

Unreasonable actions by complainants policy


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1 Introduction

- 1.1 Stockport Council values customer feedback, both positive and negative, and is committed to addressing complaints and enquiries while providing high-quality service. As part of this service, the council does not normally limit the contact that customers have with its officers and Members.
- 1.2 In a small number of cases people interact with council services in ways that are unreasonable. This may include being unreasonably persistent in their contact, the questions they ask and the information they submit. This can prevent the council from effectively serving both the individual and others, and it can significantly impact staff wellbeing.
- 1.3 This policy focuses on unreasonable actions within a complaints process. Individuals may display unreasonable actions when engaging with services before a complaint is made, during delivery of a service, while a complaint is being investigated, or once the council has finished a complaint investigation. This policy addresses these issues and includes customers who make service enquiries as well as complaints.
- 1.4 The decision to restrict access to services, including the ability to raise complaints, is not taken lightly. The council understands that there is a power imbalance between itself and individuals and fully acknowledges its responsibilities under equality and human rights laws. Instead of using a one-size-fits-all approach, the council carefully evaluates each situation on a case-by-case basis.
- 1.5 This policy aims to promote a proportionate approach when responding to unreasonable actions, based on good practice in dealing with complainants.
- 1.6 Throughout this policy we refer to unreasonable actions in relation to complaints. Unreasonable actions can also include behaviour that is unreasonable. However, the judgement of behaviour can be subjective and what may be acceptable in some cases may be classed as unacceptable and unreasonable in different circumstances. The council recognises the importance of considering wider circumstances and actions of each individual case.

2 Purpose and Principles

- 2.1 The purpose of this council policy is:
 - to ensure all complainants, whether their complaint is written or verbal, understand what the council can and cannot do from the start and throughout their interactions. The council aims to be transparent and realistic, avoiding any false hopes or expectations.
 - to deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions the council considers unreasonable. The council believes that all customers, council employees and Members have the right to be heard, understood and respected.
 - to ensure a service that is accessible to all complainants. However, if a complainant's actions are deemed unreasonable, the council reserves the right to limit or adjust their access to services.

- to give the council a clear process for handling complaints which are vexatious or are persistently unreasonable, and to take appropriate action when needed.

2.2 The approach set out in this policy is based on the clear understanding that:

- All complainants are treated with fairness and respect.
- In the absence of very good reasons to the contrary, all complainants have a right to access public services.
- All complaints are considered on their merits.
- Unreasonable actions from complainants do not preclude there being a valid issue. Someone may have a legitimate complaint but express it unreasonably.
- The substance of a complaint (what is alleged to have gone wrong, and its impact) should dictate the level of resources dedicated to it, not a complainant's demands or actions.
- Anger is an understandable and, to some degree, an acceptable emotion among frustrated complainants as long as it is not expressed through aggression, violence or the use of offensive or discriminatory language.
- Staff safety and well-being are paramount when dealing with unreasonable complainant conduct.
- The decision to change or restrict a complainant's access to services as a result of their actions will only be made at a service management level and in accordance with clearly defined policies and procedures. It must also be subject to review and the complainant must be advised of when such review/s will be.
- Service managers will ensure relevant systems, policies and procedures are in place to manage complaints, including making information available to staff on how to respond to unreasonable actions.
- Any decision to restrict actions to services should be proportionate in relation to the impact the unreasonable actions have on the council's ability to deliver an efficient service. Any restriction should still allow fair access to mandatory services.

3 Definitions- What are unreasonable actions?

3.1 Unreasonable actions are those which, because of the nature or frequency of contact with the council, hinder the council's delivery of services or consideration of complaints.

