

<b>Stoke-on-Trent City Council</b>
<b>Dealing with Unreasonably Persistent Complainants Policy Statement</b>
<b>2011-2012</b>



City of  
**Stoke-on-Trent**

# **Dealing With Unreasonably Persistent Complainants Policy Statement**

*Excellent Services, Valued by Customers*

## 1. Introduction

Stoke-on-Trent City Council is committed to operating an open, transparent and accessible Complaints procedure that treats everyone in a fair and equal way

This policy will be used as a last resort after all reasonable measures have been taken to try and resolve issues for complainants using the Corporate Compliments, Comments and Complaints Procedure.

Generally, dealing with a complaint is a straight forward process, however in a minority of cases people persist unreasonably with their complaints, or make complaints in order to make life difficult for the council rather than genuinely trying to resolve a grievance. These actions can occur either while the complaint is being investigated, or once a complaint is closed.

Sometimes the situation between the City Council and a complainant can escalate and the behaviour moves from being unreasonable to abusive, offensive or threatening. The council will not tolerate unacceptable behaviour by complainants or any customer. The City Council will take action to protect staff from such behaviour.

This policy reflects the “Guidance note on ‘unreasonably persistent’ complainants and ‘unreasonable complainant behaviour’” issued by the Local Government Ombudsman in January 2007.

## 2. Purpose

To provide guidance on how the City Council will deal fairly and effectively with customers who have been identified as being unreasonably persistent complainants.

## 3. Definition

The City Council classify unreasonably persistent complainants as:

**‘Complainants who, because of the frequency or nature of their contacts with the council, hinder the council’s consideration of their, or other people’s, complaints.’  
(Local Government Ombudsman 2007)**

Examples of an unreasonably persistent complainant include:

- Making excessive demands on staff time whilst a complaint is being investigated
- Submitting repeat complaints about issues already investigated
- Refusing to accept the decision once a complaint has been investigated
- Changing the basis of a complaint as the investigation proceeds or introducing trivial information that the complainant expects to be commented on
- Making groundless complaints about staff investigating the complaint and seeking to have the complaint investigated by someone else
- Refusing to accept a complaint is outside the remit of the complaints procedure

- Refusing to co-operate with the complaints investigation process.

They may also be a person who is not seeking to resolve a dispute between themselves and the City Council but is seeking to cause unnecessary difficulties or problems to the council.

#### **4. Decision**

Before deciding whether the policy should be applied we will ensure that:

- The complaint is being or has been investigated properly through the City Council's Compliment, Comments and Complaints procedure;
- Communications with the complainant have been adequate; and
- The complainant is not providing any significant new information that might affect the council's view on the complaint.

The decision to apply this policy will be taken by a manager of senior level in consultation with the Customer Feedback Team.

#### **5. Actions**

The actions that the City Council will take in dealing with unreasonably persistent complainants will be appropriate to the nature and frequency of the complainant's contacts. The following is a list of possible options that the City Council may consider if a person is deemed to be an unreasonably persistent complainant.

- Limiting the complainant to one form of contact e.g. telephone, letter, email and/or requiring the complainant to communicate only with one named member of staff
- Refusing to register and process further complaints about the same matter
- Where a decision on the complaint has been settled. Informing the complainant that future correspondence on the same matter will be read and filed and will not be acknowledged or sent a response.

If a decision is taken to apply the policy, the City Council will write to inform the complainant.

The fact that a complainant has been deemed an unreasonably persistent complainant and details of any restrictions imposed on that complainant, will be recorded and notified to those who need to know within the City Council. Personal information about the complaint will not normally be included in such a notification.

A person will be deemed as an unreasonably persistent complainant for a minimum of six months. After six months they can ask for their status to be reviewed by writing to the Strategic Manager - Customer Services, Customer Feedback & Information Rights Team, Floor 2, Civic Centre, Glebe Street, Stoke on Trent.

## 6. Appeal Process

If the unreasonably persistent complainant is unhappy with the decision to place them on the unreasonably persistent complainants list they have 15 working days to appeal against the decision. This should be done in writing setting out the reasons why and addressed to the **Strategic Manager - Customer Services, Customer Feedback & Information Rights Team, Floor 2, Civic Centre, Glebe Street, Stoke on Trent.**

The Strategic Manager - Customer Services will review the decision together with a senior manager from a different Directorate to the one who made the original decision. The complainant will be notified of the outcome in writing by the Strategic Manager - Customer Services within 15 working days.

Following the outcome of the appeal, if the unreasonably persistent complainant still does not agree or feels it is unreasonable they may refer the matter to the **Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH.**

## 7. Aggressive Complainants

Sometimes a complainants behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening. In a situation where physical violence has been used or threatened towards staff or their family personal contact with the complainant will discontinue and the complaint will thereafter only be pursued through written communication. The City Council will refer to the Corporate Workplace Violence Policy & Reporting Verbal Aggression Procedure in this instance.

## 8. Other Relevant Policies and Documents

The following documents have an impact on this policy

- Children's Social Care Procedures and Forms, The Complaints Policy
- Corporate Accident Reporting and Investigation Policy
- Corporate Compliments Comments and Complaints Procedure
- Corporate Stress Policy
- Corporate Workplace Violence Policy
- Reporting Verbal Aggression: A Guide For Managers
- Statutory Social Care Complaints Procedure, Adult Social Care, Health and Communities