

London Borough of Barking and Dagenham

Persistent, Vexatious & Unreasonable Behaviour Complainants Policy

(Revised 2024)

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1 Introduction

B&D Council aims to provide high quality services to all service users and/or residents/customers.

However, when things fall short of this standard, we will deal with those who have a complaint fairly, honestly, and properly through the [Council's Complaints Procedure](#).

Commented [RB1]: If this is online, add a link.

We expect our staff to treat individuals with courtesy, respect, and fairness. Similarly, we expect our staff to be treated in the same way. We have a duty to protect the welfare and safety of staff. When there is evidence of individuals behaving unacceptably or unreasonably, we will refer to the Persistent, Vexatious, and Unreasonable Behavior Complainants Policy (the Policy) to guide our response.

In certain instances, interactions with services by individuals may become unreasonable. For example, this can manifest as excessive persistence in communications and information submissions. Such behaviour can hamper our ability to provide services to both the individual involved and others and can significantly affect the wellbeing of staff.

When individuals repeatedly, frivolously, or persistently make complaints that harm our customers, staff, or council—whether through threats or inappropriate behaviour causing distress, whether in person, online, over the phone, or in writing—we will follow the Policy.

This Policy addresses instances of offensive language, malicious comments, and relentless demands that cause undue stress. It also covers threatening behavior aimed at inflicting mental or physical harm, including direct threats, bullying, racial abuse, sexual harassment, and physical violence.

This Policy focuses on managing unreasonable actions related to the complaints process. It is important to note that such actions may also occur during earlier interactions with services before an official complaint is lodged. **The principles and guidance provided here are applicable to these situations as well.**

This Policy supports those staff who serve our customers by telephone and / or email and furthermore it also applies to face-to-face contact. Staff will refer to more specific guidance in the *Violence and Aggression at Work Policy and Guidance* provided for all staff but particularly those delivering face to face services.

For the purposes of this Policy, we have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable persistent complaints" and "unreasonable complainant behaviour." Which can be found here: <https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/councils/guidance-notes/managing-unreasonable-actions-by-complainants-a-guide-for-organisations>

We maintain a zero-tolerance policy towards work-related violence and aggression,

including abusive or threatening communications or behaviour. It is our firm stance that no one should face violence or aggression in the workplace, whether in person, over the phone, by the written word or through digital means.

This policy applies to all stages of the Council's Complaints Procedure.

2 Unreasonably Persistent Complainants Definition

In accordance with guidelines provided by the Local Government Ombudsman (LGO), unreasonable and unreasonably persistent complainants are defined as follows:

“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.”

While isolated incidents may be deemed unacceptable, the primary challenge often arises from the persistently unreasonable behavior that proves time-consuming to address and disrupts the proper handling of complaints.

3 Unreasonable Complainant Behaviour Definition

The following list, whilst not exhaustive, provides examples of behaviour by complainants which may be described as unreasonably persistent and/or unreasonable (In these examples a “contact” may be in person, by telephone, letter, email, social media or SMS Text Message/WhatsApp and other messaging apps.).

We will not tolerate behaviours such as:

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusal without good cause to complete the appropriate Councils Complaint Forms and give required details such as, but not limited to name, address, contact details.
- Completing the account of the complaint in a reasonable manner, for example the Council will not follow links on social media or internet due to the risk of malware.
- Refusing to co-operate with the complaint’s investigation process.
- Refusing to accept that certain issues are not within the scope of the Complaints Procedure (e.g., Parking Ticket Appeals).
- Insisting on the complaint being dealt with in ways which are incompatible with the Corporate Complaints / Social Care Procedure or with good practice as determined by the LGO.
- Mis-using council telephone numbers, for example calling mobile numbers or those not intended for public use.
- Demanding special treatment / immediate escalation to a manager repeatedly.
- Making unjustified complaints about staff who are trying to deal with issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements they made at an earlier stage.
- Introducing trivial or irrelevant latest information at a later stage.
- Raising numerous, detailed but unimportant questions; insisting they are all answered.
- Covertly recording meetings and conversations.
- Misusing technology (such as):
 - Recording interactions with the council for no valid reason.
 - Posting recordings online without the permission of those recorded.
 - Live streaming interactions with the council without their approval.
 - Altering or editing recordings.
- Submitting falsified documents from themselves or others.
- Adopting a ‘scatter gun’ approach: pursuing parallel complaints on the same

issue.

- Making excessive demands on the time and resources of staff with lengthy phone and repeated calls, emails to numerous Council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints.
- Refusing to accept the decision.
- Repeatedly arguing points with no new evidence.
- The use of profane language.
- The use of language which promotes racism, sexism, misogyny, Islamophobia, anti-semitism, homophobia and all other kinds of hate speech.
- Persistently using threatening, intimidating, derogatory and inflammatory language or behaviour towards staff.
- Attempting to publicly discredit staff or the Council through false accusations or misleading statements on public platforms, including social media.
- Using the Complaints process for party political or electioneering purposes.
- Using different channels to bypass being recognised as the same complainant who has been asked to follow specific communication protocols.
- Failing to adhere to agreed-upon communication methods prescribed by the complaints process and/or agreed-upon.
- Exhibiting behaviours that disrupt the daily operations of council operations, such as loud or disruptive conduct during face-to-face visits or telephone calls.
- Refusing to acknowledge written communications and continuously requesting oral responses.
- Submitting complaints in a manner that is purposely confusing or disorganised to frustrate the handling process.

