



Persistent and Unreasonable Complainant Procedure

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Date: July 2019

1.0 Introduction

The majority of individuals who contact Basildon Borough Council (BBC) communicate with us in a polite and courteous manner. This procedure underpins the Council Complaints Policy and is aimed at how we manage the relatively few individuals whose actions we consider unreasonable. The Council has an obligation to protect the safety and well being of its employees. This includes protecting them from violence both physical and mentally. The Council also has a responsibility to ensure that we use the public funds in a responsible and pro-active way so that the needs of all our customers can be best served.

When a member of the public contacts Basildon Borough Council to request a service, make enquiries, provide/request information or raise a complaint, they should be listened to and understood by our staff, they should be given an opportunity to explain their position. They should be treated with courtesy and respect by the Council and its staff.

Council staff must have the same rights as customers in return. We expect our customers to treat our staff with courtesy and respect at all times.

If customers have particular communication needs, for example, if they have a disability, condition or illness, we will make reasonable adjustments under our statutory requirement to accommodate these needs.

2.0 Purpose of the procedure

Our aims and objectives under this procedure are: to define the behaviours that are not acceptable to the Council; to ensure that the ability of staff to conduct business is not adversely affected by those few individuals who behave in an unreasonable manner; to ensure our staff have a safe working environment and are not exposed to unnecessary or unreasonable stress and to empower Council staff to deal confidently and effectively with unreasonable behaviour

3.0 Who does this procedure apply to?

This procedure applies to members of the public and all those people who the Council communicates with.

4.0 Links to this procedure

Complaints Policy <http://www.basildon.gov.uk/article/477/Complaints-Procedure>
Protecting Employees from Violence and Aggression at Work (PMP 6-7)

5.0 What behaviour is unreasonable?

We recognise that, on occasions when customers contact the Council, they may have reason to feel aggrieved, upset or distressed. We do not view assertive behaviour (for example, putting forward a situation in a positive manner) as unreasonable. However, we will manage behaviour that is aggressive or abusive, or where this places unreasonable demands on our staff under this procedure. Some examples of what we consider to be unreasonable behaviour are provided below in section 6.0.

6.0 Aggressive / abusive behaviour

Unreasonable behaviour is an action, behaviour or language (which can be verbal, i.e. 'face to face' or on the telephone, or written) that may cause staff to feel intimidated, threatened or abused. Examples may include threats, verbal abuse, racist and sexist language, derogatory remarks, offensive language, rudeness, making inflammatory statements, or raising unsubstantiated allegations.

Whilst we accept that those in contact with us may sometimes feel angry, it is not considered acceptable when that anger becomes aggression directed towards staff. This behaviour is managed through the Council's People Management Procedure, Protecting Employees from Violence and Aggression at Work, reference number 6.7 and not this procedure.

7.0 Unreasonable requests and communication

Requests may be considered unreasonable by the nature and scale of service expected. Examples include: requesting responses within unreasonable timescales, insisting on speaking with certain members of staff only, or adopting a "capture-all" approach by contacting many staff members and third parties on the same matter

Communication may be considered unreasonable if, for example, individuals: continually contact the Council while we are in the process of investigating the matter, make a number of approaches about the same matter without raising new issues, continually refuse to accept a decision made where reasonable explanations on the decision have been provided on more than one occasion continue to pursue complaints/issues which have no substance, continue to pursue the Council about complaints/issues which have already been investigated and determined, or continue to raise unfounded or new complaints arising from the same set of facts

We recognise that the Council's resources, including staff time, have to be utilised to the best effect to preserve public funds so that they can be used most effectively. This may mean that we cannot respond to every complaint/issue in the way a person would like, if in doing so it would take up excessive time making it disproportionate in both time and resources. Any decisions are made following due process. It is therefore important to note that any decisions made will not be 'over turned' to the complainant's desired outcome purely on any continued or persistent demands being made. Normal appeal mechanisms must be followed.

We ask the Council's customers to recognise that, due to the volume of work which we deal with, we may not be able to respond immediately to their requests. This does not mean that their concerns are any less important to us. If we have asked for their patience, however, and they continue to pursue their concerns, we may consider such behaviour to be unreasonable.

8.0 How will we manage unreasonable behaviour?

All staff at the Council have the authority to manage and terminate their service (e.g., telephone calls) when dealing with unreasonable behaviour. Each individual Service Manager is responsible for considering referrals from staff and determining whether this procedure is to be applied.

The Council has a zero-tolerance position on violence and threats against our staff. This type of behaviour will always be reported to the police. Our policy People Management Procedure, 'Protecting Employees from Violence and Aggression at Work' reference number 6.7 applies in these circumstances.

In all other cases, the Council will only restrict communication with its customers if we have informed them that their unacceptable behaviour is unreasonable and we have asked them to modify their behaviour. We will explain what action will be taken against them, if the warning is ignored and, if they do not modify their behaviour we will take steps to restrict communications with them.

