

Aldenham Parish Council



Dealing with Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour Policy

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Aldenham Parish Council (APC) is open to answer any questions, issues or complaints from anyone who contacts the council. It is keen to deal with these with integrity, impartiality and giving a high quality service. Having a policy on unreasonably persistent complainants and unreasonable complainant behaviour helps APC to deal with complainants in ways which are consistent and fair.

1.0 Definitions

1.1 Unreasonable and unreasonable persistent complainants are those who, because of the frequency or nature of their contacts with the council, hinders the council's consideration of their, or other people's questions, concerns and complaints.

Examples of unreasonably persistent complainant behaviour include

- Introduction of trivial or irrelevant new information and expecting it to be considered and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered.
- Making excessive demands on the time and resources of APC councillors and staff whilst the concerns or complaint is being investigated - e.g. excessive telephoning or sending numerous e-mails on a regular basis and expecting immediate responses.
- Submission of repeat questions and complaints - essentially about the same issue but with additions/variations which the complainant insists making new these 'new' issues which he/she wants to be addressed and further immediate action taken.
- Refusal to accept a detailed response to a question or issue repeatably arguing the point and complaining about the lack of further detailed information or a decision related to a concern or complaint.
- Harassment and Bullying - Under the Protection from Harassment Act 1997: A complainant pursuing a course of conduct: -- which amounts to harassment of another and which he/she knows or ought to know amounts of harassment of another

Action can be- Physical conduct - Verbal and non-verbal conduct - excessive e-mails.

2.0 AIM

2.1 The aim of this policy is to deal fairly and honestly with the complainant whilst ensuring that other residents and APC councillors, officers do not suffer any detriment from people making repeated and persistent unreasonable complaints - whilst recognising the rights of complainants under the law.

3.0 Dealing with Unreasonably Persistent Complainants

3.1 The decision to designate someone as unreasonably persistent can only be made by APC, whereby a special meeting would be convened to discuss the case in hand and the complainant's behaviour. Please refer any vexatious and repeated

requests for information under the Freedom of Information Act 2000 to the DPO and if necessary solicitors who specialise in this area, and/or guidance from the ICO.

Vexatious and persistent complaints and correspondence can be characterised in the following ways;

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or
- Behaviour which is designed to cause extreme distress, bully, humiliate, and intimidate specific individuals and the corporate body and/or
- Frequent correspondence timed to cause the council maximum disruption and workload and/or
- Behaviour which displays an insistence on pursuing unmeritorious issues trivial points and/or
- Unrealistic outcomes beyond all reason and/or
- Displays an insistence upon pursuing complaints or issues in an unreasonable and abusive manner and/or
- Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under the access to information legislation and/or
- Behaviour where ex-employees are contacted to try to undermine councillors and/or
- Behaviour which has the effect of hindering APC's ability to go about its democratic business.

4.0 Assessing whether the action is proportionate and necessary

4.1 Consideration of the following points, together with any other relevant factual information, will be necessary to assess whether the proposed action is proportionate and necessary.

- Is the issue or complaint being investigated properly and in accordance with the APC policy for responding to e-mail or investigating complaints.
- Is there another, more specific, path for the complainant to follow (e.g. an appeal process if he/she complaining about.
- Are the correct timescales being adhered to?
- Has the complainant been advised of any delays that may have occurred
- Are the considerations/decisions reached - as part of the investigation - being reached correctly?
- Have communications with the complainant been adequate, clear and coordinated.
- Is the complainant now providing any significant new information that might affect APC's view on his/her issue or complaint?

5.0 Assessing whether further action is necessary before designating the complainant 'unreasonably persistent.

5.1 If satisfied on these points, consideration should be given, as to whether further action is necessary prior to making the decision to designate the complainant as unreasonably persistent for example:-

Have any meetings taken place between the complainant and a councillor or council manager. If not (unless there is a known risk about such a meeting), would this be likely to help the situation? (The complainant may be accompanied by an advocate if he/she wishes, if it is considered that a meeting may help the situation.

6.0 Applying restrictions

6.1 Before applying any restrictions, the complainant would be given a warning in writing that if he/her actions continue APC may decide to treat him/her as an unreasonably persistent complainant and explain why.

7.0 Options for action

7.1 The precise nature of the action APC decides to take should be appropriate and proportionate to the nature and frequency of the complainant's contacts with APC at that time.

7.2 The following is a list of possible actions for managing a complainant's involvement with APC. This list is not exhaustive and more local decisions may be made

- Placing time limits on telephone conversations and personal contacts
- Requiring the complainant to communicate with one named member of APC
- Requiring personal contacts to take place in the presence of a witness
- Refusing to register/process further complaints about the same matter.

8.0 Dealing with Unreasonable Complainant Behaviour

8.1 APC has a duty to ensure the health, safety and welfare of its councillors and staff and it does not expect a councillor or member of staff to tolerate language or behaviour by complainants which is abusive, offensive or threatening.

8.2 Members of staff who feel threatened, harassed or intimidated by the language or behaviour of complainants should report their concerns to APC immediately who would then proceed with appropriate next steps.

9.0 Telephone contact

9.1 During a telephone conversation, if APC councillors or staff considers the caller is becoming aggressive and/or offensive, they will inform the caller that they will terminate the conversation unless such behaviour ceases. If the aggression continues the call will be terminated.

9.2 Repeated calls of this nature constitute harassment which should, after consultation with APC be reported to the police.

10.0 Application of the Policy

10.1 If the decision is made to apply the policy the Council Manager will write to the complainant to:-

- Inform him/her that the decision has been taken to invoke the policy
- Explain what it means for his/her contacts with APC
- Explain how long any restrictions will last.
- Explain what the complainant can do to have the decision reviewed.
- Enclose a copy of this policy in the letter.

11.0 Records

Adequate records must be kept of all contacts with unreasonably persistent complainants and complainants behaving unreasonably. The information should be treated as confidential and only shared with those who may be affected by the decision.