

Appendix 1



Bromsgrove
District Council

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**Unreasonable and Persistent
Complainants' Policy.**



Introduction

Most of the time, dealing with a customer complaint is a straight forward process. We use the procedure and guidelines as set out in our Customer First Manual; however, sometimes a customer will act unreasonably when making their complaint either by the frequency or nature of their complaints or by their behaviour.

The policy will set out how we will deal with unreasonable and persistent complainants'. It will also help staff understand what is expected of them, what options for action are available and who can authorise these actions

Definition of unreasonable and persistent complainants

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

Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but will pursue them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined. Their contacts with authorities may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

How to recognise unreasonable and persistent complainant behaviour

These are some of the actions and behaviours that you may come across with unreasonable and unreasonably persistent complainants:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.

- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

What to do if you consider that a customer is an unreasonable and persistent complainant

Your first step is to contact your Head of Service who should then consider the following:

- the complaint is being or has been investigated properly;
- any decision that has been made on the complaint is the right one;

- communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the Council's view on the complaint.

If your Head of Service is satisfied on the above points they should contact the Customer First Officer to request that the unreasonable and persistent complainant policy is applied to the customer.

The Customer First Officer will consider the following before taking any action

- If no meeting has taken place between the complainant and officer(s), and provided that the Council knows nothing about the complainant which would make this inadvisable, consider offering the complainant a meeting with an officer of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.
- If more than one department is being contacted by an unreasonably persistent complainant, consider:
 - setting up a strategy meeting to agree a cross-departmental approach; and
 - designating a key officer to co-ordinate the Council's response(s).
- If the complainant is a vulnerable person or has special needs, an advocate might be helpful to both parties: consider offering to help the complainant find an independent one. Consider contacting social services and the police who might have prior knowledge of the complainant.
- Contact the Ward Councillor to discuss the complainant and any background information the Councillor may have.
- Before applying any restrictions give the complainant a warning that if his/her actions continue the Council may decide to treat him/her as an unreasonably persistent complainant, and explain why. A leaflet has been produced to let the complainant know what the policy entails (see Appendix 1)

If all of the above points have been satisfied, the Customer First Officer will forward the request to the Assistant Chief Executive who will then decide whether the policy will be applied.

What happens when the customer is deemed as an unreasonably persistent complainant?

If a decision is taken to apply the policy, The Head of the relevant Department should:

- Refuse to register and process further complaints about the same matter.
- Limit the complainant to one medium of contact (telephone, letter, email etc) and require the complainant to communicate only with one named member of staff.
- Place time limits on telephone conversations
- Inform the complainant that future correspondence will be read and placed on file but not acknowledged. A designated officer should be identified who will read future correspondence.
- Ensure all the above details are recorded on the customer record within the Customer Feedback system
- Inform all members of staff - with the assistance of the Customer First Officer.

The Head of Service will write to inform the complainant that:

- the decision has been taken and
- what it means for his or her contacts with the authority. A leaflet has been produced to explain our policy- please see Appendix 1

For further advice or assistance please contact the Assistant Chief Executive or the Customer First Officer.



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Unreasonable and persistent complainants' policy

Why does the Council have this policy?

Most of the time, dealing with a customer complaint is a straight forward process. We use the procedure and guidelines as set out in our Customer First Manual; however, sometimes a customer will act unreasonably when making their complaint either by the frequency or nature of their complaints or by their behaviour. We have produced a policy in accordance with guidance from the Local Government Ombudsman which will help us to deal with such complainants in a fair and consistent way.

What is an Unreasonable and persistent complainant?

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

What will happen if the Council decides that I am an unreasonable and persistent complainant?

We do not make such decisions lightly. Your concerns will be carefully considered and all avenues explored to find a resolution. If our investigations find that that your contact with Council is unreasonable we will write to inform you that we will be considering placing you on our Unreasonable and Persistent Complainants Register. If a decision is taken to apply the policy, we will:

- Refuse to register and process further complaints from you about the same matter although we will assist with requests for services we provide.
- Ask you to use one medium of contact (telephone, letter, email etc) and give you a named member of staff to contact.
- Place time limits on telephone conversations with you.
- Inform you that any future correspondence received from you will be read and placed on file but not acknowledged.
- Ensure that all the above details are recorded on our Customer Feedback system for information.