

APPENDIX

Document Name	Dealing with Unreasonable Behaviour (including Vexatious Complaints) Policy
Effective Date	1 February 2022
Date for Review	To be reviewed every two years or in response to changes in relevant legislation and/or other Newark and Sherwood District Council policies, procedures and agreements.
Version Number	DRAFT
Approved by	Senior Leadership Team Homes & Communities Committee Policy & Finance Committee
Responsible Business Manager	Business Manager - Customer Services

1.0 Overview

- 1.1 The Council recognises the importance of listening to the views of its residents about the service they receive from us.
- 1.2 One of the Council's values is to be "Welcoming and Responsive". To achieve this the Council strives to be approachable, open to feedback and challenge and swift to act.
- 1.3 The Council has a Customer Feedback Policy which clearly explains how to submit a complaint and the associated process [Customer feedback | Newark & Sherwood District Council](#).
- 1.4 We are committed to dealing with all complaints fairly and impartially and provide a high quality service to those who make them. However we will not tolerate unacceptable behaviour, for example, that which is abusive, offensive or threatening and we will take action to protect our staff from such behaviour. If we find a complainant's behaviour to be unacceptable we will consider taking proportionate, appropriate action to ensure complainant knows what behaviour is being displayed, the behaviour we expect and the consequences of not adjusting their approach.
- 1.5 Complaints generally follow a straightforward process. Occasionally complainants become persistent or make complaints that are vexatious such as unreasonable persistence; unreasonably demands or make a high number of complaints such as making serial complaints about different matters or continuing to raise the same or similar matters over and over again which can have significant resource implications for the Council in delivering its services to all.
- 1.6 In these situations we will consider how we manage the relationship going forward and use restrictions of access **as a last resort**. This will ensure that Council resources are used effectively and that other customers and or staff do not suffer any detriment as a result of the behaviour. The actions (detailed in section 5.2) can occur either while the complaint is being investigated, or once the complaint investigation has been concluded by the Council.
- 1.7 Complainants displaying unreasonable behaviour will be addressed on a case by case basis.
- 1.8 This Dealing with Unreasonable Behaviour (inc. Vexatious Complaints) Policy should be used in conjunction with other Council policies including the Customer Feedback, Managing Unreasonable Behaviour, Equalities and Violence at Work policies.

2.0 Classifications of Unreasonable Complaint Behaviour and Vexatious Complaints

- 2.1 It is considered reasonable for complainants to be determined and assertive when making a complaint about services, and to provide the Council with regular updates if there have been further incidents or new information that the Council need to know or consider.

2.2 Examples of unreasonable actions and behaviours are detailed below. The list is not exhaustive but gives indicative guidance in what may constitute as unreasonable:

- Demanding responses within an unreasonable time scale
- Insisting on dealing with a specific person
- Continual contact e.g. phone calls, letters, emails
- Repeatedly changing the substance of the contact or raising unrelated concerns
- Refusing to accept that issues are not within the remit of the complaints procedure despite having been provided with information about the procedure's scope
- Insisting on the complaint being dealt with in ways which are incompatible with the Customer Feedback Policy complaints procedure or with good practice.
- Further demands relating to a specific issue where the Customer Feedback Policy has already been followed and exhausted.
- Persistent refusal to accept a decision or raising similar complaints where there is no benefit to the Council or complaint to pursue.
- Persistent refusal to accept explanations as to what the Council can and cannot do
- Continuing to pursue a matter that has been properly investigated e.g. raising a repeat complaint without providing new/pertinent information
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.

2.3 Situations can escalate and sometimes customers can become abusive, offensive, threatening or otherwise behave unacceptably. Such situations would be managed in accordance with Managing Unreasonable Behaviour and Violence at Work Policies.

3.0 Considerations Prior to Action

3.1 As part of assessment of whether the complaint should be considered unreasonable we will consider:

- That the complaint is being/has been investigated properly.
- Any decision reached on their complaint is the right one given the information available.
- That communications with the complainant have been appropriate.
- The complainant is not providing any significant new information which may affect our view on the complaint.
- Whether an Equality Impact Assessment needs to be completed to understand any unmet need/multi agency approach.
- The benefit of meeting the complainant via an suitable method to discuss the ongoing issues as this can dispel misunderstandings and move matters towards a resolution
- Designate one officer to co-ordinate the response if the complaint relates to more than one service area

3.2 In most cases we will write to the complainant explaining what unacceptable behaviour has been observed, the behaviour that the Council expect and the potential consequences if the behaviour persists.

3.3 Where behaviour is so extreme that it threatens the immediate safety or welfare of our staff or others, the matter may be reported to the police or we may consider taking legal action (without giving notice) alongside any action under this policy.

4.0 The Process for Making the Decision to Adjust our Services

4.1 Staff who consider a complainants behaviour falls within the remit of this policy will raise this with their Business Manager and two warning letters will normally be issued before a decision is made to adjust our services.

4.2 The decision to adjust our services following unreasonable behaviour by a complainant will normally be taken by the Business Manager in conjunction with the Director who may delegate a senior officer to do so on their behalf.

4.3 The Business Manager should also discuss the circumstances with another Business Manager not involved in the case to ensure impartiality of decision making that effectively restricts our services.

5.0 Restricting Access

5.1 The action taken in relation to unreasonable behaviour will be appropriate and proportionate, following written warnings and will be taken as a last resort.

5.2 Depending on the behaviour, one or more of following controls will be considered and recommended by the Business Manager:

- Time limits on contacts e.g. telephone conversations or face to face contacts
- Restricting the number of contacts during a specific period of time (for example, one call on one specified morning or afternoon per week)
- Limiting the complainant to one suitable communication channel e.g. telephone, letter or email and/or requiring the complainant to communicate only with one named member of staff
- Requiring a witness to be present for interactions
- Signposting to the relevant Ombudsman if the relevant route has been exhausted.
- Refusing to register and process further correspondence or separate complaints about the same matter though the correspondence will be logged.
- Future correspondence will be read and placed on the file but will be not acknowledged, unless it contains material new information. A designated officer will be identified who will read future correspondence

6.1 Operating the Policy

6.1 Once a decision has been taken to apply the policy we will write or email the complainant to inform that:

- The decision has been taken to adjust our services in response to their behaviour
- What this means for their future contact with us
- How long any restrictions will last
- When the decision will be reviewed (dependant on circumstances)

6.2 New complaints about new issues will be treated on their own merits and this policy will be applied to determine any unreasonable behaviour.

7.0 Appeals and Reviews

7.1 The decision to restrict our services does have a right of appeal to Senior Leadership Team. The Business Manager/Director will present the information on which the decision has been made and any submission by the complainant

7.2 The decision will be reviewed after an agreed period dependant on the circumstances.

7.3 When reviews are carried out, we will write to advise the complainant of the outcome and, if restrictions are to continue to be applied the date when these will next be reviewed

7.4 A report will be presented to SLT annually to show how the policy has been applied over the year including the persons where services have been restricted.

8.0 Review of the Policy

8.1 The Policy is to be reviewed every two years or in response to changes in relevant legislation and or other Newark and Sherwood District Council policies, procedures and agreements.