



## **Stratfield Mortimer Parish Council**

### **Persistent Complainants Procedure**

#### **1. Purpose**

- 1.1 To identify complainants who are unreasonable or unreasonably persistent and/or prolific in pursuit of their complaint and to manage their complaints appropriately.
- 1.2 To ensure that all complainants are treated equitably and on an individual basis.
- 1.3 To ensure that access to the complaints process as a mechanism for representation is not unlawfully barred to the complainant.
- 1.4 To ensure that individuals' needs are considered when deciding on a suitable approach to dealing with their complaints.
- 1.5 To avoid perpetuating correspondence which is time consuming and not helpful to the complainant and/or other complainants and staff.

#### **2. Defining Unreasonable Complainant Behaviour**

- 2.1 Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which have no evidence to enable an investigation, or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.
- 2.2 However, raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent complainant.

- 2.3 Similarly, a complainant being unhappy with the outcome of a complaint and seeking to challenge it once or more than once, should not necessarily cause them to be labelled unreasonably persistent. Responding to reasonable expressions of dissatisfaction and requests for information should not cause staff particular problems.
- 2.4 Behaviour which may lead to a complainant being considered as unreasonable can include some or all of the issues listed below:
- 2.4.1 Declining to specify the grounds for their complaint.
  - 2.4.2 Declining to accept the issues are not within the scope of the procedure or must be dealt with in ways not compatible with the complaints procedure or good practice.
  - 2.4.3 Not cooperating with the complaints investigation process while still wishing their complaint to be resolved.
  - 2.4.4 Making unfounded complaints against staff dealing with the complaint.
  - 2.4.5 Pursuing a complaint or complaints with the Council where a final decision has been provided from the Complaints Panel, and either contacting the Clerk and Councillors about the same or similar issues or contacting other organisations or individuals such as a Member of Parliament, the Parish Council's External Auditor, the Standards Board, local police, solicitors or the Ombudsman.
  - 2.4.6 Submitting repeat complaints, after the complaints process has been completed, essentially about the same issues, with very minor additions/variations which the complainant advises make these 'new' complaints which should be put through the full complaint's procedure. Where additional information has been provided which changes the investigation of the complaint, the previous complaint will be reopened and investigated accordingly.

### **3. Resolving Unreasonable Complainant Behaviour**

- 3.1 The Clerk, if necessary, in discussion with the Chairman, will determine the point at which a complaint is considered as prolific and/or persistent, following the criteria identified above.
- 3.2 The Clerk will ensure each complaint is thoroughly assessed to ensure no items are overlooked and all issues raised have been previously addressed.

## 4. Action to Resolve

- 4.1 Explanation: Make clear to a complainant regarded as unreasonably persistent or prolific the ways in which his/her behaviour is unacceptable, and the likely consequences of refusal to amend it, before taking more formal action. In some cases, close liaison with the Council will be necessary to reach an appropriate and co-ordinated decision.
- 4.2 Correspondence: Ensure that issues raised are quickly resolved.
- 4.2.1 Where correspondence includes or develops into requests for information these will be passed through the Freedom of Information process. This includes a process for deciding where a request for information becomes repeated or vexatious and is separate to the allocation of persistent/prolific status to a complainant.
- 4.2.2 Where appropriate the Council may decide to decline to respond to further representations from the complainant on old issues. If this is the case then the complainant must be advised of this, with reasons. This advice should include an indication that all correspondence will be read, but that no response will be provided in future.
- 4.2.3 Care must be taken to review all future representations from the complainant to identify new issues that do need to be followed up formally with the complainant or be accepted into the complaint's procedure.
- 4.3 Record Keeping: A formal written record shall be kept of all contacts made by the complainant, making careful record of any abusive behaviour or threats – preferably recording exact words used where possible. A file of all these record sheets will be kept as evidence of the complainant's behaviour as this may be required for legal purposes at a later date.
- 4.4 Managing Behavioural Issues: The Council under its Dignity at Work Policy (adopted 8<sup>th</sup> October 2008) has a duty of care to all staff to ensure that they are safe from abuse or intimidation.
- 4.4.1 If the complainant's behaviour is abusive or provocative, the Council may determine that only written representation will be acceptable, explaining why.
- 4.4.2 Where this is not possible arrangements should be made for the Chairman to take detail of complaints

- 4.4.3 Other specified single routes for representations may be determined, such as email or calls to an answer phone during certain times or via a third party.
  - 4.4.4 If the complainant presents himself/herself regularly and behaves inappropriately, steps may be instigated to prevent face-to-face confrontation.
  - 4.4.5 If the complainant behaves in a particularly aggressive or confrontational manner, including harassment by multiple emails the Council will consider implementation of their adopted Dignity at Work Policy.
- 4.5 Other Issues: Legal responsibilities – if there are any legal or statutory issues the Council must take Legal advice to ensure that all duties and responsibilities have been fulfilled, and that all relevant decisions made are well founded and robust. The service may identify other specific actions that may contribute to better future management of the individual.