

## **Implementation of Unreasonable Complainants Policy**

Report by Solicitor and Monitoring Officer

**Purpose:** This report sets out a proposed policy for the management of unreasonable complainant behaviour.

**Recommendation:** That the proposed policy is adopted

### **1 Introduction**

- 1.1 Many organisations, including the Ombudsman services themselves have a policy for the management of Unreasonable Complainant Behaviour.
- 1.2 It is considered that the Broads Authority itself should implement such a policy.

### **2 Background**

- 2.1 The Broads Authority deal's with a number of complaints each year. Many of these are dealt with routinely through a 3-stage process, with the complainant having the opportunity of taking complaints of alleged maladministration to the Local Government Ombudsman.
- 2.2 There are no officer roles within the Broads Authority dedicated solely to the dealing with complaints. Complaints to the Authority are dealt with by officers whose time is primarily resourced for other purposes.
- 2.3 As with many organisations, there are a small number of complainants who make frequent complaints to the Authority. It is considered useful for the Authority to have a policy, grounded in fairness, which enables it to manage unreasonable and repetitive complaints. Perhaps of greater concern, however, has been in the past few months more than one instance of Authority officers being challenged in a manner which may be considered intimidating.

### **3 Conclusion**

- 3.1 The Broads Authority is invited to consider the draft Policy and to adopt it for future use, where necessary.

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Broads Plan Objectives:	None
Appendices:	APPENDIX 1 – Draft Policy for the Management of Unreasonable Complainant Behaviour.

## **POLICY ON THE MANAGEMENT OF UNREASONABLE COMPLAINANT BEHAVIOUR**

Version 1.1

Updated 23.11.18

## **1. Introduction**

- 1.1 Broads Authority processes complaints in accordance with guidance issued by the Local Government and Social Care Ombudsman (LGO). During this process officers will come across a small number of complainants who take up an unwarranted amount of Authority resources, or who pursue otherwise reasonable complaints in an unreasonable manner and in addition to taking up resources, hinder consideration of their own complaint.
- 1.2 The aim of this policy is to identify situations where complaints could be considered unreasonably persistent and/or vexatious and how to respond to such situations.
- 1.3 This document also reflects the Local Government Ombudsman's guidance note on the management of unreasonable complainant behaviour issued in October 2017.
- 1.4 This Policy should be read in conjunction with the Authority's complaints procedure.

## **2. Definition of unreasonable complainant behaviour**

- 2.1 The following types of behaviour are regarded for the purpose of this Policy and in the pursuance of a complaint as unreasonable:
  - 2.1.1 The pursuance of unreasonably persistent or vexatious complaints ("Unreasonable complaints"); and/or
  - 2.1.2 The pursuance of reasonable complaints in an unreasonable manner ("Unreasonable complainant conduct").

## **3. Unreasonable complaints**

- 3.1 This is where the substance of the complaint at any stage includes any of the following:
  - 3.1.1 A complaint which is brought on the basis of or includes information unlawfully or improperly obtained, such as by the receipt of confidential information unlawfully disclosed to the complainant or by the recording of meetings or conversations without prior consent of the other party.
  - 3.1.2 A complaint which includes defamatory material relating to any third party.
  - 3.1.3 A complaint which includes threatening or intimidating content, such as expressing the intention to have a member of staff dismissed.
  - 3.1.4 A complaint in which the overarching theme of the complaint is similar to one which has already been determined by the complaints process and/or the LGO.

## **4. Unreasonable complainant behaviour**

- 4.1 This is where current or previous contact with the complainant shows that they have met one or more of the following criteria:

- 4.1.1 Persisting in pursuing a complaint where the Authority's complaints process has been fully and properly implemented and exhausted including the LGO.
- 4.1.2 Changing the substance of a complaint at a later stage of the complaints process.
- 4.1.3 Behaving towards Authority staff in an intimidating or aggressive manner or by a course of conduct which causes them harassment, alarm or distress. Such conduct may manifest itself by verbal or physical expression or by the content of written or electronic communication.
- 4.1.4 Breaching the right of the Authority's staff to privacy and family life by contacting or approaching them to raise complaints when they are either at home or where the complainant encounters them in locations where they are not at work, or by posting on their private social media account.
- 4.1.5 Having made a complaint, dominating the attention of one or more of the Authority's staff through frequent, lengthy contacts and repetitive information.
- 4.1.6 Engaging in a "scattergun" approach: pursuing a complaint or complaints with the Authority and at the same time with a Member of Parliament/the Authority's independent auditor/the Audit Commission/Press and on social media.
- 4.1.7 Photographing or filming the Authority's staff without their permission or recording meetings or conversations without the prior knowledge and consent of the individual concerned.
- 4.1.8 The complainant has made more than three complaints using the Authority's complaints procedure within a period of 12 months.

## **5. Warnings**

- 5.1 In most instances of unreasonable complainant behaviour, the complainant will be informed in writing that their behaviour is unreasonable and will be asked to change it. The warning will also explain that if they persist, that action may be taken to restrict their contact with the Authority.
- 5.2 Behaviour which 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.

## **6. Rejection of unreasonable complaints**

- 6.1 Complaints falling within paragraphs 3.1 to 3.4 may be rejected, with an indication to the complainant in writing given as to the reason for rejection.

## **7. Restricting access to the Authority's staff**

- 7.1 The Chief Executive, Solicitor and Monitoring Officer, Director or other member of the Authority's Management Team will decide whether the circumstances justify any restriction on access. They will record the reason for their decision and explain it in

writing to the person concerned. They will state how long any restriction will apply before it is reconsidered.

7.2 Any person aggrieved at any restriction of access or termination as in section 7 below may ask that the matter be reviewed by one of the Authority's Independent Persons. The outcome of such a review will be final.

7.3 The sort of restrictions which could be imposed include the following:

7.3.1 Restricting telephone calls to specified days and limited times

7.3.2 Limiting contacts to one form only (for example one letter or e-mail each week)

7.3.3 Requiring contact to take place with one named staff member

7.3.4 Requiring the complainant to enter into an agreement about their future behaviour before their complaint proceeds

7.3.5 Managing contact with the help of an independent advocate

## **8. Terminating access to the Authority**

8.1 If an individual continues to behave unreasonably after a warning or overrides any restrictions imposed, then any complaint may be dismissed. Access to the Authority may then be terminated for a specified period.

Prepared by Solicitor and Monitoring Officer

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