3.2 The council does not consider behaviour unreasonable simply because a complainant is forceful or determined. However, actions by complainants who are aggressive, demanding, or persistently unreasonable can lead to undue demands or behaviour towards council employees. These actions are managed under this policy, grouped into three categories:

3.3 **Aggressive or Abusive Behaviour**

The council expects its staff to be treated with courtesy and respect. Violence or abuse is unreasonable. While complainants may be upset by council decisions, it is not acceptable for this anger to turn into aggression towards staff. Violence includes not only physical harm but also threatening behaviour, language, or campaigns that cause fear or distress to staff. Examples include threats, physical violence, verbal abuse, derogatory remarks, rudeness, inflammatory statements, unsubstantiated allegations, and using social media to generate mass grievance. Any use or threat of

physical violence will result in discontinuation of personal contact, limiting communication to written correspondence. Such incidents must be documented and reported according to the council's relevant policy and, if necessary, to the police.

3.4 Unreasonable Demands

Unreasonable demands may involve excessive information requests (to the service or to the Information Governance team), unrealistic service expectations, or frequent approaches. What constitutes unreasonable demands depends on the circumstances of the matter and seriousness of the issues raised.

Examples include demanding unreasonably quick responses, making frequent phone calls or sending numerous letters/emails/text messages, changing the substance of the complaint/enquiry repeatedly, or raising unrelated concerns. These demands are considered unreasonable if they significantly impact the council's work, taking up excessive staff time to the detriment of other complainants or functions/services of the council.

3.5 Unreasonably Persistent

Some unreasonable actions emerge over time as complainants become more persistent in pursuit of their complaint. While many complainants act legitimately but persistently, it is important to distinguish between "persistent" and "unreasonably persistent" actions. Some complainants may not accept that the council cannot assist further or demand more than has already been offered. Other examples include refusing to accept council decisions or explanations, continuing to pursue a complaint/enquiry without new information or repeatedly making contact about the same issue. Although the way such complainants initially approach council services may be entirely reasonable, it is their persistent behaviour in continuing to do so that is not. These actions are considered unreasonable when they disproportionately consume council time and resources.

3.6 Unreasonable actions by representatives

Having a representative can be helpful for many people, not just people who experience difficulties in communicating. A representative could be a friend or family member or a professional such as an advocate or solicitor. The council should ensure a representative has consent or other lawful basis for acting on another individual's behalf.

3.7 The council should not place restrictions on representatives unless there are good reasons for doing so. For example, if a person wants to attend a meeting with a friend or family member for support there is no reason for the council to prevent that person from speaking in the meeting without good reason.

3.8 However, some representatives may act in a way that is unreasonable. This causes difficulties for the council and also the individual they are representing.

3.9 The council can apply their unreasonable actions policy to representatives where this is warranted. However, in doing so the council should ensure the individual they are representing is not disadvantaged by this.

3.10 To avoid any disadvantage the council could consider taking the following action:

- Offer to deal with the individual directly taking account of any reasonable adjustments required or requested under the Equality Act 2010.

- Offer to support the individual to find another representative (e.g. advocacy service).
- Ask the individual to nominate another representative.

3.11 Ultimately, this policy recognises there is no universal measure for when actions may be classed as unreasonable. The council must consider the circumstances of each complaint and complainant, and whether there are any underlying explanations for unreasonable actions such as unmet communication or support needs. It is important therefore that the council recognises their duty to make reasonable adjustments under the Equality Act 2010.

4 Examples of unreasonable actions

4.1 There is no exhaustive list of actions that may be unreasonable as each case should be judged based on its circumstances. The following are examples of actions which may be considered unreasonable:

- Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language whether used verbally, in writing or illustrations/animation/artwork etc.
- Putting, or threatening to put information on social media or websites which includes personal information of the council's employees without their consent and/or making defamatory statements about employees online (whether it relates to their personal information or not).
- Making excessive demands on the time and resources of staff with lengthy phone calls, numerous emails to staff and/or numerous emails to numerous council staff, or detailed correspondence every few days or more often, about a matter that has been responded to already and/or expecting immediate responses.
- Submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these 'new' complaints.
- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint investigation process. For example, failing to provide information requested that is important for the investigation.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Frequently changing the basis of the complaint as the investigation proceeds.
- Raising many detailed but unimportant questions and insisting they are all answered.
- Providing false information and/ or submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various council services and other organisations.
- Making a complaint about a matter which is being dealt with by the council's legal services team or insurance team.

