

Runnymede Borough Council

Managing unreasonable actions by complainants

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Managing unreasonable actions by complainants

Introduction

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, we need to ensure that people who make complaints 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.

This policy has been drawn up in conjunction with a full Equalities Impact Assessment so that people with protected characteristics can be confident that we are fulfilling our obligations under the Public Sector Equality Duty and treating people fairly and transparently.

We recognise the importance of providing excellent customer care for every resident in line with our Customer First Strategy. A key part of this is an open, responsive approach to complaints.

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 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. 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 who will submit a series of complaints which, because of their frequency or content can be deemed unreasonable.

At any stage, a 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. 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.

Unreasonable actions 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 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.

During the course of a complaint's investigation or following its conclusion, we may conclude that we are dealing with a person who is behaving unreasonably

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

Restricting Access to the Council

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

- Directing all contact 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 you to enter into an agreement about future conduct before the complaint is investigated or concluded.

Before taking any action you will be warned that if your conduct continues to be unreasonable we may consider taking action to restrict your 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 you prior warning but will tell you what action we have taken and why.

Ending Access to the Council

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

If you do not pursue any of these options and continue to behave unreasonably, we will remind you of your right to contact the Ombudsman along with confirmation that the internal investigation has come to an end and we will advise you that the Council may not enter into any further discussion or contact regarding the complaint.

You have a right to appeal to the Council's Monitoring Officer against a decision to consider your behaviour to be unreasonable and any particular restrictions that might be placed on you or your contact with the Council.

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

For all information contained within this document contact:

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