

Management of Unreasonable Complainant Behaviour Policy
Adopted December 2018, amended May 2019, Reviewed October 2021

1. Introduction:

- Sawtry Parish Council has a policy and procedures for responding to complaints. It is recognised that on occasions a complainant may feel that a complaint has not been resolved to his/her satisfaction. In a minority of cases members of the public pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the investigation of their complaint and can have significant resource issues for the Council. These actions can occur either while their complaint is being investigated or once the Council has concluded the complaint investigation.
- This policy is designed to prevent duplication and abortive work by employees who may otherwise continue to respond to complainants about 'closed' complaints and protect the Council's employees from harassment and harm.
- The policy is intended only for use in exceptional circumstances, when all other measures have failed to resolve matters.

2 Identification of an Unreasonable Complainant

- For the purposes of this policy, unreasonable complainant behaviour may include one or two isolated incidents, as well as unreasonably persistent behaviour which is usually an accumulation of incidents or behaviour over a longer period.
- Some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined.
- It is not necessary to meet a complainant's unreasonable demands or to answer every point in an unreasonable letter. Judgement is required to separate legitimate queries from those that are unreasonable, often within the same complaint.
- A persistent and/or vexatious complainant is a member of the public who complains repeatedly about issues that he/she considers to be within the remit of the Council. The complaints may become persistent, vexatious or repetitive. The complainant may, despite having had an original complaint investigated and been notified of the result, not accept that the matter is concluded. The complainant will, as determined by *Vice Chairman (or other such process as agreed by Parish Council)*, have exhausted the internal complaints procedure.
- To decide whether a complaint is unreasonable it will be necessary to look at its context and take into account all the facts of the case. Any action taken as a result of this policy should aim to minimise the impact on employees without unreasonably restricting access to Council services.

3 Examples of unreasonable behaviour:

- Refusing to specify the grounds of the complaint
- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making unjustified complaints about staff or who trying to deal with the issues and seeking to have them replaced

- Changing the basis of the complaint as the investigation proceeds
- Denying of changing statements made at an earlier stage
- Introducing trivial or irrelevant information at a later stage
- Raising numerous, detailed but unimportant questions, insisting they are all answered
- Covertly recording meetings and conversations
- Adopting a scatter gun approach – pursuing parallel complaints on the same issue with a variety of organisations
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails, or detailed letters every few days, and expecting immediate response
- 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 Options for Action

- Offer the complainant a meeting with appropriately senior Councillor
- Give copy of this procedure
- Place limits on number of visits/contacts per week/month
- Limiting to one method of contact – email, phone or letter
- Any personal contact to take place with a witness present
- Refusing to register and process further complaints about the same matter

5 Procedure

- Refer to Vice Chairman
- Should this policy be applied
- When internal complaints procedure exhausted and complainant continues to express dissatisfaction the complainant should be reminded of the option to complain to the Information Commissioner, and have the right to obtain independent professional advice
- If the complainant does not refer to appropriate independent body the following response should be given – ‘Your complaint has now been fully addressed through the Council’s internal complaints procedure and will not be pursued further by the Council.’
- If a complaint has been determined by an independent outside body the response to the complainant should be – ‘Your most recent correspondence does not appear to raise any issues which have not already been responded to. Your complaint has been dealt with under the Council’s own internal complaints procedure and has also been investigated by I consider therefore that the matter has now been fully addressed through the procedures available and, unless you are able to provide new and substantive information in support of your complaint, the Council intend to take no further action in this matter’.

6 The council should keep adequate records of

- What decision was taken
- Why
- How long restrictions will last
- If this policy not applied, why not
- When a decision is taken not to put a further complaint from this complainant through the complaints procedure and why
- When a decision is taken not to respond to further correspondence, make sure that any future correspondence is checked to pick up any new significant information

- Review date – complainant to be informed of the outcome of the review and reasons if restrictions will continue

7 Variation to Procedure:

- If the Vice Chairman considers that a complaint is unreasonable, they may authorise a variation to the Council's internal complaints policy and procedure and permit the complaint to be dealt with by the Chairman, whose decision will be final. Thereafter the internal complaints policy and procedure will be deemed to be exhausted and the complainant will be reminded of the option to seek independent advice.

- 8 The Parish Council will, when considered necessary, relieve the staff from direct contact with the complainant by instructing them, through the minutes, to pass any correspondence or other contact, direct to the Council for their action.