5 Recording of interactions with the council by members of the public

- 5.1 Modern technology now allows individuals to record interactions with the council more easily than at any time in the past. This includes the ability to live broadcast interactions in public and private spaces. Sometimes this can be done without the council's knowledge and staff may be understandably concerned about what a person may do with a recording.
- 5.2 However, the council should not automatically refuse to allow members of the public to record interactions. It is important to acknowledge that the council routinely record their interactions with the public for training and monitoring purposes. Complainants should not be prevented from making their own recording, for their own personal use, to have a clear record of matters that were discussed. We would expect complainants to advise staff members if they intended to record any interactions and the purpose for doing so. A staff member can refuse to be recorded if the recording is not for the member of the public's personal use.
- 5.3 Having a recording of a meeting or telephone call can be helpful to people with certain disabilities who may struggle to recollect details of what was said or be unable to read or process written records about any interactions.
- 5.4 Sometimes members of the public will record interactions with the council covertly and for what the member of the public considers a good reason. This could include where a member of staff is suspected of abusing someone in their care. The council will consider covert recordings as part of the consideration of complaints on the basis that such recordings can be shared with the council and any individuals concerned for comment.
- 5.5 However, a small number of people will misuse technology and act in a way that is unreasonable. This may include:
- Recording interactions with the council without good reason.
 - Putting recordings online or sharing them without the consent of those being recorded.
 - Live broadcasting interactions with the council without their consent.
 - Manipulating or editing recordings.
- 5.6 Staff members who operate in public areas will have guidance to follow on what action to take if they become aware they are being recorded as they carry out their job.

6 Preventing Unreasonable Actions

- 6.1 In most cases unreasonable actions can be prevented by ensuring people can access services and the information they need easily. The council should ensure information about their services can be accessed in a range of different ways and that they provide a range of channels for people to use to contact them.
- 6.2 The council's initial interaction with a complainant is probably one of the most important contacts. The way an interaction begins can significantly affect how the

complainant interacts with the council subsequently. A complainant who feels that they have been listened to, understood, treated fairly and with respect and who has been given a thorough explanation of the complaints process and what is likely to happen with their complaint is more likely to respond positively to the council, its staff members and the complaints process than if they were not given this information.

- 6.3 Unreasonable actions can also be an indication of an unmet communication or support need. Not all disabilities are visible and therefore the council should ask everyone who contacts their service whether they need to make any changes to how they deliver their service, such as the way they communicate with them. This allows individuals an opportunity to tell them if they need any reasonable adjustments under the Equality Act 2010.
- 6.4 Where an individual's actions are considered unreasonable, it may be appropriate to speak with other teams, departments and external bodies (e.g. mental health services) involved to share information for the purposes of safeguarding their welfare and explore other ways in which they can be supported through inter or cross-council working.
- 6.5 Staff members are empowered to warn individuals of the consequences of their actions in the first instance. This may help the complainant to reflect on their actions and provide an opportunity for them to modify it. Staff members may also take immediate action in response to unreasonable actions such as terminating phone calls, asking someone to leave the premises or pausing communications. Any immediate steps should be followed up in writing either by an informal warning about future conduct or consideration of further action under the council's unreasonable actions policy.

7 Managing unreasonable actions

- 7.1 The council wants to deal with service users and complainants in ways that are open, fair and proportionate. The council rarely encounters complainants with unreasonable actions. Management depends on the nature and extent of these actions. If they hinder the council's work or service delivery, contact may be restricted but efforts will be made to allow complaints to progress.
- 7.2 A considered, policy-led approach helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise such actions. Service users and complainants who start to act unreasonably should be made aware of the relevant policies, which can help in managing their expectations and their actions, as far as possible, while the substance of their complaint is addressed.
- 7.3 Threats or use of physical violence, verbal abuse, or threatening behaviour towards council staff will end direct contact and may be reported to the police.
- 7.4 Abusive correspondence will not be responded to. Complainants will be informed that their language is offensive and asked to stop. Future contact may be required through a third party. The Freedom of Information Act 2000 does not require the council to answer vexatious requests. Please refer to the Freedom of Information policy on the Council's website (www.stockport.gov.uk) for more information.

