



## Persistent Complainant Policy

### 1. Background

- 1.1 Dealing with a complaint is a straight forward process however there is a minority of instances in which a complainant may behave in a way which can impede the investigation of the complaint, have significant resource issues for the administration and/or impact on the work of the Board. The Board has adopted a Persistent Complainant Policy defining how the Board will deal with such instances.
- 1.2 The Board is committed to dealing with all complaints equitably, comprehensively and in a timely manner in accordance with its complaints procedure.
- 1.3 The Board does not expect its Officers to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes that which is abusive, offensive or threatening and for the sake of example may include:
  - Using abusive language on the telephone
  - Using abusive language face to face
  - Sending multiple emails
  - Leaving multiple voicemails
- 1.4 The Board will take action to protect its Officers and staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, the Board will follow this policy.
- 1.5 Raising legitimate queries or criticisms of a complaints as it progresses, for example if agreed timescales are not met, is not in itself to be regarded as vexatious or interpreted as unreasonably persistent behaviour of the complainant.
- 1.6 The Board fully accept and acknowledge the fact that if a complainant is dissatisfied with the outcome of a complaint and seeks to challenge it once, or more than once, this should not necessarily cause the complainant to be labelled vexatious or unreasonably persistent.

### 2. Aim of this Policy

- 2.1 The aim is to assist in dealing with all complaints in ways which are consistent, fair and reasonable.
- 2.2 The policy sets out how the Board will decide which complainants will be treated as vexatious or unreasonably persistent and what the Board will do in those circumstances.

### 3. Definitions

- 3.1 The Board has adopted the Local Government Ombudsman's (LGO) definition of "*unreasonable complainant behaviour*" and "*unreasonable persistent complaints*"
- 3.2 The Board defines unreasonably persistent and vexatious complainants as those who because of the frequency or nature of their contacts with the Board through its Officers, hinder consideration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complainant.
- 3.3 Examples include the way or frequency that complainants raise their complaint with Management Staff, or how complainants respond when informed of the Board's investigation of complaint and conclusions reached.



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- 3.4 Features of an unreasonably persistent and/or vexatious complainant include those listed below. This list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:
- (i) Refusing to specify the grounds of a complaint, despite offers of help.
  - (ii) Refusing to cooperate with the complaints investigation process.
  - (iii) Refusing to accept that certain issues are not within the scope of a complaints procedure or within the Boards sphere of responsibility.
  - (iv) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
  - (v) Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them disciplined or replaced.
  - (vi) Being rude, supercilious or arrogant in the delivery of a complaint or in response to an answered complaint.
  - (vii) Changing the basis of the complaint as the investigation proceeds.
  - (viii) Denying or changing statements he or she made at an earlier stage.
  - (ix) Introducing trivial or irrelevant new information at a later stage.
  - (x) Raising many detailed but unimportant questions, and insisting they are all answered.
  - (xi) Submitting falsified documents from themselves or others.
  - (xii) Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations or with different personnel within a single organisation.
  - (xiii) Continued examples of copying and/or blind copying (where it is brought to our attention) of complaints to others in attempts to inflame or incite issues.
  - (xiv) Raising complaints on behalf of others.
  - (xv) Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days, and expecting instant responses.
  - (xvi) Trying to continually create email dialogue which puts pressure on staff to deliver immediate responses, especially out of office hours.
  - (xvii) Submitting repeat complaints with minor additions/variations which the complainant then insists make these 'new' complaints.
  - (xviii) Refusing to accept a decision which does not uphold a complaint; repeatedly arguing points with no new evidence.



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- (xix) The refusal to accept documented evidence as factual
- (xx) complain about or challenge an issue based on a historic and irreversible decision or incident
- (xxi) Posting of personal views on 'blogs' or websites that seek to subvert/dismiss information they have been provided with regards a complaint and/or incite others to raise similar questions.
- (xxii) Purporting to act on behalf of others or insinuating that a complaint is the collective view of a group or body.
- (xxiii) Frequent or continued correspondence with Board Members regarding a present, previous or historical complaint.

## 4. Imposing Restrictions

The Board's Management will ensure that the complaint is being or has been thoroughly investigated according to the Boards complaints procedure.

- 4.1 In the first instance the Chief Executive Officer (CEO) will consult and be in agreement with the Board Chairman and Vice Chairman prior to issuing a warning to the complainant. The CEO will contact the complainant, in writing and/or by email advising them that their contact with the Board in future will be restricted and the reasons why this decision has been reached.
- 4.2 Any restriction imposed on the complainant's contact with the Board will be appropriate and proportionate and the complainant will be advised of the period of time the restrictions will be in place for. In most cases restrictions will apply for 6 months but in exceptional cases may be extended. In such cases the restrictions will be reviewed by the Board at its tri-annual meetings.
- 4.3 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include
  - Barring the complainant from making contact by telephone except through a third party, eg solicitor/councillor acting on their behalf
  - Barring the complainant from telephoning or sending emails to Management and insisting they only correspond by letter
  - Requiring contact through one named Officer only
  - Letting the complainant know that the Board will not reply to or acknowledge any further contact from them on the specific topic of that complaint
  - In extreme cases where a complainant has manifested a number of points bulleted within Section 5 on definitions, the Board reserves the right to disregard.
- 4.4 When the decision has been taken to apply this policy to a complainant the CEO will contact the complainant to explain why:
  - The Board has taken the decision,
  - What action the Board is taking,
  - The duration of that action,
  - The review process of this policy, and



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- The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious/persistent complainant.
- 4.5 Where a complainant continues to behave in a way which is unacceptable, the CEO may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

## **5. New complaints from complainants who are treated as abusive, vexatious or persistent**

- 5.1 New complaints from people who have come under this policy will be treated on their merits. The CEO will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Board does not support a “blanket policy” of ignoring genuine requests or complaints where they are founded.
- 5.2 The fact that a complainant is judged to be unreasonably persistent or vexatious and any restrictions imposed on the board’s contact with him or her will be recorded.

## **6. Review**

- 6.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the CEO after six months and at the end of every subsequent six months within the period during which the policy to apply.
- 6.2 The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended

## **7. Referring unreasonably persistent or vexatious complainants to the Local Government Ombudsman**

- 7.1 There may be instances where relations between the Board and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course and the CEO shall contact the LGO in this regard.

## **8. Certification**

By Order of the Sow & Penk IDB

Certified by Ian M Benn, Chief Executive Officer

This document is next scheduled for review June 2018.