

Charnwood Borough Council
Vexatious And Unreasonably
Persistent
Complaints Policy
2019

Contents

Introduction	3
Definition	3
Managing Contact	4
New Complaints	5
Review	5

Introduction

The aim of this policy is to contribute to the Council's overall aim of dealing with all complaints in a courteous, fair and consistent manner. It should be read in conjunction with the Council's Complaints Policy.

It sets out how the Council will decide which complainant's will be treated as vexatious or unreasonably persistent, and what it will do in those circumstances.

It is important to distinguish between a customer who makes a number of complaints because they genuinely believe that the Council was at fault, and customers who are being difficult. It is recognised that customers may sometimes act out of character at times of anxiety or distress.

We do not expect staff to tolerate unacceptable behaviour by customers which is abusive, offensive or threatening and may include:

- Using abusive or foul language
- Using threatening behavior
- Using or threatening violence

This policy has been drafted with regards to the Local Government Ombudsman's (LGO) Guidance note on 'unreasonably persistent complainants' and 'unreasonable complainant behaviour'.

Definition

Charnwood Borough Council has adopted the definitions provided by the LGO:

unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.

For the Council, unreasonable customer behaviour and unreasonably persistent customers are those customers who, because of the frequency or nature of their contacts with the authority, hinder the authority's ability to maintain normal service.

Vexatious complaints are those complaints made without sufficient grounds, but made specifically to cause annoyance or disruption. Examples include the way or frequency that a customer raises their complaint with staff, or how a customer responds when informed of a decision about their complaint.

Features of the types of complaint and of customer behaviour that this procedure covers can include the following: (the list is not exhaustive):

- Refusing to specify the grounds of the complaint/enquiry, despite offers of assistance with this from the Council's staff.
- Refusing to co-operate with the complaints/enquiry investigation process whilst still wishing their complaint/enquiry to be resolved.
- Refusing to accept that issues are not within the remit of the 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 taken into account and commented on, or, raising large numbers of detailed but unimportant questions and insisting that they are fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a scatter gun approach, pursuing complaints/enquiries with the council and, at the same time, with a Member of Parliament/a Councillor/the Standards Board/Local Police/Solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint/enquiry is being looked into, for example, excessive telephoning or sending emails to numerous Council staff, writing lengthy, complex letters every few days and expecting immediate responses.
- Submitting repeated complaints/enquiries, after the complaints/enquiries process has been completed, essentially about the same issues, with additions/variations which the complainant/enquirer insists make these 'new' complaints/enquiries and should all be put through the complaints procedure or dealt with as enquiries.
- Refusing to accept the decision - repeatedly arguing the point and complaining about the decision.
- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
- Persistently seeking an outcome which we have already explained is unrealistic for policy, legal or other valid reasons.

Managing Contact

The Council will ensure that the complaint is being, or has been, investigated in accordance with the Corporate Complaints Policy.

The Service Manager will contact the complainant to discuss their behavior and advise them that their conduct is not acceptable and if appropriate, issue a warning.

The warning must advise the complainant that further action may be taken if the behavior is not modified.

If the disruptive behaviour continues, the Customer Experience Manager or another manager nominated by the Head of Customer Experience, will take proportionate action to manage the complainants contact, this may include restricting contacts to:

- Email or telephone contact only
- Providing a single point of contact to manage all contacts
- Access to our services by appointment only
- A limited number of contacts per day

Any restriction that is imposed on the customer's contact with us will be appropriate and proportionate and the customer will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis. Decisions to impose such restrictions will always be confirmed in writing and will confirm:

- why we have taken the decision;
- what action we are taking;
- the duration of that action;
- the review process of this policy; and
- the right of the customer to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious/persistent customer whilst making complaints.

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 customer prior warning of that action.

New Complaints

New complaints from customers who have been subject to this procedure will be treated on their own merits. The Customer Experience Manager will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Council does not support a "blanket policy" of ignoring genuine service requests or complaints where they are founded.

Review

The complainant has the right to request a review of any decision reached in accordance with this policy. Review requests must be received within 28 days of the date of the decision. Reviews will be undertaken by the Strategic Director of Corporate Services and the outcome will be confirmed in writing.

All review requests should be sent to:
Strategic Director of Corporate Services



Charnwood Borough Council
Southfields Road
Loughborough
Leicestershire
LE11 2TX