

## **Policy on the management of unreasonable complainant behaviour**

### **1. Introduction**

- 1.1. The Royal Borough of Greenwich is committed to dealing with all complaints fairly and impartially, providing a high-quality service to those who make them. The Council seeks to ensure that all residents and service users are able to raise complaints easily and effectively and receive a prompt and fair response. This aligns with the Our Greenwich plan Mission 15: Our Council is better at listening to communities, and communities feel they are heard.
- 1.2. When dealing with complaints, the Council does not normally limit the contact complainants have with its staff and offices. However, there are a small number of complainants who, because of the nature and/or frequency of their contact with the Council, can hinder our consideration of their complaints and have significant resource implications for the Council.
- 1.3. Additionally, the Council takes a zero-tolerance approach to violent, aggressive and discriminatory behaviour towards Council staff and contractors, and will take appropriate action to protect them from abuse.
- 1.4. This policy is issued in line with the Joint Complaint Handling Code, issued by the Local Government and Social Care Ombudsman and the Housing Ombudsman, which recommends the adoption of policies and procedures to manage unacceptable behaviour by complainants and their representatives. This policy seeks to clarify the conduct that the Council considers unacceptable and to codify the processes that the Council follows when imposing restrictions on contact by a complainant and/or their representatives.

### **2. Unreasonable Complainant Conduct**

- 2.1. Unreasonable or unreasonably persistent complainants are those who, because of the frequency or nature of their contacts, hinder the Council's consideration of their complaints. They may have justified complaints or grievances, but are pursuing them in inappropriate ways, or are pursuing complaints which appear to have no substance or which have already been investigated and determined.
- 2.2. Examples of complaints being pursued inappropriately include writing to or telephoning several people about the same complaint, writing several times a week, raising different issues while the original complaint is being dealt with or organising mass mailings. This behaviour can impede the investigation of the complaint and the Council's ability to address the issues raised.
- 2.3. Examples of actions and behaviours of unreasonable and unreasonably persistent complainants include but are not limited to the following:
  - Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff.
  - Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.

- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but irrelevant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters regularly and expecting immediate responses.
- Submitting repeat complaints, after the complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full Complaints Procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.

2.4. The Council is committed to maintaining a safe, respectful, and inclusive environment for its staff and Councillors. We operate a zero-tolerance approach to any form of violence, aggression, harassment, or discrimination, including but not limited to racism, sexism, homophobia, transphobia, ableism, and other abusive behaviours. The Council does not expect its staff or elected members to tolerate behaviour from complainants that is abusive, offensive, threatening, or discriminatory. Where such behaviour occurs, the Council will take appropriate and proportionate action to protect its workforce and elected representatives from harm, in line with its legal duties and organisational values.

2.5. In the above cases, we will take action to limit the complainant's contact with the Council.

### **3. Individual Complaint Exclusion**

3.1. In line with the Council's Corporate Complaints Policy, complaints which are unreasonable, frivolous or vexatious may be excluded and not accepted as a complaint.

3.2. Examples of complaints that may be excluded on this basis include, but are not limited to, the following, as well as the examples of behaviour set out in section 2.3 of this policy:

- Abusive, threatening or discriminatory language towards Council staff.

- Complaints primarily seeking to cause undue alarm or distress to members of Council staff.
  - Groundless complaints.
  - Complaints that serve no other purpose than to cause disruption or annoyance.
- 3.3. Where a complaint is excluded, the complainant will be contacted to inform them of the exclusion.

#### **4. Decisions to Restrict Contact and Warnings**

- 4.1. The decision to restrict a complainant's contact with the Council will be taken at Director level and will normally follow a prior warning to the complainant. The warning will set out why the Director considers that a complainant's behaviour or conduct is unacceptable and the action which may be taken to restrict contact if it continues. Warnings should be issued in all but the most serious circumstances. An example of where it may not be appropriate to issue a warning is where the Director reasonably considers there to be a threat to the safety and welfare of Councillors or staff.
- 4.2. Where the behaviour of a complainant is so extreme that it threatens the safety and welfare of Councillors or staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.
- 4.3. Any restrictions imposed will be appropriate and proportionate. Although this is not an exhaustive list, options we may consider are:
- requesting contact in a particular form (for example, letters only);
  - restricting access to council premises or staff;
  - requiring contact to take place with a single point of contact such as a named officer or a generic team email address;
  - restricting telephone calls to specified days and times;
  - blocking access to the Council's social media channels;
  - placing time limits on telephone conversations and personal contacts;
  - requiring any personal contacts to take place in the presence of a witness;
  - where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged; and/or
  - asking the complainant to enter into an agreement about their future contact with us.
- 4.4. When applying the restrictions, the Director will take into account whether the complainant can be described as vulnerable, and will demonstrate due regard for the provisions of the Equality Act 2010.

