

London Borough of Newham  
Policy & Procedures

# Policy and Procedure for Unreasonable & Persistent Complaints or Behaviour

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## 1 Introduction

The council is committed to dealing with all complaints fairly and impartially, and to provide high quality services in line with our **Building a Fairer Newham** ambition. However, a small minority of residents make or pursue complaints and enquiries in a persistent and unreasonable manner, which can slow down the investigation and take up significant council resource.

The council is keen to positively and proactively work with residents to resolve issues, using its resources to achieve the best possible outcome. This policy is to ensure unreasonable or unreasonably persistent complaints or behaviour are dealt with fairly. This document is intended for reference by residents, councillors, external bodies, and guidance for council staff in doing so.

## 2 Purpose

This policy's purpose is:

1. To define the behaviours that are deemed unreasonable, persistent, and unacceptable towards the local authority and its officers or councillors.
2. To ensure complainants follow the correct complaints procedures and outline the correct actions officers and councillors should take when complainants refuse to follow these procedures.
3. To ensure our staff and councillors have a safe working environment and are not exposed to unnecessary risk or stress due to the unacceptable behaviour of others.
4. To ensure unreasonable and persistent complaints are dealt with in a fair and appropriate manner.

The council has a duty to protect its employees but simultaneously recognises its commitment to our residents and those who need raise a complaint. All appropriate investigations will be carried out in accordance with our policies and procedures.

### 3 Who does this policy apply to?

This policy applies to all employees of the Council, members of the public, businesses or advocates working on behalf of residents who deal with the local authority.

### 4 Definition of an unreasonable or persistent complaint

A complaint is an expression of dissatisfaction with a service or decision. Most complaints are progressed through the formal complaints process, however, on occasion persistent enquiries with a service may be defined as if a complaint if other reasonable opportunities to resolve the issue have been considered, be that service resolution, mediation or alternative statutory review process.

Under the scope of this policy, persistent complaints and/or unreasonable behaviour is likely to include at least one element of the following:

1. A complaint raised without grounds deliberately to cause disruption
2. A complaint that is identical or very similar in nature which is raised many times. 'Many times' is defined as more than **three separate occasions**, regardless of if the complaint has been responded to.
3. The complainant continues to behave in an aggressive, rude, or abusive manner even when warned not to do so (in writing, over the phone or in person). Examples include:
  - i. Threats
  - ii. Verbal abuse
  - iii. Racist or sexist language
  - iv. Derogatory remarks
  - v. Offensive language
  - vi. Raising unsubstantiated allegations
4. Someone unwilling to accept documented evidence as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions.
5. Expecting unreasonable outcomes that are outside of complaint policy and procedure such as excessive compensation.
6. Persists in pursuing a complaint where the complaints procedure has been fully and properly implemented and exhausted.

7. Refusing to cooperate with the complaints investigation while still wishing their complaint to be resolved.

## 5 How we will manage unreasonable or persistent behaviour

### 5.1 Actions the Council can take

Unreasonable and persistent complaints or behaviour can take up a lot of time, and we need to ensure that staff resources are used in an appropriate and proportionate way for the benefit of all service users.

Where employees or councillors identify that they are dealing with a persistent complaint or unreasonable behaviour, the matter should be referred as soon as possible to the Corporate Resolution team. Where appropriate, the relevant service manager or Head of Service will be notified if the complaints team require assistance in determining the complaint.

Based on circumstance and behaviour of the resident and their complaint, restrictive actions will be tailored accordingly. Actions that will be considered include:

1. Restrictions on communication with the complainant if issues on behaviour have been raised but unchanged. This can include but is not limited to:
  - i. requesting contact in a particular form only, e.g. e-mail only
  - ii. restrictions on telephone calls to certain days and times
  - iii. requiring the complainant to only have contact with a singular designated staff member
  - iv. banning or blocking the complainant from sending emails to some or all council officers
  - v. only allowing the complainant to visit council buildings by appointment only
2. Terminating contact if the complainant persistently raises issues that have already been responded to in full. We will politely explain that we are unable to comment further on the matter and, if necessary, refer to any points of escalation available to them previously given
3. Terminating contact if the complainant is aggressive, rude, abusive, or offensive. We will politely ask the complainant to modify behaviour. If the

behaviour continues, we will explain that the behaviour is unacceptable and end contact.

4. If a complainant makes several reports that prove to be unfounded, we may ask that in future any further allegations submitted are supported by an independent third party such as the Citizens Advice Bureau, a legal representative or an advocate.

## **5.2 Procedure**

In cases where the Resolution Manager concludes that a complainant is unreasonably persistent, they must write to the complainant informing them why they believe the behaviour falls into that category, what action is being taken and, if relevant, the timescale any restrictions will have. The complaints team may liaise with the Council's in house legal team if advice is required on the nature of the contact.

The decision to restrict or stop a customer's access to the council's offices and officers can only be taken by the Corporate Resolution Team in consultation with service directors. The action taken and justification for should be recorded by the Resolution Manager on the relevant file and computer records.

The Resolution Manager should inform the complainant of their right of appeal, set out at in Section 6 below.

## **5.3 Status and Review**

Once the complaint has been deemed 'unreasonably persistent' this status can be withdrawn at a later date if the complainant subsequently demonstrates a more reasonable approach.

The status and restrictions applied to any complainant under this policy should be reviewed regularly by the Resolution Manager, at least every 3 months, to ensure the status only applies for as long that is reasonable and proportionate. For example, if the complainant was given the status of an unreasonably persistent complainant because of particular issues they kept raising, the status may not be applicable if they then raise a completely different issue of complaint (unless it is raised in an unreasonable way).

If the Council and the complainant make an agreement on behaviour, then the period of review should be set out in the agreement. Ordinarily it would be considered appropriate to have **a review every 3 months** unless a longer period can be justified.

## 6 Right of Appeal

When a letter is sent to the complainant advising them of the restrictions imposed on them, the letter will include information about the complainant's right of appeal against the decision.

If the complainant decides to appeal the Council's decision, the appeal will be reviewed by the line manager of the person who made the decision.

The result of the appeal will be communicated to the resident in writing. The complainant will be given a timescale by when they can request an appeal.

## 7 Referring to the Ombudsman

In instances where the appeal does not overturn the original decision, or the relationship between the Council and the complainant has been deemed to be completely broken down, the matter can be referred to the relevant Ombudsman for them to consider as a complaint.

For information on how to contact the Local Government & Social Care Ombudsman see: [Contact us - Local Government and Social Care Ombudsman](#)

For information on how to contact the Housing Ombudsman Service see: [Contact us - Housing Ombudsman Service](#)

## 8 Equalities and Diversity and reasonable adjustments

When implementing this policy, the Council will have regard to the Equalities Act 2010 and show due regard to an individual's medical condition or vulnerability such as mental health and learning disabilities, as and when applicable. Any decisions on implementing this policy will recognise and be appropriate to the individual's circumstance.

## 9 Records

The Resolution Manager will keep a record of all complainants deemed unreasonably persistent, the details of the case and the actions taken under this policy.

The Resolution Manager will retain a record of:

- i. The name and address of each resident who is treated as abusive, unreasonable, or persistent
- ii. When the restriction came into force and when it ends
- iii. What the restrictions are
- iv. When the resident, Council's departments, and any other services were advised of the restrictions

When making a decision to share information within the Council and with third parties, the Council will always be guided by the provisions of the Data Protection Act and the General Data Protection Regulations and will ensure that the complainant's right to have their information processed in accordance with the statutory requirements is protected and adhered to.