The Council recognises that customers who feel dissatisfied with the service they have received may feel angry about their treatment. However, the Council has a duty of care to its staff and will take all necessary steps to ensure the safety and wellbeing of its employees. We will take a zero-tolerance approach towards work-related violence and aggression, including abusive or threatening communications or behaviour. It is our firm stance that no one should face violence or aggression in the workplace, whether in person, by letter, over the phone, or through digital means.

Examples of unacceptable or vexatious behaviour, as defined by the LGO, include any action or series of actions which are perceived by the staff member to be "*deceitful, abusive, offensive, threatening*" whether they are delivered face to face, verbally or in writing or a combination of the two. This includes not only behaviour directed at them, but also their families or associates.

If a staff member feels threatened by a complainant, they will report their concerns and the reason for them, to their line manager. Incidents will be reported on a standard accident / incident form. A copy of the form will also be sent to Security Manager.

As part of the action arising from the investigation we will consider: -

- Writing to the perpetrator requiring no repetition of the behaviour.
- Setting conditions and restrictions for further contact with staff.
- Whether to report the matter to the Police.

4 How We Will Respond

The Council is committed to eradicating work-related violence and aggression directed towards our staff. When engaging with the public, we prioritise politeness, courtesy, and professionalism to nurture an environment conducive to constructive debate rather than animosity. Regardless of whether individuals support or oppose our proposals, we aim to facilitate productive dialogues that encourage the sharing of feedback.

When we believe a complainant to be unreasonably persistent, we will tell them why and ask them to change their behaviour. If their behaviour continues, we will take action to restrict the complainant's contact with the Council. When addressing abusive communications, we respond promptly and decisively. This may involve removing individuals from engagement events or ending phone calls if abusive behaviour persists. Written communications violating our Policy will not be acknowledged.

Instances involving potential harm or hate crimes will be escalated to the appropriate authorities.

Any such restrictions will be evidence based, appropriate and proportionate. Any decision to act will be taken by the manager responsible for corporate complaints within the Customer Contact Team.

Should the matter concern a children's or adults social care complainant, the final decision will be made by the respective Corporate Director for that service area. In arriving at a decision any relevant factors such as disability, language or illness will be fully considered.

The most likely options will be: -

- Putting in place contact in a particular form (e.g., by letter only).
- Requiring contact to take place with a single named member of staff.
- Restricting telephone calls to specific days and times.
- Limiting the duration of telephone calls.
- Asking the complainant to enter into an agreement about their contact.
- Closing the complaint.
- Repeated calls may be deemed to be harassment, which, after consultation with the senior staff may be reported to the police.

In cases where this becomes necessary, we will write to tell the complainant why we believe their behaviour is unacceptable, and include the following details:

- The behaviours that the council deems unreasonable.
- Specific examples of what constitutes unreasonable behaviour.
- A defined period during which the individual's actions will be monitored (which is usually 6 months) along with details on when, how, and by whom any contact restrictions or other measures will be evaluated.
- The potential consequences if the identified actions are not corrected.

- An assessment to determine if the individual requires any special accommodations under the Equality Act 2010.
- Information on the council's complaints procedure should the individual wish to challenge the warning.
- The Review Procedure to action taken.

In taking the action described above, it must be emphasised that this part of the policy should only be used as a last resort and after all other reasonable measures have been taken to resolve complaints or complainant behaviour.

Judgement and discretion will be applied to ensure that contact from the complainant about matters other than the complaint is not ignored, resulting in potential failures to respond to a request for service or an emergency.

If dealing with such behaviour in a telephone conversation, the staff member will tell the complainant that they will terminate the call if the behaviour continues. If despite this warning the behaviour continues, the contact will be terminated. (The staff member should then write a brief note of the incident as soon as possible afterwards, including what was said, their response and the date and time, whilst this is fresh in their memory and a note placed on the case file recording the circumstances of the termination). Staff will respond to repeated calls in the same way. *Repeated calls may be deemed to be harassment, which, after consultation with the senior staff may be reported to the police.*

However, we believe it is crucial that any decision to limit access to services, including the right to lodge complaints, must be considered very carefully. Given the inherent power disparity between individuals and organisations, it is important for us to thoroughly contemplate our obligations under equality and human rights legislation. We should avoid a uniform method to manage challenging behaviours and instead assess each situation on a case-by-case basis.

We will always consider the options of:

- Assessing whether the individual might need any specific accommodations under the Equality Act 2010.
- Proposing a meeting or a conversation with the individual to better understand any issues that may be leading to their unreasonable behaviour.
- Suggesting mediation if the individual will continue to use services from the council.

Action taken under this policy must be undertaken in consultation with the manager responsible for corporate complaints within the Customer Contact Team.

If the situation is serious enough to limit contact channels, the appropriate Corporate Director will be asked to endorse any action deemed necessary. In the case of social care complainants, the relevant Corporate Director will sanction any action deemed necessary.

Where a complainant continues to behave in an unacceptable fashion, the senior officer may authorise staff to terminate contact with the complainant and discontinue any further investigation into the complaint. We may also advise the complainant that any further contact provided in writing will be read and placed on file without acknowledgement and telephone calls will be terminated and logged.

The application of the persistent and vexatious complainant policy to an individual will be reviewed no less than every 6 months. Reviews will be undertaken within the service that invoked the policy.

Reviews will take account of the nature of the complainant's recent contact with the council, the progress of any complaints under the Complaints Procedure, the views of the complainant and any other relevant factors.

5 Persistent, Vexatious & Unreasonable Behaviour Complainants Process Flow