- 7.5 Aggressive, abusive, or offensive phone calls will be ended by the staff member handling the call.
- 7.6 For repeated unreasonable contact from a complainant, the council may:
- Set specific times for calls or designate one employee for future interactions.
 - Require appointments for office visits or written communication only.
 - Return or destroy irrelevant documents.
 - Route emails through a specific mailbox managed by a named employee.
 - Take other lawful action it considers appropriate, informing complainants of actions taken and reasons.
- 7.7 Excessive correspondence on various issues will be limited to a certain number of issues within a given period.
- 7.8 Persistent actions after exhausting internal reviews will result in no further contact or interviews. Complainants will be directed to the Local Government Ombudsman or other relevant regulatory body. Future correspondence will be read and filed but only acknowledged if new significant information is provided.

8 Warnings

8.1 Informal Warnings

Individuals who act in an unreasonable way will be provided with informal warnings, verbally or in writing. This gives individuals an opportunity to modify their actions. Should individuals continue to act in an unreasonable way then the matter should be escalated for further consideration.

In the majority of cases an informal warning will be given before further action is taken.

8.2 Formal Warnings

If an individual has failed to adhere to any informal warning from staff, service managers will consider issuing the individual with a formal warning based on evidence. Service managers will consider any evidence staff have gathered and reach their own conclusion on whether a formal warning is necessary or whether other actions may be required to resolve the cause of any unreasonable actions. These may include, but are not limited to:

- Exploring whether the individual requires any reasonable adjustments under the Equality Act 2010.
- Offering to meet or speak with the individual to understand any concerns that may be causing them to act in an unreasonable way.
- Offering mediation if the individual requires ongoing services from the council.

Any formal warning will be given in writing, where appropriate, and will explain:

- Actions the council considers unreasonable.
- Examples of actions considered unreasonable.

- A time period within which future actions will be monitored and when / how / by whom any restrictions on contact or other actions will be reviewed.
- Consequences of failing to address their actions.
- A check on whether the individual requires any reasonable adjustments under the Equality Act 2010.
- Details of the council's complaints process if the person is unhappy with their warning.

9 Decision to restrict contact

- 9.1 The decision to restrict contact with an individual should be a last resort after attempts at reconciliation and warnings have been exhausted. However, in serious cases it may be appropriate to restrict an individual's contact with the council without warnings being given.
- 9.2 Given the seriousness of the decision to restrict a person's contact, the council will give careful consideration as to who is best placed to reach such a decision, seeking advice from the council's legal services team where appropriate.
- 9.3 Any decision to restrict contact will be given in writing, where appropriate (and with consideration to any agreed reasonable adjustments), and will explain:
- Actions the council considers unreasonable.
 - Examples of actions considered unreasonable.
 - A time period within which future actions will be monitored; and when / how / by whom any restrictions on contact or other actions will be reviewed.
 - Consequences of failing to address their actions.
 - Confirmation the council has considered the individual's rights under human rights and equality act legislation.
 - Details of the council's complaints process or details of the Ombudsman if the complaint process has been exhausted.
- 9.4 The Council may handle vexatious complaints or unreasonably persistent complainants by (the below is by way of example and not an exhaustive list):
- Informing them in writing that their questions risk being classified as vexatious or that they may be classified as being unreasonably persistent, providing a copy of the policy, and advising them to consider the criteria in future dealings. This notification may be copied to others involved, suggesting they seek advice (e.g. Citizens Advice Bureau).
 - Holding a meeting with the complainant to find a more effective way to handle their correspondence, potentially uncovering a common cause for their complaints.
 - If multiple departments are contacted, holding a strategy meeting to agree on a cross-departmental approach and designating one officer to coordinate responses.
 - Considering new complaints on their own merits but not investigating issues previously addressed without the Head of Service's agreement. The complainant will be informed, with no right of appeal except to the Local Government Ombudsman. Subsequent complaints will be noted.

