

Appendix B – Unreasonable complainant (and contact) policy

Introduction

We put customers at the heart of everything we do. We are committed to dealing with all complaints fairly and impartially, and to providing a high standard of service to those who make complaints. We also have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public.

Whilst we do not normally limit the contact customers have with officers or Councillors, in some cases it is necessary to do so. This may be because the nature or frequency of a customer's contact with the council hinders our ability to provide services and the consideration of their, and other peoples complaints or concerns. We refer to these as serial, unreasonably persistent, or vexatious complainants.

Some customers may have justified concerns or complaints but pursue them in inappropriate ways, others may pursue matters which appear to have no substance or have already been investigated and determined. The contact may be amicable but still place heavy demands on staff time or it may be emotionally charged and distressing for all concerned.

Purpose

What this policy covers:

-  Definition and examples of 'unreasonable customer behaviour'
-  Definition of 'vexatious customers'
-  The process for dealing with customers who behave in an unreasonable manner
-  The process for dealing with vexatious customers
-  The process for dealing with offensive or abusive comments made on social media

How we define 'unreasonable'

Any behaviour that negatively impacts on the council's ability to deal effectively with the matter in hand, or other customers' issues or complaints, due to the frequency or nature of contacts with the council or its Councillors.

Examples of unreasonable actions and behaviours (not exhaustive)

-  Continuing to pursue an issue or complaint even though the council's complaint procedure has been fully exhausted and/or refusing to co-operate with the complaints investigation process.
-  Refusal to accept a decision and/or repeatedly arguing points with no new or relevant evidence being provided.
-  Refusal to accept that certain issues are not within the remit of our complaints procedure (i.e. third party matters outside of the council's remit), despite having been provided with full information about the procedure.
-  Making what appear to be groundless or vexatious complaints about the staff member or Councillor dealing with the issue or complaint.
-  Excessive number of contacts with staff or Councillors regarding the complaint or issue which has a negative effect on the ability to deal with the complaint effectively.
-  Excessive demands on the time and resources of staff or Councillors with lengthy phone calls, emails to numerous staff/Councillors or detailed letters, not necessarily related to the issue or a formal complaint.
-  Adopting a 'scattergun' approach; pursuing parallel complaints or contact on the same issue with a variety of council service areas, teams, Councillors, individuals, or third-party organisations.
-  Repeatedly not following specific processes or ignoring policies.
-  Failure to adhere to existing restrictions.

How we define 'vexatious customers'

A vexatious customer may seek to cause disruption, distress, worry or frustration without any proper or justified reason.

Considerations prior to taking action

When the consideration of a complaint has concluded, it may be appropriate to end all communication regarding the issue and refer the complainant to the Ombudsman.

Any action to restrict access could have serious consequences for a customer, so before action is taken, we will be satisfied that:

-  The issue or complaint has been, or is being, investigated properly
-  Any decision reached is the right one
-  Communications with the customer have been adequate
-  The customer is not now providing any significant new information that might affect the outcome of the issue or complaint.

The decision to classify a customer's behaviour as unreasonable or vexatious will be considered by the Customer Service Manager on a case-by-case basis. If it is in relation to a Councillor, this decision will be made in conjunction with the Leader of the Council.

Options the council will consider include (but not limited to):

-  Requesting contact in a particular form e.g., by letter only
-  Requiring contact to only take place via a specified officer
-  Asking the customer to enter into an agreement about their future contact with the council.
-  Contact to be made to the council via a third party (solicitor, Councillor, friend, etc.)
-  Where the level of contact is unreasonable, or the nature is considered vexatious we will act to limit contact. As an example, this may be for 3 months, 6 months, or 1 year+.
-  Terminating all contact with a customer. Allowing service requests (e.g., Council Tax enquiries) will be considered at the time depending on the nature of unreasonable actions
-  Consider whether a review under our safeguarding policy may be required
-  Barring access to any council building

Social Media

For information on our Social Media Acceptable Use policy, please visit [Social Media Acceptable Use Policy | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/social-media-acceptable-use-policy)

Case Review

The officer or Councillor who has been in contact with the customer is best placed to judge at what point behaviour becomes unreasonable. Before action is taken to restrict access, the case must be reviewed by a Service Director or the Managing Director. If a decision is made to limit or restrict access to services, the customer will be notified with an explanation of:

-  Why the decision has been taken
-  What it means in terms of contact with the council or Councillor
-  How long the restriction will be in place and when it will be reviewed
-  A copy/update of any correspondence with the customer should be attached to the customer record on the CRM.

This record is important so the Council can evidence that it has acted in a fair and proportionate manner, if later scrutinised by the Local Government Ombudsman.

If a restriction is in place, then ongoing correspondence/contact will be reviewed and considered. If it is simply a continuation of previous matters, then receipt should be acknowledged, and a record / copy placed on file, but a response will not be provided.

In most cases, service requests or new, unrelated complaints will not be ignored and will be treated on their own merit.

Any restrictions should be for a specified period with a review date if appropriate. Unless there are good grounds to extend the restrictions, they should be lifted at the end of the review period.

If a customer wishes to request a review of a decision to limit their access to the council, they should request this in writing.

In line with the Customer Service strategy, the council aims to provide a consistent level of customer service and treat you with fairness and respect no matter the situation.

Recording the decision

If the decision has been made to restrict access to the council, the officer or Councillor involved will also advise the Customer Service Manager whether they deem the customer could pose a risk. If they could pose a risk, an internal incident form will be used and sent to the Health and Safety officer to consider the use of the incident register. The officers or Councillors likely to come in to contact with the customer will then be notified. Under the Human Rights Act 1988, the assessment must be proportionate, balancing risk to officers against the rights of the customer's reputation.

If the customer disregards the contact arrangements put in place, the council will consider next steps which may involve the police, depending on the level of behaviour displayed.