

Woking Borough Council

# Unreasonable Complaints Procedure

Shaping the *future* of our borough



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## Unreasonable Complainants Protocol

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

We recognise 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 operate a formal complaints policy in line with best practice. The majority of complaints are resolved through our 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.

### Examples of unreasonable behaviour

We may consider a complainant to be unreasonable if they:

- persistently make the same complaint with minor additions or variations, and do not accept the outcome of our investigations
- make the same complaint through a number of routes, such as different officers, business centres, councillors, MP etc in the hope of achieving a different outcome by putting pressure on staff and others
- question a historic decision or action we have 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

We may consider a complainant to be unreasonable if they:

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- persistently make the same complaint with minor additions or variations, and do not accept the outcome of our investigations
  - 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.
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### **Aggressive or abusive behaviour**

We understand that many customers are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards staff, we consider that unacceptable. Any violence or abuse towards staff will not be accepted.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused.

We will judge each situation individually and appreciate individuals who come to us may be upset.

Language which is designed to:

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- insult or degrade
  - is racist
  - sexist or homophobic
  - makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence is unacceptable.
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### **Unreasonable demands**

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the council.

Examples of this unreasonable demanding behaviour:

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- repeatedly demanding response within an unreasonable timescale
  - insisting on seeing or speaking to a particular member of staff, when that is not possible
  - repeatedly changing the substance of a complaint or raising unrelated concerns.
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An example of such impact would be that the demand takes up an excessive amount of employee time and in doing so disadvantages other customers and prevents their own complaint from being dealt with quickly.

## **Unreasonable levels of contact with us**

Sometimes the volume and duration of contact made to us by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or hour.

It may occur over the lifespan of a matter when a customer repeatedly makes long telephone calls to us or inundates us with copies of information that has been sent already or that is irrelevant.

We consider that the level of contact has become unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other customers.

## **Reasonable adjustments**

We understand that some customers have disabilities which may make it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset.

We also recognise that some disabilities can make it difficult for customers to assess the impact that their behaviour might have on other people.

We will always consider making reasonable adjustments for a disabled customer if we are asked to do so. For example:

- we could consider using different methods of communication
- agree to give clear warnings when we feel that a customer's behaviour is unacceptable so that they have the opportunity to change it.

However, we would not consider it to be reasonable to expect our staff to accept being subjected to aggressive, offensive or abusive actions, language or behaviour. We may still use the policy if there are actions or behaviours which are having a negative effect on our staff or our work.

## **Complaints and unreasonable behaviour investigations**

Officers investigate complaints through our internal complaints policy.

At any time during a complaint's journey through the internal procedure, a complainant has the right to contact their local councillor, MP or the ombudsman, who may decide to investigate the complaint.

During the course of a complaint's investigation or following its conclusion, our 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 monitoring officer who will decide whether or not to classify the complainant as unreasonable. The monitoring officer will write to the complainant to explain the reason for the decision.

The monitoring officer will record the details in a register and review the decision after 12 months.

The monitoring officer will write to the complainant to tell them if they have been removed from the register or if they will remain on the register for a further 12 months, when a further review shall be carried out.

### **Restricting access to the Council and our staff**

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:

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- Directing all contact from the complainant to a specific named officer.

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  - Accelerating the complaint to the final stage of our complaints policy.

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  - Restricting contact to written correspondence only.

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  - Requiring the complainant to enter into an agreement about their future behaviour before the complaint is investigated or concluded.

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Before taking any action the complainant will normally be warned that if their behaviour continues to be unreasonable we may consider taking action to restrict their contact with us and our staff.

If the behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may immediately restrict contact with us, report the matter to the police or consider taking legal action. In such cases we may not give the complainant prior warning.

### **Closing unreasonable complaints**

Following the completion of our 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.

Additionally, the complainant will be notified that we 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.