



**BEDFORD**  
BOROUGH COUNCIL

Customer Feedback Policy Sub-Document

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# **Unreasonable Complainants Policy & Procedure**

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October 2021

## 1. Principles and Policy

- 1.1 Bedford Borough Council is committed to dealing with all complaints fairly and to providing a high quality service to those who complain or raise concerns.
- 1.2 The Council is committed to promoting equality of opportunity for all people. It recognises that some people have concerns about making complaints for fear of losing a service or of being treated unfavourably, if they are perceived to ‘rock the boat’. Service users will not be harassed or victimised as a result of making a complaint.
- 1.3 Where a complainant’s behaviour hinders the consideration of the complaint, the Council will act to ensure that steps are taken to manage the complaint fairly and appropriately. Each case must be considered on its own merit.
- 1.4 The Council will take steps to protect staff who are subject to abusive, offensive or threatening behaviour.
- 1.5 This policy is also applicable to the Bedfordshire Police & Crime Panel (BPCP), following its formal adoption at the meeting of the panel of December 2020. In applying this policy to the BPCP references in the document to ‘the Council’ should be considered as referencing the BPCP.

## 2. Objectives of the Unreasonable Complainants Procedure

- 2.1 This document sets out guidance and procedures to help staff deal with “unreasonable complainants” these are defined for the purposes of this Policy to be people who have:
  - been unreasonably persistent in making complaints or raising concerns; or
  - made their complaint(s) or raised their concerns in an unreasonable manner.
- 2.2 Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with the Council, hinder the organisation’s consideration of their complaint, or ability to provide a service to others.
- 2.3 This document explains how to decide if a complainant should be classed as unreasonable and gives advice about how their complaint should be recorded. It also lists options to help staff process such complaints or cease contact with particular complainants.
- 2.4 Unreasonable complainants are those who the Council considers have complained or raised issues persistently or without justification. It includes those who are “vexatious”, possibly using foul and abusive language when making contact. Such contacts can place an unnecessary burden on council resources and cause distress or anxiety to staff. A further test would be that someone complains about various unrelated issues perhaps in a deliberate effort to cause detriment to the Council. This policy is intended to assist in identifying and managing complaints by such persons, the effect of whose complaints would otherwise be disruptive to the Council, through pursuing an unreasonable course of conduct.

- 2.5 The term complaint in this policy covers all complaints including those made under the Council's Corporate, Children's Social Care, Adult Social Care, and Public Health complaints procedures. It also covers contact in relation to issues that cannot be addressed via our complaints procedures, for reasons such as there being other routes such as ongoing court proceedings, or an appeal process available to address the concerns raised.
- 2.6 Unreasonable complaints can be a problem for Council Officers and Members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on other Council priorities. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants, there are times, including when a person's complaints are persistent or there is some other form of aggravation when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

### 3. Procedure for Dealing with Unreasonable Complainants

- 3.1 Where complainants will be considered to be unreasonable for the purposes of this Policy in accordance with the criteria set out in (Appendix A), the appropriate service area (director or other senior officer), will consult the Customer Feedback Manager. They will decide on both whether the complainant should be treated as "unreasonable" and also what appropriate course of action should be determined having regard to the options within Appendix B.
- 3.2 The service area (director or other senior officer) will notify complainants, in writing, of the reasons why their complaint has been treated as unreasonable, the action that will be taken, and their right to request a review.
- 3.3 Within 14 days of the receipt of this notification, the complainant can request a review setting out why they consider that they were not unreasonable. The Customer Feedback Manager will coordinate a review which will be considered by a senior officer, ideally from a different service area.
- 3.4 Once a complainant has been determined to be unreasonable, their status will be kept under review for six months. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.
- 3.5 If a particular element of the process such as offering a single point of contact or requesting communication via a certain method is proving effective this can be extended beyond the individual's classification as unreasonable.
- 3.6 A person's status as an unreasonable complainant will be shared with any other Council department as deemed necessary. This will normally include the Customer Services Team, as the Council's front door.
- 3.7 New complaints after the six-month period will be addressed according to their merits.

