

Persistent and Vexatious Complainants Policy

1 Introduction

The London Borough of Barking and Dagenham aims to provide high quality services to all of our 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.

In those case where our customers, staff or the council as a whole suffer adversely from persons making repeated, frivolous or persistent complaints or who do so in a threatening, abusive or difficult way our Persistent and Vexatious Complainants Policy will be applied.

While this policy is specifically aimed at supporting those staff who serve our customers by telephone and / or email 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".

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

2 Unreasonably Persistent Complainants

Definitions

The LGO defines unreasonable and unreasonably persistent complainants as:

"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"

Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

3 Unreasonably persistent complainant behaviour

The following list, whilst not exhaustive, provides examples of behaviour by complainants which may be described as unreasonably persistent. (In these examples a "contact" may be in person, by telephone, letter, email, fax or SMS Text Message). We will not tolerate behaviours such as:

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Refusing to co-operate with the complaints 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;
- 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 he or she made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed but unimportant questions; insisting they are all answered;
- Covertly recording meetings and conversations;
- 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 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.

4 How we will respond

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. Any such restrictions will be evidence based, appropriate and proportionate. Any decision to take action will be taken by the manager responsible for corporate complaints within the Customer Services Client team. Should the matter concern a children's or adults social care complainant, the final decision to take steps 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, what action we are taking and its planned duration. We will

also tell them that we will review the arrangement after 6 months and advise them how to challenge the decision if they disagree with it and to whom such an appeal should be lodged.

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 are not ignored, resulting in potential failures to respond to a request for service or an emergency.

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

5 Complainants who behave in an unacceptable / vexatious manner

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.

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 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:-

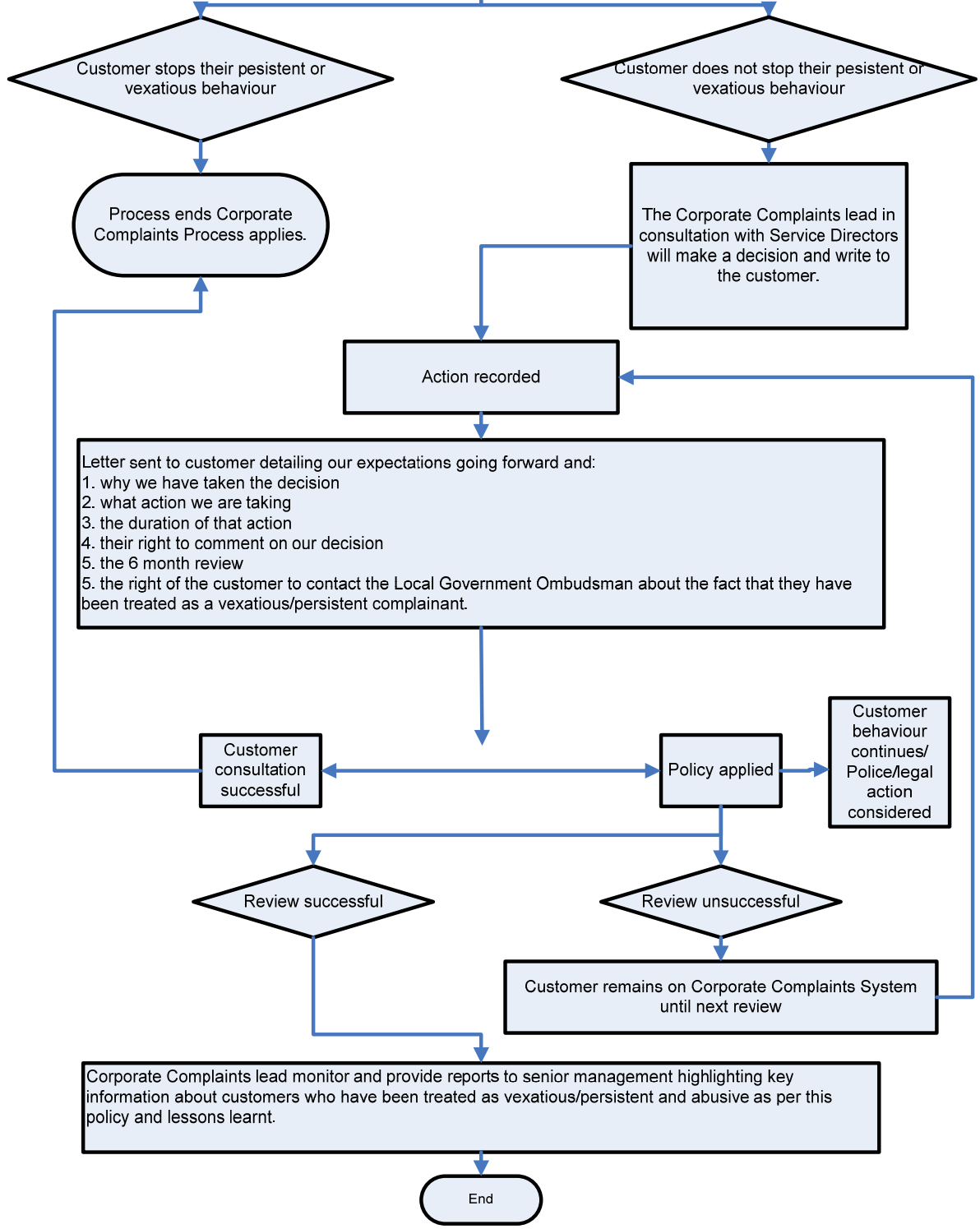
- Writing to the perpetrator requiring no repetition of the behaviour;
- Setting conditions and restrictions for further contact with staff;
- Whether to report the matter to the Police.

6 How we will respond

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.

Customer raising the same complaint or similar complaints repeatedly or seems to be raising a complaint without grounds to cause annoyance or disruption. Officers contact Corporate Complaints lead with evidenced detail of this. Complaints write to customer with copy of this contact and policy explaining why their behaviour is causing concern, and ask them to change this behaviour and actions that the council may take if the behaviour does not change.



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.

Any restrictions that are applied will be evidence based, appropriate and proportionate. Any decision to take action will be taken by the manager responsible for corporate complaints within the Customer Services Client team. In arriving at a decision the manager will consider any relevant factors such as disability, language or illness. Should the matter concern a children's or adults social care complainant, the final decision to take steps will be made by the respective corporate director for the service area.

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.