If we decide a restriction is appropriate, the Council will consider which of the options available below within section 9, 'Options to restrict contact', is most appropriate given the circumstances. The level of restriction that we apply will be proportionate, taking into account the nature, extent and impact of your behaviour on our ability to undertake our work.

We will be clear on our expectations and will explain to our customers what restriction(s) we are implementing and our reasons for doing so along with information on how long the restriction(s) will apply.

If the Council has already made a reasonable adjustment for a customer, this will be taken into account when deciding upon the appropriate course of action.

9.0 Options to restrict contact

If customers continue to behave unreasonably after we have asked them to modify their behaviour, the options we will consider are:

Option 1: requiring them to contact a named staff member(s) only;

Option 2: restricting telephone calls/visits to specified days and times, as agreed with them;

Option 3: terminating telephone calls if they persistently raise issues which we have already fully responded to. We will politely explain that we are unable to comment further on the matter and they will be asked if they have any further issues that they wish to raise. If no new issues are raised, and they persist in raising issues which we have already addressed, we will tell them so before ending the call. A written warning will then be sent, with a view to limiting future communication to written communication only;

Option 4: terminating telephone calls if they are aggressive, abusive or offensive. We will politely ask them to modify their behaviour, however, if the behaviour continues we will advise them again that their behaviour is unacceptable and end the call. The Manager of the member of staff involved will then send them a written warning, with a view to limiting future communication in writing only

Option 5: restricting the issues that we will correspond on;

Option 6: If they send us a large volume of irrelevant documentation, we may return these documents to them. In extreme cases we will advise them that further irrelevant documents will be destroyed unless collected within a reasonable timescale which will be notified to them;

Option 7: If we have already fully explained our reasons for a decision and they have exhausted the procedure to request a review of that decision, we will decline to respond to further correspondence unless they raise new issues. The correspondence will be read and filed however we will not acknowledge their correspondence, unless they provide significant new information or evidence relating to the matter;

Option 8: We will ‘block’ their emails if the number and length of emails sent to the Council causes difficulties for our staff to deal with;

Option 9: We will not respond to correspondence which is abusive or offensive. We will ‘block’ emails that are abusive or offensive and/or may consider taking further action, including referral to the police (see also option 11 below);

Option 10: If the complainant makes a large number of complaints which prove to be unfounded, we may ask that in future any further allegations they submit are supported by an independent third party, such as the Citizens Advice Bureau, a legal representative or an advocate. This will assist with ensuring that in future our staff resources are used in a more constructive and proportionate way.

Option 11: Physical violence, verbal abuse, threats or harassment against our staff will not be tolerated and will be reported to the police, who may decide to prosecute. They may also be banned/ barred from physically visiting any Council Offices.

Any one of the above options (or a combination of these options) may be applied to an individual.

10.0 How will we manage the unreasonable behaviour of disabled people (including mental health issues)?

If our customers have a disability/mental health issue and may be subject to a restriction under this policy, we will consider whether their unreasonable behaviour relates to the disability/mental health issue, and if so, whether the restriction being applied will affect them more than a person who does not have a disability/mental health issue.

For example, we will give careful consideration before imposing a restriction on telephone calls with a person who has a visual impairment, as they might find it difficult to write to us as an alternative. In extreme cases we will consider accepting calls via a third party providing our customer has given us your permission for us to speak to them for example Text Relay.

11.0 Who makes the decision to implement this procedure?

The relevant Service Manager will decide whether to implement this procedure based upon the evidence provided by their staff. This evidence may include interviewing staff, reading file notes, studying correspondence, and looking at the history of the case.

12.0 How can customers appeal against the decision?

Customers must request an appeal within 10 working days of the decision to restrict contact (or other time period to be agreed if a reasonable adjustment is in place).

While the appeal is being considered, the restricted contact arrangements will remain in force.

An appeal can be made in writing, by email or by telephone, however the format used will depend on which method of contact has been restricted. For example, if we are not accepting a customers telephone calls, they will need to submit an appeal in writing or by email.

The appeal must be made to the relevant Manager who will then arrange for a Senior Officer from another totally separate department to carry out the review. If the decision to restrict communication was made by a one officer, another senior officer who was not involved in the original decision will consider the appeal.

The appeal will be considered within 10 working days of receipt of the request and they will be advised either that the restricted contact arrangements still apply or a different course of action may be agreed.

If the Manager is not able to respond within this timescale, they will tell the customer why and let them know when they will be able to respond fully.

13.0 When will we review the restriction?

The Manager will review the record of restrictions on a 3-monthly/6 monthly basis.

The majority of restricted individuals will be removed from the record of restrictions once the period stated in the original restriction letter has expired.

However, the Manager can decide to extend the restriction if it is considered that there continues to be an 'on-going' risk of inappropriate or unreasonable behaviour towards our staff. If the restriction is extended the customer will be contacted and advised of the reasoning for this decision.

Customers can request a review of the decision to extend their restriction by following the appeals procedure outlined with section 12, 'How can you appeal against the decision?'.