

Wirksworth Town Council



Unreasonably Persistent Complaints & Unreasonable Behaviour Policy

Policy Adopted: 15/02/21

Minute No: C20/158

This policy will be reviewed annually
at the Annual Town Council Meeting

Introduction

Wirksworth Town Council welcomes feedback and will always try to resolve complaints as quickly as possible. The majority of complaints are dealt with through the complaint's procedures without difficulty. However, the Council may sometimes come into contact with a minority of the public who pursue their complaints in a way that is unreasonable and/or take up an unwarranted amount of resources or impede the investigation of their complaint.

The Unreasonably Persistent Complaints Policy should only be applied where absolutely necessary. It describes how the Town Council may deal with complaints effectively where the complainant is unreasonably persistent in pursuing complaints or otherwise acts unreasonably. The policy has been written with reference to guidance issued by the Local Government Ombudsman (LGO) on the management of unreasonable complainant behaviour.

Definition of Unreasonable and Unreasonably Persistent Complaint Behaviour

Unreasonable and unreasonably persistent complainants are defined as people who, because of the frequency or nature of their contacts, hinder the Town Council's consideration of their own, or others', complaints and/or make complaints without sufficient grounds so as to cause annoyance and/ or to waste staff time.

Examples of Unreasonable Actions and Behaviours

Features of the types of complaint and of customer behaviour that this policy covers can include one or more of the following:

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of the complaint's procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about employees who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a late stage.
- Raising numerous, detailed but unimportant questions, insisting that they are answered.

- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scattergun' approach: pursuing parallel complaints on the same issue with a variety of other organisations or within the Council.
- Making excessive demands on the time and resources of employees with lengthy telephone calls, emails to Council employees or detailed letters every few days and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the person insists make these 'new' complaints.
- Refusing to accept a decision or repeatedly arguing points with no new evidence.
- Harassing verbally or otherwise seeking to intimidate employees dealing with their complaint, including the use of foul, abusive or racist language.
- Insisting on pursuing unjustified complaints and/or unrealistic outcomes to legitimate complaints or taking actions that are out of proportion to the nature of the complaint, even when the complaints procedure has been exhausted.
- Demonstrating behaviour which has a significant and disproportionate adverse effect on Wirksworth Town Council's resources and other residents.
- Combinations of some or all of the above.

Managing Contact

It is vital that all attempts are made to maintain effective communication and relationships with complainants. Prior to taking action under this policy the Clerk should ensure that:

- Every reasonable effort has been made to investigate the complaint.
- Every reasonable effort has been made to communicate with the complainant.
- Consideration has been given to the individual needs of the complainant in respect to equality issues.
- The complainant is not now providing any significant new information that might affect the organisation's view of the complaint.

Issuing a Warning

Having consulted with and obtained a resolution from Wirksworth Town Council, the Clerk will contact the complainant in writing, to explain why their behaviour is causing concern, asking them to change this behaviour and explaining what action may be taken if they do not.

Applying an Appropriate Restriction

Where inappropriate behaviour persists, Wirksworth Town Council will consider a report which will detail the contact already received from the person and why the Clerk considers that this may be unreasonable. Wirksworth Town Council may apply a restriction which it considers to be proportionate to the nature and frequency of the customer's current contacts. These restrictions could include:

- Placing limits on the number and duration of contacts with employees per week or month.
- Offering restricted time slots for unnecessary calls.
- Limiting the person to one medium of contact, i.e. telephone, letter or email.
- Requiring the person to communicate only with one designated officer.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.

Where a decision on the complaint has been made, Wirksworth Town Council can designate the Clerk to act as a single point of contact in respect of the person's complaints. Wirksworth Town Council may then inform the complainant that future correspondence will be read by that officer and placed on file, but not acknowledged, unless it contains new material information.

Operating the Policy

If a decision is taken to apply restricted access, the Clerk will write to the complainant with a copy of this policy to explain:

- Why the decision has been taken.
- What it means for his/her contacts with the Wirksworth Town Council.
- How long any restrictions will last.
- What the customer can do to have the decision reviewed.

Adequate records will be kept to show:

- When a decision is taken not to apply the policy, when a member of staff has asked for this to be done.
- When a decision is taken to make an exception to the policy once it has been applied and the policy has been considered;

- When a decision is taken not to put further complaints from this person through the complaint's procedure for any reason.

New Issues

If complaints about new issues are made these will be treated on their merits. It is recognised that any new complaint may represent a genuine service failure and therefore needs to be reviewed objectively regardless of who is bringing the complaint. However, Wirksworth Town Council may consider whether any restrictions previously applied to the person are still appropriate and necessary.

Review

When imposing restrictions on access, the Clerk will specify a review date, which is normally six months. Restrictions should be lifted and relationships returned to normal unless there are good grounds to extend the restrictions. The person will be informed of the outcome of the review and, if the restrictions are to continue, given an explanation as to the reasons and informed when the restrictions will next be reviewed (normally after a further six-month period).

Appeals Against Decisions

An appeal will be heard by a sub-committee of the Council and will be advised by the Clerk. Both the Clerk and the complainant will have the opportunity to put their case to the sub-committee. The sub-committee chair will write to the complainant with the decision which will be final.

The complainant may also contact the Monitoring Officer at Derbyshire Dales District Council, who may in some circumstances be able to investigate the Town Council's decision.