



Vexatious Complainants Procedure

Management of Unreasonable Complainant Behaviour

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1. Introduction

- 1.1 A complaint is basically an expression of dissatisfaction about our services.
- 1.2 In general terms, you can make a complaint if you are not satisfied with our service or:
- You feel you have not been treated with courtesy or fairness
 - You are unhappy about the standard of service you have received
 - You feel we have failed to provide a service to which you are entitled
 - You are unhappy about the action taken by us
- 1.3 The Council recognises the importance of customer complaints and uses them as a valuable form of feedback about its services. We will use the information gained from complaints to help improve the quality of the services we provide and relations with our customers.
- 1.4 The Council will deal with complaints impartially, objectively, and professionally. We will treat complainants with respect, as we ourselves would like to be treated. Complainants and their families will not receive any adverse treatment because they have made a complaint.
- 1.5 However, in some circumstances it may, unfortunately, be necessary to restrict contact between the Council and complainants. We do not expect staff to tolerate unacceptable behaviour, including behaviour, which is abusive, offensive, or threatening. In these circumstances, we will take action to protect our staff, which is outlined in this procedure.
- 1.6 Raising legitimate queries or criticisms is not regarded as being unreasonable, so long as this is done in an appropriate and non-aggressive manner. If a complainant is unhappy with an outcome and simply seeks to challenge it, this will not result in them being considered as vexatious or unreasonable. Furthermore, we appreciate that complainants may often be frustrated and aggrieved, and it is, therefore, important to consider the merits of their case rather than their attitude. However, if a complainant becomes unreasonable in an unnecessarily persistent or aggressive manner action under the Vexatious Complaints Procedure may be considered.

2. Examples of Unreasonable Actions and Behaviours

- 2.1 Deciding whether a complainant is vexatious is a balancing exercise, and we will take into account all the circumstances of the case.
- 2.2 This is not an exhaustive list, but some examples of unreasonable actions and behaviours are:
- Continuously shouting at member of staff, swearing, threats, name-calling and/or obsessive, harassing, or prolific behaviour
 - Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
 - Raising numerous, detailed but unimportant or repetitive questions, insisting that they are answered
 - Taking a 'scatter-gun' approach to complaints; pursuing parallel complaints on the same issue with a variety of services areas or members of staff

- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses
- Refusing to co-operate with the complaints investigation procedure while still wishing their complaint to be resolved. Refusing to specify the grounds of a complaint, despite offers of assistance
- Insisting on the complaint being dealt with in ways which are not covered within the Council's corporate complaints procedure, for example planning decisions.
- Changing the basis of the complaint as the investigation proceeds. Denying or changing statements made at an earlier stage.
- Refusing to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and or denying that an adequate response has been given.
- Covertly recording meetings and conversations
- Making discriminatory or other inappropriate personal comments which may cause offense (including those which contravene the Equalities Act 2010) for example on the grounds of age, disability, ethnicity, gender, gender transformation, marriage, pregnancy, religion, race, sexual orientation, or sex.

2.3 It is acceptable for an employee to terminate a telephone conversation or a meeting if a complainant displays an unacceptable level of abuse or aggression during the conversation. The complainant should be warned and given the chance to modify their behaviour before the conversation is terminated.

2.4 If a call or meeting needs to be terminated because of the complainant's conduct, the member of staff should do so politely, keep a record of what occurred and contact the Corporate Complaints Officer.

3. Invoking the Vexatious Complainants Procedure

Please see Appendix 1 for a flow chart of the formal stages of the Vexatious Complainants Procedure

3.1 Where a complainant displays unreasonable behaviour (as described in section 2.2) this procedure may be invoked. However, the Council deals with a diverse population, including vulnerable people and any restrictions imposed must take into account the complainant's individual circumstances. Some individuals, particularly those with mental health issues, medication that makes them forgetful, or dementia, may behave in a manner which might, if taken at face-value falls within the scope of this policy. Accordingly, a sensitive approach is needed to ensure that the Council is acting appropriately and, in implementing this procedure, the Council will seek to ensure that its actions are in accordance with its obligations under the Equality Act and Human Rights Act and/or any other applicable policies, by way of making reasonable adjustments and/or such other steps are appropriate.

3.2 Official Warning

The Corporate Complaints Officer will contact the complainant as soon as possible with an official warning in writing. In this warning, the Corporate Complaints Officer will explain why the complainant's behaviour is classed as unreasonable and will ask the complainant to change their behaviour when contacting the Council in future.

3.3 Invocation of the Formal Procedure

If the complainant does not alter their behaviour, The Corporate Complaints Officer, will write to the complainant within 10 working days of the date when unreasonable behaviour recurred to confirm any measures that are to be put into place in order to restrict the complainant's contact with the council.

