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Policy and Guidance for Dealing with Persistent, Vexatious and Unreasonable  
Customer Behaviour

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	Issues (if any):	None	

1.0 Hart District Council aims to provide high quality services to all of our customers. However, when things fall short of this standard, we will deal with those who have a complaint fairly, honestly and properly through the Council's Complaints Procedure.

1.1 Criticism and complaints against the council are a welcome and legitimate part of the relationship between the council and its local community. They are a valuable source of feedback on the operations of the council and assist in improving service quality. Most complainants pursue their complaints in a reasonable and acceptable manner. A very small minority, however:

- persist unreasonably with their complaints (persistent complainants)
- or make complaints in order to make life difficult for the council rather than to genuinely resolve a grievance (vexatious complainants)
- or are abusive, offensive or threatening (unreasonable complainants)

and these are the definitions used within this policy.

1.2 In those cases where staff (including those in shared and externalised services acting on our behalf), Councillors or the council as a whole suffer adversely from persistent, vexatious or unreasonable complaints, this policy will be applied.

1.3 This policy covers all forms of contact to staff and Councillors such as telephone, text, letter, email, messaging via social networks or face to face contact.

1.4 Unreasonable behaviour may depending on the seriousness include only one or two isolated incidents, persistent and vexatious behaviour is usually an accumulation of incidents or behaviour over a longer period.

## **2.0 EXAMPLES OF UNACCEPTABLE COMPLAINANT BEHAVIOUR**

2.1 The following list, drawn up by the Local Government Ombudsman and recommended for inclusion in local council policies, provides examples of behaviour by complainants which may be described as persistent, vexatious or unreasonable. We will not tolerate behaviours such as:

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Refusing to co-operate with the complaints investigation process;
- Refusing to accept that certain issues are not within the scope of the Complaints Procedure (e.g. Parking Ticket Appeals);
- Insisting on the complaint being dealt with in ways which are incompatible with the Corporate Complaints Policy or with good practice;
- Misusing council telephone numbers, for example calling mobile numbers or those not intended for public use;
- Demanding special treatment / immediate escalation to a manager repeatedly;
- Making unjustified complaints about staff who are trying to deal with issues, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements he or she made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed but unimportant questions; insisting they are all answered;

- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others;
- Adopting a ‘scatter gun’ approach: pursuing parallel complaints on the same issue with the same department, other departments of the council, with Councillors, the MP or Local Government Ombudsman.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Council staff/Councillors, or detailed letters every few days, and expecting immediate responses;
- Submitting repeat complaints with minor additions/variations that the complainant insists make these ‘new’ complaints;
- Refusing to accept the decision;
- Repeatedly arguing points with no new evidence.
- Using abusive, offensive or threatening language

### 3.0 HOW WE WILL RESPOND

3.1 If a complainant contacts the council because they are unhappy about the response to a complaint, it is important to understand why they are unhappy. If it is because the response does not cover all issues raised in the original complaint, this should be addressed. If the complainant is unhappy with the outcome of the complaint they should be encouraged to escalate their complaint to the next stage of the council’s complaints procedure, details of which can be found on the council’s website.

3.2 If the complainant will not agree to escalation of their complaint or has exhausted the complaints escalation procedure but still persists in contacting the council about the same issue, the matter should be referred to the relevant Head of Service/Corporate Director.

3.3 Where staff are subject to unreasonable behaviour (such as verbal abuse) during a telephone call, site visit or face to face interview, they should advise the person concerned that the behaviour is unacceptable and that continued behaviour of this nature will lead to the telephone call/visit being aborted.<sup>1</sup>

3.4 Notwithstanding the form of contact (telephone, email, fax, face to face, text etc.) officers are required to keep detailed and chronological notes of the case including time, dates and what was said, whilst it is still fresh in their memory.

3.5 This evidence as well as any documentary evidence must be passed without delay to the relevant Corporate Director who will reach a decision as to whether they consider that the complainant is being unreasonable, persistent or vexatious.

