

Protocol for the management of ~~u~~Managing Unreasonable actions by complainants complainant behaviour

1. AimsIntroduction

We are committed to dealing with people who make complaints fairly and impartially, being open, professional and transparent as an organisation and making our services as accessible as possible. We aim to treat everyone with dignity and respect and we expect the same behaviour from our customers.

We do not tolerate racist, sexist, homophobic or other discriminatory language or behaviour towards our staff, contractors or councillors or behaviour that is abusive, aggressive, offensive, threatening or violent. Therefore, s-protocol seeks we need to ensure that people who make complainants who behave unreasonably are dealt with appropriately and proportionately to protect the welfare of our staff, contractors and councillors and the integrity of our processes.

~~The Council's resources are limited and dealing with unreasonable complainants is a disproportionate use of those resources. Therefore, if correspondence or other contact continues, we will acknowledge the communication stating that we have nothing to add to previous comments and will advise the complainant that we may not respond to any future communication for a specified period of time. If the complainant tries to continue communication, we will decline to comment any further. This includes terminating telephone calls relating to the complaint.~~

2. Background

~~Runnymede Borough Council~~We recognises the importance of providing excellent customer care for every resident in line with our Customer First Strategy. A key part of excellent customer care this 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 regard complaints as an expression of dissatisfaction about a Council service (whether the service is provided directly by us or by one of our partners/contractors) which requires a response.~~

~~We operate a formal complaints policy in line with best practice. This involves a two stage internal process, followed by the complainant being able to refer the matter themselves to the Local Government and Social Care Ombudsman (the Ombudsman) or other independent investigatory body if they wish.~~

The vast majority of complaints can be resolved through the Council's internal two stage policy or subsequent investigation by the Ombudsman. However, a small number of people who make complaints 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. One example of this would be if it appears that we have not followed our complaints policy and procedures properly. There are however, some people rsens who will submit a series of complaints which, because of their frequency or content can be deemed unreasonable.

At any stage time during a complaint's passage through the internal procedure, including this protocol, a complainant person has the right to contact their local councillor, MP or other advisory organisation, who can also act, with their consent, on the complainant's behalf, as their advocate or representative. If a councillor is asked for their help to resolve a complaint, they also need to

feel safe in fulfilling their role and free from intimidation or abuse. Our councillors are encouraged to report any incidents where they feel unsafe to the Council's Monitoring Officer, and measures can be put in place or signposting to suitable organisations and or information to support them.

Whilst a local councillor will not deal directly with a complaint about the way the Council provides a service, your councillor can talk to you about your complaint and help you in making contact with officers.

People are also entitled to approach the Ombudsman, who may decide to investigate their complaint. Signposting to the relevant Ombudsman should happen at every stage of the process.

3. Unreasonable complaint conduct of people who make complaints

If you behave in a way that is discriminatory, offensive, threatening or violent we will ask you to stop doing this and we will consider what action might be appropriate to ensure we can still deal with your complaint. However, if you make excessive contact with the person dealing with or helping you make your complaint it will stop them being able to use their time to best effect to help you.

We may consider a complainant's conduct behaviour or actions to be unreasonable if they include the following examples:-

- make frequent contact about a variety of different services/issues, often of a trivial and irrelevant nature
- persistently make the same complaint with minor additions or variations, and do not accept the outcome of the Council's investigations
- having lodged a complaint with us and received confirmation that it is being considered in line with our policy repeat the process by making the same complaint afresh through a number of routes e.g. different officers, business centres, councillors, MP, etc in the hope of achieving a different outcome by putting pressure on staff and others. This does not preclude a complainant from seeking assistance with their complaint.
- question an historic decision or action the Council has 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
- 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

Please note this list is not exhaustive.

4. Assessment

Officers investigate complaints through the Council's internal two stage complaints policy.

- Stage 1 – Investigation by the relevant Officer or Manager
- Stage 2 – Investigation by a more senior Officer

At any time during a complaint's passage through the internal procedure a complainant

has the right to contact their local councillor, MP or other advisory organisation. At the end of the procedure, if the complainant remains unhappy, he/she is entitled to approach the Ombudsman, who may decide to investigate the complaint.

During the course of a complaint's investigation or following its conclusion, ~~we officers~~ may conclude that ~~we they are dealing with a person who is behaving an unreasonably~~ complainant if they meet one or more of the characteristics outlined above.

In such cases the matter will be referred to the relevant Stage 2 Complaint Handler ~~Corporate Head~~ who will decide whether or not to classify the person making the complaint as unreasonable.

5. **Restricting access to the Council**

If it is decided that your conduct or action ~~a complainant is~~ unreasonable, the following steps ~~actions~~ will be considered, including for how long these measures ~~actions~~ should be in place for:-

- Directing all contact ~~from the complainant to a specific named officer~~ or email address.
- Accelerating the complaint to the final stage of the Council's complaints policy.
- Restricting contact to written correspondence only if appropriate.
- Requiring ~~the complainant you~~ to enter into an agreement about their future conduct behaviour before the complaint is investigated or concluded.

Before taking any action you ~~the complainant will be warned that if your their conduct~~ behaviour continues to be unreasonable we may consider taking action to restrict your ~~their~~ contact with the Council. However, if the behaviour is so extreme that it threatens the immediate safety and welfare of our staff, contractors or councillors, we may report the matter to the police or consider taking legal action. In such cases we may not give the ~~complainant you~~ you prior warning but will tell you what action we have taken and why.

6. **Closure** Ending access to the Council

Following ~~the completion of the Council's complaints procedure, if we consider your conduct~~ or actions to be unreasonable (or potentially unreasonable) ~~complainants you~~ will be notified of your ~~their~~ right to refer the matter to the Ombudsman or an independent legal adviser.

If ~~the complainant you~~ does not pursue any of these options and continues to submit ~~further~~ behave unreasonably ~~e-complaints, we will remind you of your the complainant of his/her~~ right to contact the Ombudsman along with confirmation that the internal investigation has come to an end. Furthermore, the complainant will be notified that ~~the~~ and we will advise you that ~~the~~ Council 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.

A complainant has You have a right to appeal to the Council's Monitoring Officer against a decision to invoke this protocol ~~consider your behaviour to be unreasonable~~ and any particular restrictions that might be placed on you ~~them~~ or your ~~their~~ contact with the Council.

New complaints from people whose conduct or actions have previously been deemed unreasonable will be treated on their merits.

August 2020. **October 2024**