



**STOCKPORT**  
METROPOLITAN BOROUGH COUNCIL

# **POLICY ON UNACCEPTABLE ACTIONS BY COMPLAINANTS**

**October 2014**

## Stockport Metropolitan Borough Council Policy for dealing with vexatious or unreasonably persistent complainants

### CONTENTS

<b>Title</b>		<b>Page</b>
1.0	Introduction	3
2.0	Purpose of the Policy	3
3.0	Defining Unacceptable Actions by Complainants	4
4.0	Managing Unacceptable Actions by Complainants	6
5.0	Deciding to Restrict Complainant Contact	7
6.0	Restricting contact	9
7.0	Withdrawing restriction	9
Appendix A	Some examples of vexatious and unreasonably persistent complainants	10
Appendix B	Further advice	11

## **1 Introduction**

1.1 Stockport Council welcomes the opportunity to hear from its customers when services are appreciated, but also wants to know when things go wrong. It is committed to dealing with complaints/enquiries and providing a high quality service to those who make them. As part of this service, the Council does not normally limit the contact that customers have with its officers and Members. A very small minority of customers raise complaints or enquiries that are vexatious or unreasonably persistent in order to cause difficulty for the Council rather than to genuinely to resolve a matter. Examples include:

- Making excessive demands on the time and resources of staff / Members whilst a complaint/enquiry is being looked into by the relevant council service. By excessive telephoning or sending emails to numerous Council staff / Members, writing lengthy complex letters every few days and expecting immediate responses and raising the same issue via other Council processes available
- Being abusive to staff / Members.
- Refusing to accept the decision, repeatedly raising the same issues and refusing to follow the correct process when complaining about the decision.

1.2 This policy addresses these issues and covers customers who make service enquiries as well as complaints. The Council does, however, recognise its duties under the Freedom of Information Act 2000, the Data Protection Act 1998 and related legislation, to provide information to requesters.

1.3 This policy applies to both Council staff and Members. However it should be made clear that, where the Council decides to invoke the policy, this does not automatically apply to a Member's involvement in a particular case. Members, however, reserve the right to follow the policy in line with the action taken by the Council. Members also have the right to ask for the policy to be invoked, irrespective of whether the Council has applied the policy (please refer to section 5).

## **2 Purpose of the Policy**

2.1 To make it clear to all complainants (whether formally complaining in writing or not) both at initial contact and throughout their dealings with Stockport Council, what the Council can or cannot do in relation to their complaint/enquiry. In doing so the Council aims to be open and not raise hopes or expectations that it cannot meet.

2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions the Council considers unacceptable. The Council believes that all customers, Stockport

Council employees and Members have the right to be heard, understood and respected.

- 2.3 To provide a service that is accessible to all complainants. However, the Council retains the right, where it considers a complainant's actions to be unacceptable, to restrict or change access to its services.
- 2.4 To give the Council a framework to implement and take appropriate action against those customers who are deemed to be raising vexatious complaints, or are being unreasonably persistent in raising complaints.

### **3. Defining Unacceptable Actions by Complainants**

- 3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint/enquiry coming to the Council. The Council does not view behaviour as unacceptable just because a complainant is forceful or determined. However, the actions of complainants who are angry, demanding or unreasonably persistent may result in unacceptable demands or behaviour towards Council employees / Members. It is these actions that the Council considers unacceptable and aims to manage under this policy. The Council has grouped these actions under three broad headings:

#### Aggressive or Abusive Behaviour

- a. The Council expects its staff and Members to be treated courteously and with respect. Violence or abuse towards staff / Members is unacceptable. Quite often complainants are angered by decisions made by the Council. However, it is not acceptable when anger escalates into aggression directed towards Council staff / Members.
- b. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour, language (whether oral or written) or persistent campaigns of threats that may cause staff / Members to feel afraid, threatened or abused.
- c. Examples of behaviours grouped under this heading include: threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. The Council also considers that inflammatory statements and unsubstantiated allegations can be abusive behaviour, as does using social media to generate mass grievance against employees.
- d. Where physical violence has been used or threatened towards staff / Members or their families or associates at any time, this will, in itself, cause personal contact to be discontinued. Thereafter, only one form of contact may be used such as correspondence in writing. All such incidents should be documented and reported

using the Council's Incident Policy, and notified as appropriate, to the police. Staff / Members will be advised to also refer to the Council's Personal Safety Policy.

### Unreasonable Demands

- a. Complainants may make what the Council considers unreasonable demands for example through:
- the amount of information they seek;
  - the nature and scale of service they expect ;
  - the number of approaches they make.

What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant. A complainant could seek help with this from an advice agency – see Appendix B for details.

