

## Witham Town Council:

*This policy is intended to protect employees or councillors from having to tolerate any unacceptable behaviour when corresponding with complainants, or any member of the public.*

*The council is committed to dealing with all complaints fairly and impartially. However, we do not expect our staff to tolerate unreasonable behaviour.*

*Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.*

Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour
- Making any false or misleading accusations
- Sending multiple emails
- Leaving multiple voicemails
- Excessive use of social media to criticise or abuse council staff or members

### Definitions

- We have adopted the Local Government Ombudsman's (LGO) definition of "**unreasonable complainant behaviour**" and "**unreasonable persistent complaints**"
- We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the council, hinder our consideration of their or other people's complaints. The description unreasonably persistent and vexatious may apply separately or jointly to a particular complaint.
- Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
- Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category).

An unreasonably persistent and/or vexatious complaint may be one where:

- There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- There are no specified grounds for the complaint despite offers of assistance
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- The complaint is about issues not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this

- The complainant insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- There appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced
- There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant
- Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
- Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- The complainant denies statements they made at an earlier stage in the complaint process
- The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- The same complaint is made repeatedly, perhaps with minor differences, after the complaint's procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaint's procedure
- The complaint is submitted and persistently pursued through different council departments at the same time

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party
- Banning the complainant from accessing any council building except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that the council will not reply to or acknowledge any further contact from them on the specific topic of that complaint

#### Procedure for Dealing with Unreasonable Complainant Behaviour

1. The Town Clerk will contact the complainant in writing to explain why their behaviour is causing concern and ask them to change it. The complainant will be warned that if the behaviour continues, the council may take action to restrict their contact.
2. If the behaviour continues, the Town Clerk will consult with the council to decide whether the complainant's behaviour warrants restrictions. The complainant will be notified in writing of the decision and what restrictions have been put in place.

3. The council will review any restrictions every six months. The complainant will be informed of the outcome of the review.
4. In extreme cases of aggressive or violent behaviour, the council reserves the right to report the matter to the police and institute immediate restrictions without prior warning.
5. New complaints from people who have been subject to this policy will be treated on their merits. The Town Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary.

**Adopted:** Minute 31 of the Policy and Resources Committee held 12<sup>th</sup> December 2023

**To be reviewed and agreed:** 10<sup>th</sup> December 2024

**Next review:** December 2025