

Policy on the management of unreasonable complainant behaviour

Revision: November 2020

1. Introduction

- 1.1 This policy should be read alongside the [Broads Authority's public guidance on submitting complaints, compliments and general comments](#). It reflects the guidance note on the management of unreasonable complainant behaviour issued by the Local Government and Social Care Ombudsman (LGSCO) in October 2017.
- 1.2 Anyone submitting a complaint to the Authority has a right to have their concerns dealt with under our simple 3-stage complaints process. However, in a minority of cases a complainant takes up an unwarranted amount of our resources, or pursues a reasonable complaint in an unreasonable manner. This policy identifies situations that amount to unreasonable complainant behaviour, and explains how we will deal with them. It also helps a complainant pursue their concerns in an effective way.

2. Definition of unreasonable complainant behaviour

- 2.1 Raising a complaint, escalating a complaint through all stages of our complaints process, or criticising the complaints process itself do not in themselves constitute unreasonable complainant behaviour.
- 2.2 There are two types of complainant behaviour that, for the purposes of this policy and for dealing with a complaint, are regarded as unreasonable:
 - Pursuing unreasonably persistent or vexatious complaints ('unreasonable complaints')
 - Pursuing reasonable complaints in an unreasonable manner ('unreasonable complainant conduct')
- 2.3 In general, a vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.
- 2.4 Unreasonably persistent complainants are those who, because of the nature or frequency of their contacts with the Authority, place an unreasonable demand on the Authority's resources. The time spent on dealing with a complaint should be proportionate to the nature of the complaint, and consistent with a realistic and achievable outcome.

- 2.5 The Authority will always take steps to protect its staff from any members of the public who are behaving physically or verbally in a manner that is considered abusive and/or vexatious.

3. Unreasonable complaints

- 3.1 An unreasonable complaint is where the substance of the complaint, at any stage, includes any of the following:

- A complaint brought on the basis of, or including, information obtained unlawfully, such as confidential information disclosed unlawfully to the complainant, or the recording of meetings or conversations without prior consent of the other parties.
- A complaint that includes defamatory material relating to any third party, such as offensive remarks or speaking in a derogatory manner that causes offence.
- A complaint that includes threatening or intimidating content, such as expressing the intention to have a member of staff dismissed.
- Swearing, either verbally or in writing.
- Repeatedly contacting a member of staff regarding a matter that has already been addressed.
- Persisting in pursuing a complaint where the Authority's complaints process has been fully and properly implemented and exhausted, including the LGO.
- Changing the basis of the complaint as the investigation proceeds.
- Behaving towards Authority staff in an intimidating or aggressive manner or using conduct that causes them harassment, alarm or distress. Such conduct may be verbal or physical, or within written communication.
- Breaching the right of the Authority's staff to personal privacy by contacting or approaching them to raise complaints when they are at home or in locations where they are not at work, or by posting on their private social media account.
- Having made a complaint, dominating the attention of one or more of the Authority's staff through frequent, lengthy contacts and repetitive information.
- Engaging in a 'scattergun' approach by pursuing a complaint or complaints with the Authority and at the same time with a Member of Parliament, the Authority's independent auditor, the National Audit Office, the press or on social media.
- Refusing to accept the decision and repeatedly arguing points with no new evidence.
- Raising many detailed but unimportant questions, and insisting they are all answered.

- Submitting repeat complaints with minor additions or variations that the complainant insists make these 'new' complaints.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Complainants photographing or filming the Authority's staff without their permission, or recording meetings or conversations without the prior knowledge and consent of the individuals concerned.

4. Imposing restrictions

- 4.1 In most cases of unreasonable complainant behaviour, the Authority will warn the complainant that their behaviour is unreasonable and ask them to change it. Contact with the Authority may be restricted if the behaviour persists.
- 4.2 Behaviour that is extreme or that threatens the immediate safety and welfare of the Authority's staff may be reported to the Police, or be the subject of other legal action, without prior warning.
- 4.3 A member of the Authority's Management Team will decide if the circumstances justify restricting a complainant's access to staff. They will record their decision and explain it to the complainant, stating how long any restriction will apply before it is reconsidered.
- 4.4 Restrictions may include the following:
- Limiting telephone calls to specified days and limited times
 - Placing limits on the number and duration of contacts
 - Limiting contacts to one form only (for example, one letter or email a week)
 - Informing the complainant that future correspondence will be read and placed on file, but not acknowledged unless it contains important new information
 - Requiring contact to take place with one named staff member
 - Requiring any personal contacts to take place in the presence of a witness and in a suitable location
 - Ceasing any investigation into the complaint
 - Refusing to register and process further complaints about the same matter
 - Requiring the complainant to enter into an agreement about their future behaviour before their complaint proceeds
 - Taking legal action (for example managing contact with the help of an independent advocate)

- 4.5 If a complainant continues to behave unreasonably after a warning, or overrides any restrictions imposed, a member of the Authority's Management Team will take appropriate further actions in line with this policy.
- 4.6 If a complainant continues to behave in a way that is deemed unacceptable, a member of the Authority's Management Team may, following consultation with the Monitoring Officer, decide to refuse all contact with the complainant.
- 4.7 Any person aggrieved at any restriction or termination of access may make a complaint to the [Local Government and Social Care Ombudsman](#).

Review date: November 2022