- b. Examples of actions grouped under this heading include:
- demanding responses within an unreasonable time-scale;
  - continually making phone calls or sending letters or emails;
  - repeatedly changing the substance of the complaint/enquiry;
  - raising unrelated concerns.
- c. The Council considers these demands as unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as taking up an excessive amount of staff / Member time to the disadvantage of other complainants or functions.

### Unreasonably Persistent

- a. The Council recognises that some complainants will not or cannot accept that the Council is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint/enquiry or contact the office persistently about the same issue.
- b. Examples of actions grouped under this heading include:
- persistent refusal to accept Council decisions or actions.
  - persistent refusal to accept explanations relating to what the Council can or cannot do;
  - continuing to pursue a complaint/enquiry without presenting any new information.

The way in which these complainants approach Council offices may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

- c. The Council considers the actions of persistent complainants to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

## **4 Managing Unacceptable Actions by Complainants**

- 4.1 There are relatively few complainants whose actions the Council considers unacceptable. How the Council aims to manage these actions depends on their nature and extent. If it adversely affects its ability to do its work and provide a service to others, the Council may need to restrict contact with the complainant in order to manage the unacceptable action. The Council will aim to do this in a way, wherever possible, that allows a complaint to progress to completion through its relevant complaints process, or their enquiry being responded to accordingly. The Council may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. However, the Council will try to maintain at least one form of contact.
- 4.2 The threat or use of physical violence, verbal abuse or threatening behaviour towards Council staff Members is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 The Council will not deal with correspondence (letter, fax or electronic) that is abusive to employees / Members. When this happens the Council will tell the complainant that it considers their language to be offensive, unnecessary and unhelpful. The Council will ask them to stop using such language and state that it will not respond to their correspondence if they do not stop. The Council may require future contact to be through a third party. The Freedom of Information Act 2000 does not require the Council to answer vexatious requests. But the tone and language of the request may not in itself render the request vexatious. Please refer to the Freedom of Information policy on the Council's website ([www.stockport.gov.uk](http://www.stockport.gov.uk)) for more information.
- 4.4 Stockport Council staff / Members will end telephone calls if the caller is considered aggressive, abusive or offensive. The employee / Member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where a complainant repeatedly contacts the Council, sends irrelevant documents or raises issues that have already been answered, the Council may decide to:
  - only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one employee to deal with calls or correspondence from the complainant in the future;

- require the complainant to make an appointment to see a named employee before visiting the office or that the complainant contacts the office in writing only;
  - return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
  - route email traffic via a specific mailbox that is managed by named employee; and,
  - take other action that it considers appropriate. The Council will, however, always tell the complainant what action it will be taking and why.
- 4.6 Where a complainant continues to correspond on a wide range of issues and, this action is considered excessive. The complainant will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the Council's decision relating to their complaint/enquiry. The complainant is told that no future contact will be accepted or interviews granted concerning this complaint/enquiry. The complainant will be advised to contact the Local Government Ombudsman (see Appendix B for details) or other relevant regulatory body. Any future correspondence which does arrive will be read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to their complaint/enquiry.

## **5. Deciding to Restrict Complainant Contact**

- 5.1 When a complainant has been deemed vexatious or unreasonably persistent, the relevant Head of Service will decide on what action to take (seeking advice from the Council Solicitor where appropriate). (Members who wish to invoke the policy should seek advice from the Council's Monitoring Officer in the first instance). The complainant will be notified in writing outlining:
- the reason/s why the decision to apply the policy was taken;
  - what it means for his or her contacts with the Council;
  - how long any restrictions will last; and
  - what the complainant can do to have the decision reviewed.
- 5.2 The Council may decide to deal with vexatious or unreasonably persistent complainants in one or more of the following ways:
- Once it is clear that one of the criteria in section 3 (above) has been breached, it may be appropriate to inform the individual/s, in writing, that they are at risk of being classified as vexatious or

unreasonably persistent. A copy of this policy should be sent to them and they should be advised to take account of the criteria in any future dealings with the Council and its staff / Members. In some cases it may be appropriate, at this point, to copy this notification to others involved and suggest that complainants seek advice in taking their complaint/enquiry further (e.g. via the Citizens Advice Bureau).