3.4 These restrictions may include any steps which are considered to be reasonable and necessary in the circumstances, depending on the behaviour being displayed, but are not limited to:

- Restricting the complainant from making contact by telephone, except through a third party
- Restricting the complainant from sending emails to individual Council officers or Elected Members
- Restricting the complainant from accessing any council building except by appointment
- Requiring contact to take place with one named member of staff only (a single point of contact or SPOC)
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Informing the complainant that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint, unless the complainant is supplying new evidence which makes it reasonable to do so

3.5 Where the decision has been made to restrict contact with complainants, we will clearly explain:

- Why we have taken the action
- What action we are taking
- The duration of this action
- How to appeal

3.6 The Corporate Complaints Officer will notify the relevant Directorate Management Team, and/or any other relevant council officers as appropriate of any complainant that has been issued with an official warning or restrictions imposed.

4. Right of Appeal

- 4.1 All complainants have the right of appeal once the Vexatious Complainants Procedure has been invoked. An appeal can be made in writing, within 20 working days, to the Council's Monitoring Officer, whose contact details will be supplied in our correspondence. For the Monitoring Officer to consider the appeal, the complainant must clearly state why they disagree with the decision.
- 4.2 The Monitoring Officer will re-examine the need for any restrictions based on the complainant's case history and letter of appeal.
- 4.3 A letter will be sent to the complainant after the appeal has concluded to confirm the decision. The decision will be notified to the complainant within 20 working days from the appeal request being received. If there is any delay, then the complainant will be notified of the reason for this.

5. New Complaints from Complainants who have had Contact Reduced Under the Vexatious Complainants Procedure

- 5.1 New complaints received from complainants who have previously been the subject of restrictions under this procedure will be considered by the Corporate Complaints Officer and the relevant service based on their own merit.
- 5.2 If restrictions under this procedure have previously been lifted and a complainant continues contact with the Council in a way that is deemed to be a continuation of previous behaviour, the Council may choose to re-impose the same and/or new restrictions, without giving prior warnings. If this happens, the Corporate Complaints Officer will write to the complainant to confirm this and the nature of the restrictions.

6. Further Escalation

- 6.1 Whether the Council has invoked this procedure or otherwise, the Council may contact the police in circumstances where a complainant's behaviour towards its staff appears to potentially threaten their welfare and safety.
- 6.2 Similarly, in serious cases, the Council may make an application to the courts for an injunction, to prevent the complainant from contacting the Council or its staff unnecessarily.

7. Review of Restrictions

- 7.1 Any restrictions on contact between complainants and the Council will be reviewed in line with the timescales applied under this procedure. If the timescales are to be extended the complainant will be informed in writing, otherwise the application of this procedure will expire at the end of the allocated timescales.

8. Record Keeping

- 8.1 A record will be kept of all complainants who have been the subject of this procedure. This will include:
- Complaint details
 - What decisions were made
 - When the decision was made
 - Why the decision was made
- 8.2 This record will be updated each time the decision is reviewed. Where the review has led to a decision to lift any restrictions, all documentation relating to the restriction under this procedure will be retained for two years from the date of the review, and then destroyed.

9. Review of the Vexatious Procedure

- 9.1 The procedure will be reviewed when necessary, including following the receipt of best practice guidance from the Local Government and Social Care Ombudsman. The Council reserves the right to make amendments to this procedure at short notice, or in any situation that warrants an immediate amendment being introduced.

Appendix 1 – Redcar & Cleveland Borough Council Vexatious Complaints Procedure Flow Chart

As soon as a complainant displays unreasonable behaviour the Corporate Complaints Officer will write to the complainant and issue an official warning explaining why their behaviour is classed as unreasonable and ask them to change their behaviour when contacting the council in future

The Corporate Complaints Officer will notify the relevant Directorate Management Team, and or any other relevant council officers that an official warning has been issued to the complainant

If complainant continues to display unreasonable behaviour

The Corporate Complaints Officer will write to the complainant, within 10 working days of the continued occasion of unreasonable behaviour, and explain the restrictions that are being placed on them

The Corporate Complaints Officer will inform the relevant Directorate Management Team, and or any other relevant council officers the restrictions that have been placed upon the complainant

Right of Appeal

The Complainant has a right to appeal the decision to be the subject of restrictions under the Vexatious Procedure. To do this they must write to the councils Monitoring Officer within 20 working days of the letter of notification of restrictions stating why they disagree with the decision

The councils Monitoring Officer will re-examine all the complainants case history and write to the complainant to confirm the decision from the appeal. The process allows 20 working days from the date of the appeal request to reply to the complainant