## Appendix A

### Staff Guidance for Dealing with Unreasonable Complainants

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Complainants will usually be given access to the various stages of the relevant complaints or appeals procedure. This will ensure that complainants who are persistent with their complaint have had the opportunity of rigorous scrutiny of the issues of complaint. Any decision to apply this policy to an individual must take into account the need to ensure that the complaints procedure is being fairly applied and every attempt has been made to communicate and address concerns about behaviour and conduct with the complainant.

Complainants (and/or anyone acting on their behalf) may be deemed to be unreasonable where previous or current contact with them shows that they meet any of the following criteria:

Where complainants:

- Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted, or it has been fully considered by the Local Government & Social Care Ombudsman or other regulatory body.
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they may need to be addressed separately.
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of staff to help them specify their concerns.
- Regularly focus on matters which are not sufficiently serious to an extent which is out of proportion to their significance and continue to focus on these points. It is recognised that determining what is 'not sufficiently serious' can be subjective and careful judgement will be used in applying this criterion.
- Have threatened verbally with or without the use of foul and abusive language or by gesture or without, or used physical violence towards employees at any time. Where this occurs, Managers should consult the Health & Safety Guidance - Violence at Work, which incorporates threatening behaviour. It should also be noted that the Council in consultation with the affected Officer/s will refer any actual or threatened verbal or physical abuse to Bedfordshire Police for investigation.
- Have in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email, online or any other means. The service area (director or other senior officer) shall determine excessive contact, taking into account the specific circumstances of each individual case.
- Have harassed or been verbally abusive towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health problem and there is a need to be sensitive in circumstances of that kind.

- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Have posted harassing, bullying, intimidating or discriminatory comments on social media about the Council or individual staff members.
- Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedures or normal recognised practice.
- Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint is considered:
  - not to have any serious purpose or value; or
  - to be designed to cause disruption or annoyance; or
  - to have the effect of harassing the public authority; or
  - that it can otherwise fairly be characterised as obsessive or manifestly unreasonable
- Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

A complainant may display one or a combination of the above examples. The list is not exhaustive and each case must be considered on its own merit.

## Appendix B

### Options for Dealing with “Unreasonable Complainants”

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Before any decision is reached to use the options below the service area should consider the following questions:

- Has the complaint been, or is it being, investigated properly?
- Has any decision reached been the right one?
- Has communication with the complainant been timely and adequate?
- Has the complainant provided any significant new information that might affect the Council’s view of the complaint?

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. If no meeting has taken place with the complainant, provided the Council is unaware of anything that would make this inadvisable, consider offering the complainant a meeting with an officer of appropriate seniority.
2. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If its terms are contravened, consideration will then be given to implementing one or more actions as indicated below.
3. Offer a single point of contact with the Council. This may also mean that one named officer will be nominated to maintain contact (and a named deputy in their absence). It could also be to a generic email account.
4. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as an unreasonable complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered unreasonable, while seeking advice or guidance from its legal advisers or other relevant agencies. This temporary suspension of contact may include the blocking of e-mails from the complainant to officers who may have been subjected to harassment.

Once a decision has been reached to use any of points 2 - 5 above the service area (director or other senior officer) should advise the complainant of their rights to a review of the decision (as set out in 3.2 – 3.3 above).

Any review of the decision will be considered by a senior officer from outside the service area. Any decision on a review will be communicated by the director or other senior officer to the complainant in writing within a reasonable time.

### **Referral to the Local Government & Social Care Ombudsman**

Whenever a complainant has exhausted the complaints procedure, they will be directed to the Local Government & Social Care Ombudsman. The Ombudsman's contact details will also be provided where a complaint cannot be addressed via the Council's complaints procedures.

In extreme cases, the relationship between the complainant and the Council may break down before the complaints process has been exhausted. In these cases, the Council may consider early referral, though there are restrictions on when this can be done for Children's Social Care and Adult Social Care Complaints.



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