

South Staffordshire Council

South Staffordshire District Council

Unreasonably persistent or vexatious complaints

The council acknowledges that certain complaints can be difficult to resolve and can cause anxiety and distress to complainants, employees and councillors. Whilst the council's aim is to try and find a way to resolve matters, from time to time some complainants become unreasonably persistent or vexatious in their quest to obtain the outcome they want.

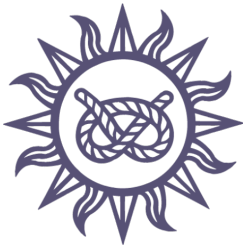
If a customer behaves in an unacceptable manner, or is unreasonably persistent, we may decide to restrict the ways they can deal with us. The council will ensure that complainants who are unreasonably persistent or vexatious are dealt with fairly, honestly and properly and will take reasonable measures to try and resolve the complaint via its complaints procedure.

The following list, whilst not exhaustive, outlines some actions and behaviours of unreasonably persistent or vexatious complainants that the council would consider to be unacceptable:

- persist in pursuing a complaint where the complaints procedure has been fully and properly implemented and exhausted;
- make repeated unreasonable demands for action or request information that would impact substantially and unreasonably on the council;
- continually change the substance of a complaint, or raise additional issues or seek to prolong contact by continually raising further concerns or questions;
- making unjustified complaints about staff dealing with the complaint and seeking to have them dismissed or replaced;
- repeatedly contacting the council with letters of complaint or excessive telephone calls or emails, placing unreasonable demands on staff;
- do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns;
- have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint;
- have threatened or used actual physical violence towards employees at any time;
- have used discriminatory remarks on the ground of sex, race, religion, sexual orientation or any of the protected characteristics;
- are known to have recorded meetings or face to face/telephone conversations without prior knowledge and consent of other parties involved;
- display unreasonable demands or expectations and fail to accept that these may be unreasonable.

Deciding to take action

The decision to classify a complainant as unreasonably persistent or as behaving unreasonably will be made by the Assistant Director of the service concerned in consultation with the Council's Corporate Director of Governance. In the case of a dispute about the classification of a complainant, the matter



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will be referred to the chief executive for a final decision.

Where circumstances permit, the council will give the complainant a warning that if their behaviour or action continues, the council may need to take action or apply restrictions. In all cases where it is decided that someone is unreasonably persistent or vexatious the actions the council takes will be appropriate and proportionate, and may include one or more of the following:

- refusal to accept a complaint or to amend the terms of a complaint.
- request contact in a particular form (e.g. letters or emails only).
- require contact to take place with a named employee only.
- restrict telephone calls to specified days and times of the week.
- place time limits on telephone conversations and personal contact.
- banning a complainant from attending some or all of the council's premises.
- asking the complainant to enter into an agreement about their conduct.
- blocking a person's access to some or all of the council's systems such as, the telephone, email and social media network.
- referral of the case to community care and or the police.

These actions are not exhaustive and once a decision is taken to apply restricted access, the complainant will be advised in writing by the council's Legal Services Team Manager advising why their behaviour is considered to be unreasonably persistent or vexatious, what action we are taking, and the duration of that action. If a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint and/or take further legal action.

All restrictions will be subject to a review, at least once every 12 months. This time period may be shorter dependent on the changes in circumstances of the complainant and/or behaviour. The review will be taken by the relevant Assistant Director of the service concerned with the Corporate Director of Governance.