

West Suffolk Council Corporate Complaints Policy

including

Persistent and unreasonable behaviour policy

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References

West Suffolk website <https://www.westsuffolk.gov.uk/>

Feedback - comments, compliments and complaints
<https://www.westsuffolk.gov.uk/complaints>

Local Government and Social Care Ombudsman's (LGSCO) <https://www.lgo.org.uk/>

Guidance on managing unreasonable complainant behaviour
<https://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidancenotes/guidance-on-managing-unreasonable-complainant-behaviour>

1. Introduction

West Suffolk Council aims to provide high quality services to all of our customers. However, when things fall short of this standard, we will deal with those who have a complaint fairly, honestly and properly through the council's corporate complaints policy as set out in this document.

In those cases where our customers, staff or the council as a whole suffer adversely from persons making repeated, frivolous or persistent complaints or who do so in a threatening, abusive or difficult way our persistent and unreasonable behaviour policy (section 6) will be applied. While this policy is specifically aimed at supporting those staff who serve our customers by telephone and/or email it also applies to face to face contact. In those instances, staff will refer to guidance in the council's Health and Safety policy, Instruction 6 – Violence at work

For the purposes of this policy we have adopted the Local Government and Social Care Ombudsman's (LGSCO) policy for 'unreasonable persistent complaints' and their separate definition of 'unreasonable complainant behaviour'.

This policy applies to all stages of the council's corporate complaints policy.

2. What is a corporate complaint?

West Suffolk Council defines a complaint as:

'a notification to the council of its failure to respond to a request for specific action related to the council's services'.

In practice this means that a complaint is when a customer feels that a service has not resolved a matter to their satisfaction and that we:

- have done something wrong or badly
- have not done something we said we would do in response to a customer's request or report, or
- have been unfair or treated someone badly.

A customer may wish to express their dissatisfaction about the service they have received from us whether that service has been provided by us or whether the service had been provided by a contractor, consultant or partner on our behalf.

The corporate complaints policy is used for formal complaints where a member of the public is sufficiently dissatisfied with our services and the complaint cannot be resolved by the service to their satisfaction.

In line with the Local Government and Social Care Ombudsman (LGSCO) policy, the council will only investigate complaints from a customer who is complaining about a service which they have received and been personally affected. The LGSCO will also not investigate a complaint where there is another action which can be taken (for example appeal, court case).

3. What is not dealt with by the corporate complaints policy

The corporate complaints policy does not cover the items below. Please see our website www.westsuffolk.gov.uk for details of our services and how to [Report, pay, apply](#) online.

- missed refuse collection
- reporting a nuisance or hazards to environmental health for example noise complaints
- application for additional housing benefit
- level of benefits granted
- valuation of properties for council tax purposes
- planning applications
- requests for information
- [appeal against a parking fine](#)
- disagreements with, or explanation of council policy or practice
- insurance claims
- matters relating to a complaint by a councillor about an Officer
- matters relating to a complaint about the Chief Executive
- [matters relating to the conduct of councillors](#) (breach of the code of conduct)
- allegations of criminal behaviour
- alleged unlawful actions by the council
- matters concerning fraud, corruption or financial impropriety
- matters relating to a breach of the code of conduct for officers
- a remedy that could be sought through the courts by the complainant
- any complaint(s) that was first made to the council over 12 months ago.

4. The two-step corporate complaint process

Like many councils, West Suffolk has a two-step complaints process in place. This is outlined below:

Step 1

The importance of this stage cannot be emphasised enough. It applies when a member of the public first makes a request for action as a corporate complaint either directly to the service concerned or via Customer Services. his request can be submitted via westsuffolk.gov.uk/complaint

- Complaints will be acknowledged within **three working days** of receipt.
- The service should provide a full response to all complaints, within **20 working days** of receipt of the Step 1 complaint. The complainant must also be advised that, if they remain dissatisfied, they can request that the complaint can proceed to Step 2.

It should be noted, that in accordance with LGSCO policy, West Suffolk will only consider complaints which are less than 12 months old, or it is less than 12 months since the detail became known to the complainant.

Step 2

If the complainant is not satisfied with the response made by the service at Step 1, he/she should contact the council either directly to the service concerned or through Customer Services. This request can be submitted online at <https://www.westsuffolk.gov.uk/complaints>

Please note that a complaint will **not** be considered under Step 2 unless the complainant has new information that has not previously been investigated under the Step 1 process.

