



# Unacceptable Complainant Behaviour Policy

## Introduction

North Yorkshire Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. We also have a duty of care to our employees and to provide a safe working environment for them to operate in.

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave in an unacceptable manner, or be unreasonably persistent in their contacts and submission of information. This can impede the investigation of their complaint (or complaints by others) and can have significant resource issues for the Council. This may be during the complaint investigation or following its conclusion and may relate to one or two isolated incidents, or an accumulation of incidents over a period of time.

## Unacceptable behaviour

We will not tolerate any behaviour we deem as unacceptable, such as harassment, threatening or abusive conduct. We will also not accept where complainants behave in such a way as to impede the Council's complaints procedures.

## Unreasonable persistency

We understand that making a complaint can be an emotional experience, but for a minority of complainants, they may become unreasonably persistent or deliberately repetitive during an investigation, or they will not accept that the matter has been concluded. They may also raise the same issues, but by making slight additions or variations claim they are 'new' complaints.

It is important to distinguish between persistent and unreasonably persistent behaviour. Complainants can 'persist' in pursuing their complaint if they feel that we have not dealt with it following proper procedure and that is acceptable. However, some complainants pursue their complaints in inappropriate ways, or the complaints have no substance, or have already been investigated and determined. Even where contacts are amicable, they may still place heavy demands on staff time due to their unreasonable frequency, or may be emotionally charged and distressing for all involved. This behaviour can hinder our consideration of your or other people's complaints and this we call unreasonably persistent.

## Vexatious Complaints

Complainants may be referred to as vexatious, where a person is not seeking to resolve a dispute between themselves and the Council, but is seeking only to cause unnecessary aggravation or annoyance to the Council.

## Examples of unreasonable and unacceptable behaviours

Examples of unreasonable/unacceptable behaviours include (but are not limited to):

- Racist, sexist, homophobic, or any other discriminatory, offensive, threatening or aggressive language
- Offensive, threatening, aggressive or violent behaviour towards staff
- Refusing to specify the grounds of complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedures or with good practice
- Making unjustified complaints about staff 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 they made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions and insisting they are all answered within an unreasonable timeframe
- Submitting falsified documents from themselves or others
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue, sometimes with various organisations
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous members of staff, detailed letters every few days, or other unreasonably frequent contacts and expecting immediate responses
- Submitting repeat complaints with minor additions or variations that the complainant insists make them 'new' complaints
- Refusing to accept the complaint decision, repeatedly arguing points with no new evidence

## Reasonable adjustments

Due consideration will be given to any special needs or circumstances the complainant may have, including any related illnesses or disabilities that may be impacting on behaviour and any reasonable adjustments will be made.

Customer requirements will be considered in determining any appropriate action to ensure it does not discriminate against the complainant under the Equalities Act 2010 or increase their level of vulnerability.

## Warning

In most instances if we consider your behaviour to be unreasonable, we will explain why and ask you to change it. We will also warn you that if the behaviour continues, we may end that interaction with you and may consider other action as below.

If we consider behaviour so extreme it threatens the immediate safety and welfare of our staff, we may report the matter to the Police or consider taking legal action. In such cases we may not give you prior warning.

## What action the Council may take

Any action taken and associated timescales would be proportionate based on the individual circumstances of each case and the impact on the staff member(s) or service. Decisions to restrict contact will be made in conjunction with an appropriate member of staff.

Where the contact is face to face or by telephone, the member of staff should:

- Give a warning about the behaviour and ask the complainant to change that behaviour.
- If the behaviour persists, then a second warning should be given saying that if the behaviour does not change that interaction will be ended, either by stopping the meeting or ending the call.
- If the behaviour continues the staff member should say that the meeting or call is ending, then stop the meeting or end the call.
- If appropriate, the staff member can give warning that further action may be taken and may refer the complainant to this policy.
- If behaviour is sufficiently extreme staff can end the interaction immediately at their own discretion.

If the behaviour is more minor in nature, an initial warning letter or email (or telephone call if the only available method of contact) may be issued. This would include behaviours such as personal or derogatory remarks, sustained swearing or shouting, inability to accept a decision or explanation and multiple requests for progress updates in an unacceptable time period. Such warnings will usually be held in place for six months. A copy of this policy would be included with the warning letter, or referred to in a telephone call.

If behaviour persists then the Council may take further action.

Interaction with the Council may be restricted by:

- Placing limits on the number and duration of contacts with staff per week or month.
- Setting a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc.)
- Restricting communication to only one named member of staff.
- 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/contacts about the same matter.

We may ask you to enter into a 'behaviour contract' – a formal agreement of how you will behave towards the Council and its staff.

Where our consideration of a complaint has ended, we may not communicate any further on that issue. We will explain what your next steps may be and how we will treat any further communication you may make (we may advise you that future contacts will be considered and put on file, but no action taken unless there is new, significant, relevant information).

If you make a new complaint this will be considered as a fresh case, though if a restriction is in place, we may decide that it is appropriate to extend that restriction to the new complaint dependent upon the circumstances of the case.

You will be advised how long the restriction will be in place for. Timescales will usually be between six and twelve months, though in extreme circumstances a longer timeframe may be imposed.

A restriction may be for an individual case, or for wider contact with the Council. We will let you know exactly what the restriction will be in relation to and how it will work. For example, where a restriction is only in relation to the consideration of a complaint, this will not restrict you from contacting the Council for other services.

Where a restriction is imposed we will share that with any other relevant service as appropriate. For example, where contact is restricted to 'only in writing', we will inform our Customer Contact Centre not to accept telephone calls from you regarding this issue.

## Right to appeal

When we impose any restriction, we will write to explain what will happen and why, along with how long that restriction will last. You can appeal this decision by responding to that letter within 20 working days. An appropriate member of staff will review the decision and inform you of that outcome.

## Ending action/review

Behaviour will be monitored during the specified timescale of restriction and at the end of that time period a review will take place by an appropriate member of staff to see whether we would consider it necessary to continue to impose restrictions or whether to remove them. We will inform you of this outcome; if restrictions are to continue we will explain why.

## Record keeping

The Council will keep appropriate records in order to document each case:

- The initial behaviour that prompted referral to this policy.
- Who made the decision to impose any restriction and why.
- What action has been taken and the associated timescale.
- Any unacceptable behaviour that has occurred during the period of restriction.
- When a decision is made not to put a further complaint through the complaints procedure due to unacceptable behaviour.
- When a decision is made not to respond to any further correspondence on a particular matter.
- Any correspondence in relation to use of this policy, or records of relevant telephone calls.