



Unreasonable behaviour by complainants policy

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Introduction

Luton Council is committed to dealing with all complaints fairly and impartially in accordance with its Complaints Procedure. In a small number of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can hinder investigating their complaint (or complaints by others) and can have significant resource issues for the council. These actions can occur either while their complaint is being investigated, or once an organisation has finished the complaint investigation.

The policy covers 'unreasonable complaint behaviour' which may include one or more isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period.

The policy follows the guidance published by the Local Government & Social Care Ombudsman on [Guidance note on management of unreasonable complaint behaviour](#).

It is important to identify between people who make a number of complaints because they really think things have gone wrong, and people who are unreasonably persistent in making their complaints.

This policy supports Luton Council's Complaints Procedures:

- Corporate
- Children's social care
- Adult social care
- Housing

Aim of the Policy

The aim of this policy is to contribute to the council's overall aim of dealing with all complaints in ways which are open, fair and reasonable.

The policy helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. A policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, while the substance of their complaint is addressed.

Unreasonable complainant behaviour

Unreasonable and unreasonably persistent complainants are those who, because of the nature or frequency of their contacts hinder the council's ability to consider their, or other people's complaints.

In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also advise them, if the behaviour continues, we may take action to restrict their contact with the council and our staff.

Examples of unreasonable actions and behaviours

There are some actions and behaviours which the council would consider to be constant unreasonable behaviour. Single incidents may be unacceptable but continuous unreasonable behaviour will usually be found when the complainant shows the following behaviour over time:

- refusing to specify the grounds of a complaint, despite offers of help.
- refusing to cooperate with the complaints investigation process.
- refusing to accept that certain issues are not within the scope of the complaints procedure.
- insisting on the complaint being dealt with in ways which are not compatible with the complaints procedure.
- 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 he or she made at an earlier stage.
- introducing new minor or unrelated information at a later stage.
- raising many detailed but unimportant questions, and insisting they are all answered.
- submitting falsified documents from themselves or others.
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- making the same complaint repeatedly, with minor differences and insisting these are 'new' complaints.
- refusing to accept the decision; repeatedly arguing points with no new evidence.

Imposing restrictions

The Business Intelligence Team will contact the complainant in writing or email to explain why their behaviour is causing concern, and explain the actions the council may take if the behaviour does not change.

Actions which may be considered to restrict access and contact include:

- placing limits on the number and duration of contacts with staff per week or month.
- offering a restricted time slot for necessary calls.
- limiting the complainant to one form of contact (telephone, letter, email etc.).
- requiring the complainant to communicate only with 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 about the same matter
- advising the complainant that a designated member of staff will read all future correspondence and place it on file but not acknowledged, unless it contains relevant new information.

Operating the Policy

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

- why the decision has been taken
- what action the council is taking
- the duration of the action
- the review process of the policy
- inform the complainant how they can seek to appeal the decision if they disagree with it and the process for doing so.

The decision to restrict or stop a complainant's access to the council's offices and officers may only be taken by a Head of Service or the Business Intelligence Manager.

All complainants have the right of appeal. Appeals must be made in writing to the Head of Policy and Performance, setting out the reasons they feel the decision to restrict access should not be actioned. The decision of the Head of Policy and Performance

will be final and were relevant advise the complainant of their right to refer the matter to the [Local Government & Social Care Ombudsman](#) for them to investigate.

New complaints from complainants with restrictions

Any complaints about new issues from complainants with restrictions under this policy will be considered on their own merits. The Business Intelligence Manager will review all new correspondence and decide whether the new complaint is justified.

Review

All decisions will be reviewed after three months by the Service Director and the Business Intelligence Manager. Limits should be lifted and relationships returned to normal unless there are good grounds to extend them. Inform the complainant of the outcome of the review, advising if limits are to continue, explaining the reasons why and state when the limits will next be reviewed.

Referring complaints to the Local Government & Social Care Ombudsman

Relations between the council and complainants sometimes break down badly while complaints are under investigation, and there is little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the council's complaints procedure. The Head of Policy and Performance may approach the [Local Government & Social Care Ombudsman](#) to establish whether they will consider a complaint before complaints procedures have been finished.

Recording and reporting

Business Intelligence will keep a record of all complainants who have had this policy applied to them. All correspondence including all incoming and outgoing letters and emails will be recorded on the council's complaints system.

Records will need to include:

- when a decision is taken not to apply the policy when a member of staff asks for this to be done.
- when a decision is taken to make an exception to the policy once it has been applied.

- when a decision is taken not to put a further complaint from this complainant through the Council's complaints procedure for any reason.
- when a decision is taken not to respond to further correspondence, make sure any further letters or emails from the complainant are checked to pick up any relevant new information.

An annual report will be provided by Business Intelligence to departmental management teams and CLMT highlighting key information about customers whose behaviour has been classed as unreasonably persistent in line with this policy. This report will also include any lessons learned.

Contact information

For more help or information, complainants can contact the Business Intelligence team at: feedback@luton.gov.uk.

Local Government & Social Care Ombudsman

Address: Local Government & Social Care Ombudsman
PO Box4471
Coventry
CV4 0EH

Telephone: 0300 061 0614
0845 602 1983

Website: www.lgo.org.uk