**It should be noted that this decision can only be taken by a Corporate Director or the Chief Executive.**

3.6 Where it is concluded that the complainants’ behaviour is unreasonable, persistent or vexatious, in most instances the relevant Head of Service/Corporate Director will contact the complainant and tell them why we have reached this decision and ask them to change their behaviour.

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<sup>1</sup> Please note, officers have the discretion to end the call/abort the visit without advising the complainant of their unacceptable behaviour, where to do so, may inflame or worsen the situation.

3.7 If their behaviour continues, we will take action to restrict the complainant's contact with the Council. Any such restrictions will be evidence based, appropriate and proportionate and the complainant will in most circumstances be advised in writing why we believe their behaviour is unacceptable, what action we are taking and its planned duration. We will also tell them should the complaint still be under consideration six months later, we will review whether the restrictions imposed are still necessary and should remain.

3.8 Where the behaviour is so extreme that it threatens the immediate safety and welfare of the council's staff or Councillors, we may report the matter to the police or consider taking legal action. In such cases, we may not give the complainant prior warning of our intended actions.

3.9 In arriving at a decision to restrict access to services, any known relevant factors such as disability, language or illness will be fully considered.

3.10 The most likely options for restricting access or taking other actions will be:-

- Specifying that contact will take place in a particular form (for example, a maximum one letter a week);
- Or through a single named member of staff or at specific days or times.
- Requiring the complainant to enter into an agreement about their future behaviour before their case proceeds,
- Managing the case through an independent advocate
- Other suitable actions, in light of the complainant's circumstances
- In extreme cases repeated contact may be deemed to be harassment, a Corporate Director may report to the police.
- If a complainant continues to behave unreasonably, and overrides the restrictions placed on access to the council's services, we may decide to terminate contact with them and discontinue any investigation into their complaint.
- If the Council has completed its investigation into the complaint, we will review the decision if material new evidence is submitted (Legal Services may be consulted on the materiality of new evidence). Other submissions on the same matter will be read and placed on file, but no other action will be taken.
- New complaints from people, whose behaviour has previously been deemed unreasonable, persistent or vexatious, will be treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.

3.11 In taking the action described above, it must be emphasised that the policy should only be used as a last resort and after all other reasonable measures have been taken to resolve complaints or complainant behaviour.

#### **4.0 SHARING THE INFORMATION AND RECORD KEEPING**

4.1 To ensure the appropriate management of this policy, the Council reserves the right to share details of any restrictions on access for complainants as identified above with any services (including shared or externalised services where appropriate), staff or councillors who may come into contact with the complainant.

4.2 The Council will maintain records of any restrictions placed on complainants on Council files for two years after the restriction has been lifted.

## **5.0 OTHER POLICIES**

5.1 This policy should be read in association with the council's policies on complaints, health and safety, equalities and dealing with aggressive customers.

## Appendix I

### **Checklist of Issues for Corporate Director/Chief Executive to take into consideration when considering whether complainant's actions are unreasonably persistent or vexatious.**

The decision to designate someone's behaviour as unreasonable, and restrict their access to the council, could have serious consequences for the individual. So, you should be satisfied that:

<b>Consideration</b>	<b>Evidence</b>	<b>Officer sign off</b>
Has the person's complaint been investigated properly?		
Has communication with the complainant been adequate?		
Is the complainant now providing any significant new information that might affect the councils view on the complaint?		
Have any equalities issues have been considered		
That any decision to restrict access is, based on the above evidence, the right course of action		

Have you considered the following actions?

<b>Action</b>	<b>Yes</b>	<b>No</b>	<b>Rationale</b>
Offering the complainant a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable.			
Sharing your policy with the complainant and warning them that restrictive actions may need to be applied if their behaviour continues			
Liaising with all relevant services/staff/Councillors/shared or externalised services to discuss suggested approaches to restricting access to services.			
Designating a key officer to co-ordinate the organisation's response(s).			
Helping the complainant to find a suitable independent advocate especially if the complainant has different needs.			
Are there any aggravating matters which suggest that the case should be reported to the police?			
Are there any other reasonable actions you could consider in line with the policy			