

Policy and procedures for dealing with vexatious complaints and unreasonable behaviour

1 Principles and Policy

- 1.1 Sandy Town Council is committed to dealing with people fairly and to providing a high-quality service to those who use our services or who have cause to complain about them.
- 1.2 The Town Council has policies and procedures in place which explain how it will deal with customers and how complaints and feedback will be handled. These are:
 - Sandy Town Council Community Engagement Strategy
 - Sandy Town Council Complaints Policy
 - Sandy Town Council Customer Care Policy and Service Standards
- 1.3 Where a complainant's behaviour hinders consideration of a complaint Sandy Town Council will act to ensure that the complaint is still dealt with fairly and appropriately.
- 1.4 Each case of unreasonable behaviour or vexatious complaining must be taken on its merit.
- 1.5 To comply with its statutory duty as an employer Sandy Town Council will take steps to protect staff who are subject to abusive or threatening behaviour.

2 Objectives of this procedure

- 2.1 The majority of requests for service and information or the making of complaints will be dealt with through the council's procedures without any difficulty. However this policy describes how the Town Council may deal with circumstances where a customer or complainant **acts unreasonably** or is **unreasonably persistent** in pursuing complaints.

2.2 The objectives of the procedure are:

- To promote problem solving and to avoid apportioning blame
- To find solutions to problems and to resolve complaints
- To satisfy those who complain/give feedback or use our services that they have been dealt with promptly, fairly, openly and honestly
- To ensure staff understand the council's policy and mechanisms for dealing with vexatious complaints and unreasonable behaviour from its customers
- To protect council staff from bullying and harassment
- To ensure that council resources are not disproportionately and inappropriately deployed
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3 **The Procedure**

Prior Warning

3.1 When the Town Council considers that a person is acting in an unacceptable way a risk assessment will be completed and a letter will be written to the person to explain why the Council finds the behaviour unreasonable/and or unacceptable and to ask the person to change their behaviour. The letter will also advise that if the behaviour continues the Town Council may take steps to limit the contact with its offices and officers.

Decision to restrict access or terminate contact

3.2 Decisions to restrict access or terminate contact will be taken following a risk assessment. However where there is an immediate risk to staff or officers the Council may make an on the spot decision to restrict access or terminate contact.

3.3 When making decisions on how to manage the vexatious or unreasonable behaviour all relevant factors should be taken into account to ensure that action taken is appropriate and proportionate.

3.4 The Council will also tell the person acting in an unacceptable way how they can challenge the decision to apply the vexatious and unreasonable behaviour policy and procedure.

Restricting access

- 3.5 If the person involved has not responded appropriately to the Prior Warning letter and a decision is made to restrict access a letter will be sent notifying the person of why it is believed his/her behaviour falls into the category of vexatious or unreasonable. He will be notified what action will be taken and the duration of that action.

Terminating contact with a customer/complainant

- 3.6 Where a complainant persists in communicating with the Town Council on a case that is closed the Council may decide to terminate contact with the customer/complainant. In such cases any new correspondence from the complainant will be reviewed for new evidence that affects the decision on the complaint. In the absence of any such evidence the Council will acknowledge it in writing or place it on the file without any acknowledgement.
- 3.7 Where a customer/complainant's behaviour is unreasonable and threatens the safety and/or welfare of staff the Council may decide to terminate contact with the complainant.
- 3.8 Other action may also be taken for example reporting the matter to the police or taking legal action. Where such action is necessary the Council may not give a prior warning.

New Complaints

- 3.9 New complaints from people who have been subject to this policy will be dealt with on their merits. A risk assessment will be carried out based on past and current knowledge of the complainant's behaviour and the likelihood of recurrence of any unacceptable behaviour.

Review

- 3.10 All cases subject to a risk assessment under this policy will be reviewed 6 months after the initial risk assessment and the customer/complainant notified in writing of the outcome.

Staff Guidance

1 Responding to unreasonable behaviour and/or vexatious complaints

Staff will follow Sandy Town Council's published customer care policy and complaints policy when dealing with members of the public.

Customer care training will be given to all members of staff who have contact with the public.

The complaints policy will ensure that complainants who are persistent with their complaint will have had the opportunity of rigorous scrutiny of the issues of complaints.

Any decision to apply this policy to an individual must take into account whether the customer care policy and the complaints policy have been fairly applied and every attempt made to communicate and address concerns with the individual.

2 Who does this policy apply to?

This policy applies to those individuals who make contact with the Council and through either the frequency and/or the nature of that contact (ie the behaviour of the individual) hinder the work of the council and the service which it is able to provide to others.

Behaviours **may** include:

- Repeated complaints about the same subject (with minor differences) and does not accept the outcomes
- Seeking for unrealistic outcome and persists in attempts to achieve desired outcome
- Persistent contact without substance or evidence beyond what is considered to be reasonable
- Complaints relating to historical and irreversible decisions or incidents
- Contact that is frequent, lengthy and complicated
- Contact that is threatening, aggressive and/or abusive to staff
- Complaints which change part way through investigation
- Contact which results in excessive demands on resources available eg excessive telephoning, lengthy and frequent emails, detailed complex letters etc

- Contacts made to the Council through different routes to raise the same issue (ie scattergun approach)
- Frivolous complaints
- Contact including rudeness, aggression, personal threats, personal insults and criticisms which are undermining to staff and cause stress, alarm or distress
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One or a combination of the example behaviours above may be sufficient to trigger consideration of the policy and procedure. The list is not exhaustive and each case must be considered on its own merit.