- It may be useful to hold a meeting with the complainant to find if there is a more effective way for the correspondence to be dealt with. This may bring to light an underlying, common cause for the various complaints/enquiries.
- If more than one department is being contacted by an unreasonably persistent complainant, the Council will consider a strategy meeting to agree a cross-departmental approach; and, where appropriate, designating one officer to coordinate future Council responses to the complainant.
- Any new complaints/enquiries will be considered on their own merits. However, if new complaints/enquiries relate to same or similar issues previously addressed, it may be appropriate for these issues not to be investigated further under the appropriate complaints procedure, or responded to separately. This should only be done with the agreement of the appropriate Head of Service. The complainant should be told this, and there is no need to provide any right of appeal other than to the Local Government Ombudsman. Subsequent complaints/enquiries should then simply be noted.
- The Council can decline further contact either in person, by telephone, fax, letter or electronically, or any combination of these, provided that one form of contact is maintained. Alternatively, a further contact could be restricted to liaison through a third party.
- Notify complainants in writing that the Council has fully responded to the points raised, and has tried to resolve the issues but there is nothing more to add and continuing contact on the matter will serve no useful purpose. This notification should state that the correspondence is at an end and that further communications will be acknowledged but not answered.
- Inform complainants that in extreme circumstances the Council reserves the right to refer vexatious or unreasonably persistent complaints to the Council Solicitor and / or, if appropriate, the police.

## **6. Restricting contact**

- 6.1 Any restrictions will be agreed by the relevant Head of Service or Monitoring Officer (for Members) and will be appropriate and proportionate to the nature of the complainant's contacts with the Council at that time. The following is a summary of the types of restriction which may be used:
- Placing time limits on telephone conversations and personal contacts.
  - Restricting the number of telephone calls that will be taken (for example one call on one specified morning / afternoon of any week).
  - Limiting the customer to one medium of contact (telephone, letter, e-mail etc.).
  - Requiring the customer to communicate only with a named employee.
  - Requiring any personal contacts to take place in the presence of a witness.
  - Closing the investigation into a complaint.
  - Refusing to register and process further complaints/enquiries; providing the customer with acknowledgements only of further letters, faxes, or e-mails received after a particular point.
  - Banning a customer from some or all of the Council's premises.
  - Involving the police in cases where the Council believes the customer has committed a criminal offence (for example, harassment, assault on staff / Members or criminal damage), where assault is threatened, or where the customer refuses repeated requests to leave Council premises.

## **7 Withdrawing restriction**

- 7.1 Once an individual has been classified as a vexatious or unreasonably persistent complainant, there is a mechanism for withdrawing this status if, for example, a more reasonable approach is subsequently demonstrated by the complainant.
- 7.2 Staff / Members should have already used careful judgement and discussion with management (Monitoring Officer where relevant) in recommending or confirming vexatious or unreasonably persistent status and similar judgement / discussion will be necessary when recommending that such status should be withdrawn. Where this appears to be the case, discussions will be held with the Council Solicitor and, subject to their approval, normal contact and procedures may be resumed.

## APPENDIX A

### Some examples of vexatious and unreasonably persistent complainants

- Refusal to specify the grounds of a complaint/enquiry, despite offers of assistance from Council staff.
- Refusal to co-operate with the formal complaints investigation process or insistence on the complaint being dealt with in ways which are incompatible with the relevant complaints procedure.
- Making what appears to be groundless complaints about the employees dealing with the complaints or attempting to use the complaints procedure to pursue a personal vendetta against an employee or team.
- Making unnecessarily excessive demands on the time and resources of Council staff whilst a complaint/enquiry is being looked into.
- Changing the basis of the complaint as the investigation process goes on and / or denying statements he / she made at an earlier stage.
- Raising at a late stage in the process, significant new information which was in their possession when he or she first submitted their complaint/enquiry.
- Introducing trivial or irrelevant new information or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure.
- Refusal to accept that issues are not within the remit of a complaints procedure or demanding outcomes which the complaints procedure cannot in itself provide. This could include the overturning of court decisions, dismissal or criminal prosecution of staff.
- Electronically recording meetings, telephone calls and conversations without the prior knowledge and consent of the other persons involved.
- Seeking to coerce, intimidate or threaten staff / Members or other people involved, whether by use of language, tone of voice or behaviour including body language.
- Submitting repeat complaints/enquiries essentially about the same issues, which have already been addressed under the appropriate complaints procedure, or responded to separately.
- Persistence in contacting the Council and demanding responses or action long after the Council has closed the enquiry / investigation into a complaint and all rights of review and appeal have been exhausted.

**Further advice**

- For advice and information about various services provided by the Council, please visit Stockport Council's website:  
  
[www.stockport.gov.uk](http://www.stockport.gov.uk).
- Write to the Council:  
  
Customer Feedback  
Stockport Council  
Stockport  
SK1 3YQ
- Phone the Council:  
  
0161 217 6019
- Alternatively, call in without an appointment at any of the local centres
- To contact the Citizens' Advice Bureau in Stockport:
  - phone 0844 826 9800
  - call in at their local office
- To contact the Local Government Ombudsman
  - Phone      0300 061 0614
  - write to    Local Government Ombudsman  
                 PO Box 4771  
                 Coventry  
                 CV4 0EH