- It is important that the complainant sets out why they are unhappy with the Step 1 response, any relevant dates and previous contact (including reference numbers if applicable) they have had with us over the matter concerned.
- Complaints will be acknowledged within **three working days** of its receipt and referred to the council's legal service to investigate.
- The legal service should investigate the matter further and issue a full response to the complainant within **20 working days** of receipt of the Step 2 complaint.
- On some occasions, there may be a need for more time to investigate the complaint, for example the complaint may be very technical and/or need detailed investigation which takes longer than 20 working days. In these cases, the council will advise the applicant of a possible delay.

5. Local Government and Social Care Ombudsman

At any stage in the process the complainant may contact the Local Government and Social Care Ombudsman which operates as an independent adjudicator on complaints of maladministration against councils.

There are a number of points that should first be taken into consideration by the complainant before the LGSCO are contacted:

- The LGSCO will not investigate if the complainant is not complaining as a member of the public.
- The LGSCO will also not investigate a complaint where there is another action which can be taken (appeal, court case).
- The LGSCO will only consider complaints which are less than 12 months old or it is less than 12 months since the detail become known by the complainant.

6. Persistent and unreasonable behaviour policy

We aim to deal with complaints fairly and in line with our policy.

Occasionally, some individuals demonstrate unreasonable behaviour (thoughtless or persistent complaints or complaints made in a threatening way) and our persistent and unreasonable behaviour policy (sections 6-9 of this document) may be applied.

This policy applies to all stages of the council's corporate complaints policy and complaints submitted directly to any council services.

Definitions

The LGSCO defines unreasonable and unreasonably persistent complainants as:

'those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's complaints'

Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

a. Unreasonably persistent complainant behaviour

The following list, whilst not exhaustive, provides examples of behaviour by complainants which may be described as unreasonably persistent. (In these examples a 'contact' may be in person, by telephone, letter, email, social media or text message). We will not tolerate behaviours such as:

- refusing to specify the grounds of a complaint, despite offers of assistance
- refusing to cooperate with the complaints investigation process
- refusing to accept that certain issues are not within the scope of the corporate complaints policy (for example parking ticket appeals)
- insisting on the complaint being dealt with in ways which are incompatible with the corporate complaints policy or with good practice
- mis-using council email addresses and telephone numbers for example calling mobile numbers or those not intended for public use
- demanding special treatment or immediate escalation to a manager repeatedly
- making unjustified complaints about staff who are trying to address 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 trivial or irrelevant new information at a later stage
- raising numerous, detailed but unimportant questions; insisting they are all answered
- covertly recording meetings and conversations
- submitting falsified documents from themselves or others
- adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue
- 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
- submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints
- refusing to accept the decision (regardless of whether the decision is made by authorised council officers in by the Local Government and Social Care Ombudsman)
- repeatedly arguing points with no new evidence provided to support the continuation of the complaint.

b. How we will respond

When we believe a complainant to be unreasonably persistent, we will tell them why and ask them to change their behaviour. If their behaviour continues, we will take action to restrict the complainant's contact with the council. Any such restrictions will be evidence based, appropriate and proportionate. Any decision to take action will be taken by the manager responsible for corporate complaints within the Customer Services team. In arriving at a decision any relevant factors such as disability, language or illness will be fully considered.

The most likely options will be:

- putting in place contact in a particular form (for example by letter only)
- requiring contact to take place with a single named member of staff
- restricting telephone calls to specific days and times
- limiting the duration of telephone calls
- asking the complainant to enter into an agreement about their contact
- closing the complaint
- repeated calls may be deemed to be harassment, which, after consultation with relevant senior staff, may be reported to the police.

In cases where this becomes necessary, we will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and its planned duration. We will also tell them that we will review the arrangement after six months and advise them how to challenge the decision if they disagree with it and to whom such an appeal should be lodged.

In taking the action described above, it must be emphasised that this part of the policy should only be used as a last resort and after all other reasonable measures have been taken to resolve complaints or complainant behaviour.

Judgement and discretion will be applied to ensure that contact from the complainant about matters other than the complaint are not ignored, resulting in potential failures to respond to a request for service or an emergency.

Action taken under this policy must be undertaken in consultation with the manager responsible for the Customer Services Team. If the situation is serious enough to limit contact channels, the appropriate Assistant Director will be asked to endorse any action deemed necessary.

