

APPENDIX B

Unreasonable Complaint Behaviour Policy

Introduction

At Fareham Borough Council, we aim to provide a high quality service at all times.

The Council deals with a large number of customer enquiries received via telephone call, letter, email, online form and social media outlets. Most of these are resolved quickly first time, however we recognise that things don't always go to plan and there may be times when we don't live up to customer expectations. Where a customer remains dissatisfied with our response, they can escalate their complaint via the Council's Corporate Complaints procedure.

At stage 1 of the complaints process, the Head of Service in the department responsible for the service will investigate the complaint. If the customer is unhappy with the response, the complaint is escalated to stage 2 of the process, where the Director of the department will review the complaint.

When a customer contacts the Council with a complaint, on occasion, they may become upset, angry or frustrated over a difficult situation and the Council prides itself on the way our staff resolve these situations. Occasionally, however, our employees may have to deal with unreasonable, persistent or vexatious behaviour from our customers.

Whilst we are committed to dealing with all complaints fairly, we will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants, including pursuance of a complaint in a way that can hinder the investigation or unfairly take staff away from other duties. This policy explains how the Council will deal with complaints of this nature, whilst also protecting the wellbeing of our employees.

Definition and scope

The Local Government and Social Care Ombudsman (LGSCO) provides the following definition of unreasonable complainant behaviour:

Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.

The Council has adopted the LGSCO's description of an unreasonably persistent or vexatious customer.

As well as taking up a lot of officer time, persistent and vexatious customers can make unreasonable demands on staff which take them away from their normal duties. This can have a significant impact on available resources and can delay consideration of other customer complaints. In addition, the customer's behaviour with Council employees may be rude, derogatory, sarcastic or threatening.

Whilst such incidents happen rarely, this policy is in place to ensure that our customers, employees and Councillors understand how the Council will deal with customer contact of this nature.

Examples of unreasonable complaint behaviour

The following lists some of the main actions and behaviours that the Council would consider unreasonable when dealing with a customer's complaint:

- Refusing to specify the grounds of a complaint, despite offers of help;
- 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 Council's complaint policy;
- Making unjustified complaints about staff who are trying to deal with the issues;
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements made at an earlier stage of the complaint;
- Introducing trivial or irrelevant new information at a later stage;
- Raising many detailed but unimportant questions and insisting they are all answered;
- Submitting falsified documents from themselves, or others;
- Adopting a 'scatter gun' approach by pursuing parallel complaints on the same issue with various organisations;
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous Council staff, or detailed letters every few days, and expecting immediate responses;
- Submitting repeat complaints with minor additions or variations, that the complainant insists make these 'new' complaints;
- Refusing to accept the decision and repeatedly arguing points with no new evidence.

Dealing with unreasonable complaint behaviour

It is important to distinguish between people who make regular contact because they have genuine ongoing or multiple problems and those that are unreasonably persistent or vexatious.

Where it is identified that a customer has become, or is becoming, unreasonable with their contact with the Council, it will be referred to the Head of Service for the service area most affected by the customer's behaviour. The Head of Service will attempt to deal with the matter by communicating with the customer, informing them of their concerns and to advise that should the behaviour continue, restricted access may be applied. This communication may be done in any format, however must be confirmed in writing.

If the unreasonable customer behaviour continues, the Head of Service should consult with the relevant Director to agree any restrictions to be applied. Any action taken should be proportionate to the nature and frequency of the complainant's contacts.

The following options should be considered, taking into account the complainant's behaviour and circumstances. Any action taken should manage the complainant's unreasonable behaviour in such a way that their complaint can be concluded quickly, without further distractions. Options that the Council will consider are:

- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for necessary telephone calls;
- Limiting the customer to one method of contact (telephone, letter, email etc);
- Requiring the customer to communicate with one named member of staff only (or deputy in their absence);
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location;
- Notifying the customer that only new issues will be dealt with and that the Council will not register or process further complaints about the same matter already dealt with;
- Prohibiting the customer from visiting the Council's Civic Offices, except by prior appointment.

Application of the policy

If the decision is taken to apply restricted access, the Head of Service should write to the complainant to explain:

- What specific action we are taking and why we have taken the decision we have;
- How long any limitations will last;
- What the complainant can do to have the decision reviewed e.g. entering into an agreement about their future behaviour;
- The date the decision will be reviewed;
- The right of the customer to contact the Local Government and Social Care Ombudsman (LGSCO).

A copy of this policy should also be provided to the customer.

Sharing of information and record keeping

To ensure the appropriate management of this policy, the Council reserves the right to share details of any access restrictions on a customer with any other Fareham Borough Council services, staff and Councillors who may come into contact with the customer.

The Council must maintain adequate records to show:

- When a decision is taken not to apply the policy when a member of staff asks for this to be done, or
- When a decision is taken to make an exception to the policy once it has been applied, or
- When a decision is taken not to refer any further complaints from this complainant through the Council's complaints procedure for any reason, and

- When a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.

When complaints about new issues are made, these should be treated on their merits. Consideration should be given to whether any restrictions previously applied are still appropriate and necessary.

Review period

The Council will review any restrictions imposed on a six-monthly basis. Any restrictions imposed should be lifted and relationships returned to normal, unless there are grounds to extend them.

The Head of Service should write to the customer to inform them of the outcome of the review. If limitations are to continue, the Head of Service must explain the reasoning as well as advise how long the limitations will continue for and when the decision will be reviewed.

It is important to remember to inform other Fareham Borough Council services, staff and Councillors of the outcome of the review.

Records of any restrictions placed on customers will be held for two years after the restriction has been lifted.