- 4.5. In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision with the relevant Ombudsman if they disagree with it.
- 4.6. Restrictions cannot be imposed on a complainant indefinitely, and a time period must be set when restrictions are imposed. Should the restrictions still be required at the end of this period, they should be formally reviewed to determine whether the restriction period should be extended and whether the restrictions imposed should be modified. The complainant should be informed of the outcome of the review.
- 4.7. The Director making the decision to restrict the complainant's contact must keep a record of the formal decision and any subsequent review. This is to ensure the Council has a proper audit trail of how it applied this policy and reached its decision. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

## **5. Persistent Complainants and Councillors**

- 5.1. Just as the Council does not expect its staff to tolerate unacceptable behaviour by complainants, it also does not expect Councillors to tolerate this behaviour. The Council will take action to protect Councillors from harassment and harm resulting from unacceptable behaviour.
- 5.2. Due to the elected, representative role that Councillors have, a Councillor may, at their own discretion, choose to engage with an individual who has been warned about their conduct or who is subject to contact restrictions. Such contact is at the Councillor's discretion, and the Council does not expect Councillors to engage with individuals who are subject to contact restrictions due to unacceptable behaviour.
- 5.3. Should an individual who has been warned about their conduct or who is subject to contact restrictions make contact with a Councillor, details of their behaviour and the warning or contact restrictions imposed upon them may be shared with that Councillor, as well as other Councillors who the individual may seek to contact, such as their ward Councillors.
- 5.4. Details of warnings or contact restrictions imposed on an individual may be pre-emptively shared with relevant Councillors if officers determine that there is a high likelihood of the individual contacting Councillors.

## **6. Persistent Complainants Who Are Council Staff**

- 6.1. A comparatively high percentage of staff employed by the Royal Borough of Greenwich also live in the Borough, which is welcomed by the Council due to the local perspective and representativeness that this brings.
- 6.2. Employees who are also residents of the Borough are entitled to receive Council services and, in so far as their complaint relates to the services that they receive as a

resident, they are entitled to utilise the Council's complaint processes if they believe that there have been failings in the services that they receive.

- 6.3. Staff members who utilise the complaints process should be mindful that they are not entitled to special or preferential treatment due to their status as an employee, and should be mindful of how they would expect to be treated when engaging with other members of staff.
- 6.4. If someone behaves abusively, aggressively, or threateningly towards Council staff and is found to be a Council employee (even if they did not identify themselves as such in their communication), it is unlikely to be practical to restrict their contact. This is because, as an employee, they need to contact the Council regularly and may need to speak with people beyond a single point of contact.
- 6.5. To support the wellbeing of its workforce, the Council may take action when an employee (acting as a resident) shows abusive, aggressive, threatening, or discriminatory behaviour. If this happens, the service involved can contact the employee's manager or employing service. This allows for appropriate steps, such as informal conversations to help the employee understand the impact of their behaviour and explore any underlying issues. Support options, like the Employee Assistance Programme, may be offered.
- 6.6. Any sharing of information under this policy should be proportionate to the behaviour demonstrated and should not share sensitive information about the individual in their context as a resident, or about their complaint, unless it is necessary to protect staff from abusive, aggressive or threatening behaviour. This will be carried out in accordance with the UK General Data Protection Regulation (UK GDPR) and the HR & OD Privacy notice.
- 6.7. If a staff member behaves abusively while accessing services, this may trigger internal HR processes, including informal resolution or formal disciplinary action. This policy does not change the Council's Staff Code of Conduct, disciplinary processes, contracts of employment or other HR documentation or processes.
- 6.8. As set out above, the sharing of information regarding an employee's behaviour when accessing services as a resident can be carried out regardless of whether an individual has identified themselves as an employee in correspondence sent in their capacity as a resident.

## **7. Future Contact**

- 7.1. Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant and where appropriate refer the complainant to the Local Government and Social Care Ombudsman. In such cases, we will read future correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint, we will simply acknowledge it or place it on the file with no acknowledgement.
- 7.2. New complaints (i.e. about an entirely separate matter to the previous complaint) from people whose contact has been restricted previously under this policy will be

treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.

## **8. Access to Information and Contact Restrictions**

- 8.1. Complainants who are subject to contact restrictions retain their statutory rights under the following access to information regimes: Freedom of Information Act 2000, Environmental Information Regulations 2004 and the UKGDPR 2018/Data Protection Act 2018.

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