will be identified who will read future correspondence).
 - g. Informing the complainant that any further complaints from him or her will only be considered if the Clerk agrees that it warrants investigation.
9. When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain;
- a. Why the Parish Council has taken the decision.
 - b. What action the Parish Council is taking,
 - c. The duration of that action.
 - d. The review process of this policy, and the right of the complainant to contact the Monitoring Officer about the fact that their complaint has been treated as a vexatious/persistent complaint.
10. Where a complainant continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
11. Where the behaviour is so extreme, or it threatens the immediate safety and welfare of staff or Councillors, the Parish Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Parish Council may not give the complainant prior warning of that action.

New Complaints

12. New complaints from people who have come under this policy will be treated on their merits. The Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Parish Council does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

13. The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Parish Council.

Record Keeping

14. Adequate records will be retained by the Clerk along with the details of the case and the action that has been taken. This will include:

- a. The name and address of each customer who is treated as abusive, vexatious or persistent.
- b. What the restrictions are.
- c. When the restriction comes into force and ends
- d. When the customer and Council were advised.

15. The complainant will be advised in the communication of the intention to keep the information as per GDPR Regulations.