7. Complainants who behave in an unacceptable or vexatious manner

The council recognises that customers who feel dissatisfied with the service they have received may feel angry about their treatment. However, the council has a duty of care to its staff and will take all necessary steps to ensure the safety and wellbeing of its employees.

a. Unacceptable or vexatious behaviour

Examples of unacceptable or vexatious behaviour, as defined by the LGSCO, include any action or series of actions which are perceived by the staff member to be

'deceitful, abusive, offensive, threatening' whether they are delivered verbally or in writing or a combination of the two. This includes not only behaviour directed at them, but also their families or associates.

If a staff member feels threatened by a complainant, they will report their concerns and the reason for them, to their line manager. Incidents will be reported on a standard accident/incident form. A copy of the form will also be sent to the councils' Health and Safety Manager.

As part of the action arising from the investigation we will consider:

- writing to the perpetrator requiring no repetition of the behaviour
- setting conditions and restrictions for further contact with staff, and
- whether to report the matter to the Police.

b. How we will respond

If dealing with such behaviour in a telephone conversation, the staff member will tell the complainant that they will terminate the call if the behaviour continues. If despite this warning the behaviour continues, the contact will be terminated. (The staff member should then write a brief note of the incident as soon as possible afterwards, including what was said, their response and the date and time, whilst this is fresh in their memory and a note placed on the case file recording the circumstances of the termination). Staff will respond to repeated calls in the same way.

Repeated calls may be deemed to be harassment, which, after consultation with senior staff may be reported to the police.

Where a complainant continues to behave in an unacceptable fashion, a senior member of staff may authorise staff to terminate contact with the complainant and discontinue any further investigation into the complaint. We may also advise the complainant that any further contact provided in writing will be read and placed on file without acknowledgement and telephone calls will be terminated and logged.

Any restrictions that are applied will be evidence based, appropriate and proportionate.

Any decision to take action will initially be made by the manager responsible for the Customer Services team. In arriving at a decision, the manager will consider any relevant factors such as disability, language or illness. However, the manager reserves the right to defer the decision-making responsibility to the Assistant Director responsible for Customer Services. Legal advice will be taken where necessary, but the decision to apply restrictions rests with senior staff members within the responsible area.

The application of the persistent and unreasonable behaviour policy to an individual will be reviewed no less than every six months. Reviews will be undertaken within the service that invoked the policy. Reviews will take account of the nature of the complainant's recent contact with the council, the progress of any complaints under the corporate complaints policy the views of the complainant and any other relevant factors.

Appendix A - Corporate complaints processes

Step 1

Customer actions	Council actions
1. View Corporate complaint guidance at https://www.westsuffolk.gov.uk/complaints	
2. Submit Step 1 complaint by email to customer.services@westsuffolk.gov.uk	3. Acknowledge Step 1 complaint within three working days.
	4. Review and respond to Step 1 complaint withing 20 working days of receipt.
5. Satisfied with Step 1 complaint response? Yes – end of process No – follow step 2 complaint process below.	

Step 2

Customer actions	Council actions
1. View Corporate complaint guidance at https://www.westsuffolk.gov.uk/complaints	
2. Submit Step 1 complaint by email to customer.services@westsuffolk.gov.uk	3. Acknowledge Step 2 complaint within three working days.
	4. Review and respond to Step 2 complaint withing 20 working days of receipt.
5. Satisfied with Step 1 complaint response? Yes – end of process No – contact Local Government and Social Care Ombudsman (LGSO).	

Appendix B - Persistent and unreasonable behaviour process

Customer actions	Council actions
1. Unreasonable, persistent or vexatious behaviour displayed	2. Consultation with customer <ul style="list-style-type: none"> • Explain why behaviour is causing concern and request change to behaviour. • Provide a copy of persistent and vexatious behaviour.
3. Unreasonable, persistent or vexatious behaviour stopped? Yes – standard corporate complaints policy applies No – refer to stage 4.	
	4. Action reviewed in consultation with manager, Customer Services team. <ul style="list-style-type: none"> • Write to customer requesting no repetition of behaviour. • Set conditions or contact restrictions advice given on how to appeal.
5. Stopped unreasonable, persistent or vexatious behaviour? <ul style="list-style-type: none"> • Yes – refer to stage 6 <ul style="list-style-type: none"> ○ standard corporate complaints policy applies ○ persistent and vexatious complainants’ policy remains in place. • No – refer to stage 7. 	
	6. Persistent, unreasonable or vexatious behaviour stopped. The application of the persistent and vexatious complainants’ policy to be reviewed no less than every six months.
	7. Customer behaviour continues Consider Police or legal action.