



POLICY FOR DEALING WITH UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

Introduction

- 1 South Wonston Parish Council is committed to dealing with all questions, issues, complaints fairly and impartially and to providing a high quality service to complainants. Having a policy on unreasonably persistent complainants and unreasonable complainant behavior helps the Council to deal with complainants in ways which are consistent and fair.

Definitions

- 2 The Local Government Ombudsman has defined 'unreasonable' and 'unreasonably persistent' complainants as those who, because of the frequency or nature of their contacts with the Parish Council, hinder the Councils consideration of their, or other people's, questions, concerns and complaints.
- 3 Examples of unreasonably persistent complainant behaviour include –

Introduction of trivial or irrelevant new information and expecting it to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.

Making excessive demands on the time and resources of Parish Council volunteers and staff whilst the concerns or complaint is being investigated – e.g. excessive telephoning or sending numerous emails 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 make 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 repeatedly 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:

- (a) which amounts to harassment of another and
- (b) which s/he knows or ought to know amounts to harassment of another

Actions can be:-

- Physical conduct
- Verbal and non-verbal conduct, excessive emails.

Aim

- 4 The aim of the policy for dealing with unreasonably persistent complainants and unreasonable complainant behavior, is to deal fairly and honestly with the complainant whilst ensuring that other residents and Parish Council member's officers do not suffer any detriment from people making repeated and persistent, unreasonable complaints – whilst recognising the rights of complainants under the Human Rights Act 1998.

Dealing with Unreasonably Persistent Complainants

- 5 The decision to designate someone as unreasonably persistent can only be made by the Parish Council, whereby a special meeting would be convened to discuss the case in hand and the complainant behaviour. Please refer to vexatious and repeated requests for information under the Freedom of Information Act 2000, by the Head of Legal Services in liaison with Management Team, who will be guided by the Information Commissioner's Office).

Vexatious or 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 the Parish Council's ability to go about its democratic business.

Assessing whether the action is proportionate and necessary

5.1 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 Parish Council's policy for responding to email or investigating complaints?
- Is there another, more specific, path for the complainant to follow (e.g. an appeal process if s/he is complaining about, say, a planning decision.
- 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 the Council's view on his/her issue or complaint?

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

5.2 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 Parish Councilor or Parish Clerk? 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 she/he wishes, if it is considered that a meeting may help the situation.)

Applying restrictions

5.3 Before applying any restrictions, the complainant should be given a warning in writing that if his/her actions continue, the Parish Council may decide to treat him/her as an unreasonably persistent complainant and explain why.

Options for action

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

5.5 The following is a list of some possible actions for managing a complainant's involvement with the Council. (The list is not exhaustive and local case-by-case factors may be relevant in deciding appropriate action.) –

- Placing time limits on telephone conversations and personal contacts. (Cont'd).

(Cont'd).

- Requiring the complainant to communicate with one named member of the Parish Council.
- Requiring personal contacts to take place in the presence of a witness.
- Refusing to register/process further complaints about the same matter.

Dealing with Unreasonable Complainant Behaviour

- 6 The Council has a duty to ensure the health, safety and welfare of its Parish Council volunteers and staff and it does not expect a volunteer or member of staff to tolerate language or behaviour by complainants which is abusive, offensive, or threatening.
- 7 Members of staff who feel threatened, harassed or intimidated by the language or behaviour of complainants should report their concerns to the Parish Council immediately who would then proceed with appropriate next steps.

Telephone contact

- 8 During a telephone conversation, if Parish Councilors or the Clerk 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.
- 8.1 Repeated calls of this nature constitute harassment which should, after consultation with the Parish Council will be reported to the Police.

Application of the Policy

- 9 If the decision is made to apply the policy, a the Parish Clerk 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 the Parish Council.
 - Explain how long any restrictions will last.
 - Explain what the complainant can do to have the decision reviewed.
 - Enclose a copy of this policy with the letter.

Records

- 10 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.