3 **Before applying the policy**

Attempts should be made to maintain effective communication and relationships with customers/complainants. In the case of complaints, before applying the policy the Council should be satisfied that any complaint has been addressed and the complaints procedure fairly applied and the complainant must be notified in writing of potential action the Council may take with reference to this policy if the symptoms persist.

The options available prior to taking action under this policy will depend on the nature of the behaviour and the circumstances of the individual case. All other options should be explored before invoking the policy and a risk assessment will be completed. The decision to take action under the policy will be made by the Town Clerk in consultation with the Town Mayor and Deputy Mayor and the decision will be reported to the next meeting of the Town Council.

Options to be considered prior to application of the policy could include:

- Conciliation meeting with the individual and representative(s) of the council
- Writing to the individual in detail with details of problems
- Escalation of a complaint to the next stage of the complaints procedure including an appeal

4 **Application of Policy**

Where a member of staff dealing with a customer or a complaint is of the view that they are dealing with an unreasonable or vexatious complainant they must refer the matter to the Town Clerk who will undertake a risk assessment.

Due consideration should be given to the individual circumstances to the person involved.

The risk assessment and a recommendation from the Town Clerk will be submitted to the Town Mayor and Deputy Town Mayor who will advise the Town Clerk of their views.

5 **Actions that may be taken under the policy**

5.1 **Restricted access**

Options include

- Restricting contact to a specific form eg letters only
- Contact with the council is limited to named officer or member only
- Face to face visits may only take place with two officers present
- Contact is restricted to specified days, times, duration

The individual must be informed clearly in writing.

5.2 **Termination of contact**

Prior warnings should have been given wherever possible that termination of contact could result from unreasonable and unacceptable behaviour. If the termination of contact is approved the individual must be informed clearly in writing.

5.3 **Written notification**

The complainant will be notified in writing of a decision to restrict or terminate access and this will include:

- Action to be taken
- Duration of action and review date
- What the individual can do to seek a review of the decision
- A copy of the policy
- If the decision is to cease contact the written notification will state that any further correspondence not relating to

significant new matters or new information will not necessarily be acknowledged

6 New complaints

Care must be taken when considering new correspondence or information to ensure that any **new** complaint is picked up and addressed and any **significant new** information is considered appropriately.

7 Recording

All contacts with the person involved must be recorded in writing and kept on file.

If a member of staff has asked for application of the policy and the decision is made not to apply it the reasons must be recorded and the member of staff informed of the decision.

8 Review

All cases will be reviewed after 6 months.

9 Appeals

Individuals should be informed about how to appeal against decisions made under this policy.

Appeals will be heard by Sandy Town Council at a meeting of the full council.

RISK ASSESSMENT TOOL

Section 1: Overview Information

Complainant/Customer Name):

Current Stage and Status of any complaint:

Person requesting assessment

Brief summary of complaint or unreasonable behaviour

Section 2: Vexatious and/or Unreasonable Behaviour

Reasons for request:

Provide evidence why the customer/complainant should be designated as vexatious and/or unreasonable.

<p>What are the risks?</p> <p>Examples of dangers and potential outcomes are provided but this is not intended to be an exhaustive list.</p>	<p>What are the dangers? (e.g. that the complaint will not be addressed, time spent on managing behaviour or the complaint is disproportionate to the issues being raised)</p> <p>Who is at risk?</p> <p>What is the potential outcome from the dangers? (e.g. maladministration – delay, not responding, missing important issues. Impact on staff morale &/or welfare, risks to buildings &/or staff. Damage to reputation)</p>
<p>Likelihood of risk occurring?</p>	<p>Low Medium High</p> <p>Please circle one</p>
<p>What steps have been taken to manage or control the risks?</p>	<p>Please include the complainants response to attempts to manage the difficulties</p>

<p>If a warning letter has not been sent:</p>	<p>If this request relates to a case where no prior warning letter has been sent in line with the vexatious and unreasonable complaints policy provide full details and evidence as to why a warning letter is not a suitable course of action:</p>
<p>Section 3 Decision - To be completed by the person undertaking the risk assessment:</p>	
<p>Assessment completed by</p>	<p>Town Clerk</p> <p>Date of completion:</p>
<p>Referred to HR Committee?</p>	<p>Yes/No</p>
<p>Referred to Mayor/Deputy Mayor?</p>	<p>Yes/No</p>
<p>Is action required under the policy</p>	<p>Yes/No</p> <p>Give Reasons for Decision</p>
<p>If Yes – detail the action(s) to be taken in line with the policy</p>	

Who will be informed of the decision	<p>Detail who will be notified of the decision, by whom and by when.</p> <p>Due regard must be given to confidentiality issues when deciding who needs to know about the case and decision.</p>
Inform the complainant of the decision and actions	<p>Send a letter to the complainant with the decision to apply the policy including:</p> <ul style="list-style-type: none"> • Reasons for the decision • Actions that will be taken • How to appeal the decision • Review date when the application of the policy will be re-considered. • Possible further consequences of not cooperating with the actions e.g. restricted access <p>Confirm how the plan will be communicated to the complainant</p> <p>By whom</p> <p>By when</p>
Date reported to Town Council	
Action approved by Town Council	Yes/No