- Declining further contact in person, by phone, letter, or electronically, while maintaining one form of contact, or restricting contact through a third party.
- Notifying complainants in writing that the council has fully responded and further contact will serve no purpose, stating that future communications will be acknowledged but not answered.
- In extreme cases, referring vexatious complaints or unreasonably persistent complaints to the council's Monitoring Officer and/or the police.

10 Examples of Restrictions on contact

- 10.1 Any restrictions will be agreed by the relevant Head of Service or Monitoring Officer and will be tailored and proportionate to address the unreasonable actions found in each case.
- 10.2 The council should not take a blanket approach to restricting contact with services. In most cases it will be sufficient to restrict access to the service subject to unreasonable actions. However, where unreasonable actions pose a significant risk to staff members or relate to a number of different service areas it may be appropriate to consider council wide restrictions on contact.
- 10.3 Restrictions may include, but are not limited to:
- Restricting contact to an individual named officer or generic inbox.
 - Placing correspondence on file without acknowledgement or reply.
 - Restricting access to certain buildings or premises controlled by the council.
 - Restricting contact to written contact only (having regard to any agreed reasonable adjustments).
 - Restricting the length and frequency of telephone calls.
 - Restricting access to discretionary services.
- 10.4 The council can withdraw mandatory services towards individuals on grounds of unreasonable actions in certain limited circumstances (e.g. homelessness). Withdrawal of a mandatory service is a serious step, and the council will give full consideration to wider human rights and equality duties when reaching such a decision.

11 Considering the impact of restrictions on others

- 11.1 In some cases, restricting an individual's contact with the council may have an adverse impact on others. For example, if a family member of someone in residential care has been told they can no longer enter the care home, this would have an adverse impact on the resident and potentially engage their human rights.
- 11.2 The council is conscious of the impact restrictions may have on others when reaching a decision on what restrictions are appropriate and mitigate against this.

This could include:

- Requiring an individual who is subject to restrictions to be accompanied by another person (e.g. family member or social worker) when visiting.
- Putting in place alternative visiting arrangements, such as meeting outdoors or at another venue, so long as this is suitable for the person being visited.
- Facilitating video calls where there is a risk to staff or others in allowing a person to be physically present in the building.

12 Reviews

- 12.1 The decision to restrict contact should be reviewed at the end of the time period within which the council said it would monitor future actions. The time period will depend on the actions of the individual and any previous decisions to restrict contact. However, restrictions should be reviewed at least every 12 months by the relevant Head of Service.
- 12.2 When the council reviews restrictions placed on an individual it should write to them to advise them of its decision. If restrictions are to remain in place the council should explain its reasons. If restrictions are lifted the council may choose to warn the individual about their future conduct.

13 Further action

- 13.1 In a small number of cases decisions to restrict contact have no effect on a complainant's actions. In most cases, restrictions put in place will help staff to manage the impact this has on services.
- 13.2 In the most serious cases, further action may be necessary, particularly where a complainant's actions are having an adverse impact on staff welfare. Decisions on further action will be tailored to each case and will involve key individuals like the Council's legal services team, Head of Service, and Monitoring Officer.

14 Dealing with further communication

Where the council decides to place correspondence on file without acknowledgement or reply, it should still review the contents to ensure it does not contain significant new information or raise any safeguarding concerns. There is, however, no need to advise the individual that their correspondence contains no new information.

15 Signposting to the Ombudsman

- 15.1 The council should consider complaints before signposting individuals to the Ombudsman, even where they are acting in an unreasonable way. In most cases it should be possible for the council to progress a complaint through local processes and manage any unreasonable actions using the unreasonable actions policy.
- 15.2 Once the council has signposted the individual to the Ombudsman it is the individual's responsibility to contact the Ombudsman directly.

