

Policy on the management of unreasonable complainant behaviour

Introduction

The Ombudsmen recognise that they are often the last resort for complainants. They are committed to dealing with all complaints fairly and impartially, and to making our service as accessible as possible.

But because of the nature or frequency of their contact with the LGO service, a small number of complainants hinder the consideration of their own, or other complainants', cases. This may be because of unacceptable behaviour in their dealings with us, or because of unreasonably persistent contacts that distract staff from their work but add nothing to our knowledge of the case under consideration.

Unacceptable behaviour

The Ombudsmen will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

Unreasonably persistent behaviour

Our investigative staff manage a number of cases at any one time, using their time and resources to best effect. They cannot do so if someone tries to dominate our attention with frequent, lengthy contacts and repetitive information. This hinders the consideration of their, or other people's, complaints. When necessary, we will take action to restrict access to our service when unreasonable behaviour of this nature persists.

Warnings

In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we will take action to restrict their contact with our offices.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the LGO's staff we may report the matter to the police or consider taking legal action. In such cases, we may not give the complainant prior warning.

Restricting access to the LGO service

An Assistant Ombudsman will decide whether the circumstances justify any restriction of access. They will record the reason for their decision and explain it to the person concerned. They will state how long any restriction will apply for before it is reconsidered, and say how the decision can be challenged.

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The sort of restrictions imposed could include:

- restricting telephone calls to specified days and limited times
- limiting contacts to one form only (for example, a maximum of one letter a week)
- requiring contact to take place with one named officer
- requiring the complainant to enter into an agreement about their future behaviour before their case proceeds, and/or
- managing contact with the help of an independent advocate.

Other suitable options will be considered in the light of the complainant's circumstances. Our objective, wherever possible, is to complete consideration of the complaint on its merits in a managed way.

If the complaint is still under consideration six months later, we will review whether the restrictions imposed are still necessary and should remain.

Terminating access to the LGO service

If a complainant continues to behave unreasonably, and overrides the restrictions placed on access to our service, we may decide to terminate contact with them and discontinue any investigation into their complaint.

When the complaint has already been determined, we will review the decision if material new evidence is submitted within three months. Further submissions on the same matter will be read and placed on file, but no other action will be taken.

New complaints

New complaints from people whose behaviour has previously been deemed unreasonable will be treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.

Commission for Local Administration in England

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