



Managing Unreasonable Complainant Behaviour

Customer Guide

London Borough of Lewisham

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Document Control

Version Control Table

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Revised draft v0.1	14/04/2020	Job title Head of Public Services changed to Director of Public Services in the guide.	Interim Complaints Manager, Complaints & Casework Team, Independent Adjudicator
Revised draft v0.2	09/11/20	Minor wording changes	Complaints & Casework Team, Independent Adjudicator
Revised draft v0.3	10/11/20	Includes changes from the Corporate Team	Ag. Director of Public Services
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1 Introduction

- 1.1 In most cases, complainants are helpful, polite and patient, and they give us time to do our job. This means that their complaints can be dealt with quickly and efficiently. However, the behaviour of a minority of complainants can make investigating and resolving a complaint difficult. These complainants can also take up a lot of officer time, leaving less time to help others.
- 1.2 This guide aims to ensure that those complainants who behave unreasonably, or who are unjustifiably persistent, are treated fairly and consistently. It also helps staff understand what is expected of them; what action they can take when faced with a difficult complainant; and who is responsible for authorising such action.
- 1.3 Additionally, the guide aims to protect the complainant because sometimes, even though their behaviour is unreasonable, they still have a valid complaint and the Council wants to investigate it.
- 1.4 The action explained in this guide will be taken only as a last resort, and the decision to take such action can only be made by the Director of Public Services.
- 1.5 Each case will be considered on its merits. In reaching a decision, officers will take into account the effect of the complainant's behaviour on the Council's resources; the complainant's circumstances including any special needs; whether the complainant is vulnerable; and the impact the decision will have on the complainant and Council.

2 Our definitions

Unreasonably persistent behaviour

- 2.1 The Council recognises that there are times when people may act out of character, for example, when they are distressed or upset. They will be treated professionally by our officers and in line with our normal processes. However, we have found that some people regularly behave unreasonably and make unacceptable demands of our services. The Council believes that such people should understand that special measures may have to be taken to help us work with them.

Aggressive and abusive behaviour

- 2.2 The Council does not tolerate violence or abuse towards its staff. Violence is not restricted to acts of aggression that may result in physical harm: it also includes behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened or abused; and it may include threats, personal verbal abuse, derogatory remarks and rudeness.

Unreasonable demands

- 2.3 A demand becomes unreasonable when it starts to have a major impact on our resources and on officer time. Unreasonable demands can include:
- A complainant not accepting our decision on their complaint and continuing to contact us about it even though it has been through all stages of the Corporate Complaints Procedure and any recommended remedies have been implemented.
 - A complainant making unreasonable demands on officer time while their complaint is being investigated, for example, telephoning daily to find out what is happening, or contacting the Council to chase a remedy even though the timescale for implementing it has yet to be reached.
 - Making excessive phone calls; emailing a number of officers about the same issues; writing lengthy letters and expecting immediate reply; and making frequent, or a high number, of complaints.

Unreasonable contact

- 2.4 Sometimes, a complainant contacts us so much that it makes it very difficult to investigate their complaint properly.
- 2.5 Unreasonable contact can include a high number of calls within an hour or a day; a high number of emails/letters within a short period; and flooding the Council with the same or irrelevant information.

3 Who can be considered an unreasonably persistent complainant?

- 3.1 Anyone who fits into the categories in section 2 above, however the list is not exhaustive.

4 How we manage unreasonably persistent complainants

- 4.1 Before deciding to take action because we think a complainant is behaving unreasonably or is unjustifiably persistent, we send them a warning letter or email. The only exception is when a complainant is abusive: then we may consider taking alternative action, such as involving the Police or taking legal action.
- 4.2 The warning letter or email will advise the complainant that we are concerned about their behaviour and what will happen if it continues: a copy of this guide will be enclosed.

- 4.3 The Council believes that it is important that all cases like this are managed effectively, and that each is treated on its merits. This means that, when an officer feels that someone is unreasonable or unjustifiably persistent as defined in this guide, they will discuss it with their line manager. If the line manager has the same concerns, the case will be referred to the Director of Public Services with the reasons for referral clearly recorded.
- 4.4 The Director of Public Services will then decide on what action to take.
- 4.5 If the complaint is about a number of services, the case will be referred to the Corporate Complaints Team. The team will co-ordinate the investigation of the case and respond to the complainant directly.
- 4.6 In managing these cases, the Council will take into account its duties as a service provider and its responsibilities under disability discrimination legislation. Examples of how we might manage a case are set out below, but this is not an exhaustive list:
- Accepting only written contact from the complainant
 - Limiting the complainant to one contact point in the Council (relevant service areas will be informed on this restricted contact arrangement)
 - Accepting telephone calls only on a specific day or time of day
 - Deciding to end our investigation of the complaint and advising the complainant in writing that we have done this and why
 - Ending telephone calls where we consider a complainant's conduct is inappropriate, **first** warning them that this will happen
 - Writing to the complainant to say that in future, we will simply read and file their letters/emails unless they contain information that we think is new.

5 Recording and reviewing our decisions

- 5.1 We will write to the complainant to explain our decisions and the action being taken and the reasons why. We will also advise the complainant how they must contact us in the future, and their right to an appeal.
- 5.2 The Director of Public Services will review any decision six months after it is made, and they will advise the complainant in writing of the outcome.
- 5.3 The Corporate Complaints Team will monitor, record, and update all cases.

6 Appeals

- 6.1 A complainant must appeal in writing any decision with which they are unhappy within 20 working days and they should send that appeal to the Director of Public Services explaining the reasons for it. The appeal will be considered by the Executive Director of the relevant service or a Head of Service who has had no previous involvement. The complainant will be informed of the outcome in writing within 10 working days of receiving the appeal.

7 Further contact

- 7.1 The Council will treat all **new** complaints on their merits, and in line with its Corporate Complaints, Comment & and Compliments policy.