

Policy for Handling 'unreasonable complainant behaviour' and 'unreasonably persistent complainants' in respect of Complaints about Councillors.

Generally, 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 authorities. These actions can occur either while their complaint is being investigated, or once an authority has concluded the complaint investigation.

We use the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'.

For us, unreasonable complainant behaviour and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their, or other people's, complaints.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which authorities often find problematic. It is by no means an exhaustive list and local factors will vary, but they are examples that the Council consider relevant:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a Councillor/the authority's independent auditor/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by, for example, excessive telephoning or sending emails to numerous Council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.

- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Complaints that are instituted, without sufficient grounds, which intend to cause annoyance or embarrassment
- Complaints that are not serious or sensible in content, attitude or behaviour, and unworthy of serious sensible treatment.
- Complaint that has been previously considered and responded to through its complaints process and found not to be justified, unless sufficient new evidence can be provided.
- Combinations of some or all of these.

Who decides?

If a complaint is considered by the Monitoring Officer to be either unreasonable complainant behaviour and/or unreasonably persistent, they will consult with the Independent Person on what action should be taken.

How is a decision taken?

The Monitoring Officer will consider the aspects of the complaints in relation to the Policy. If it is considered there are aspects which fall within this Policy, they will consider what action should be taken.

If it is considered there are no aspects that fall within this policy no action will be taken and the complaints will progress through the normal channels.

What decisions can be taken

The following decision can be taken:

Refuse to investigate the complaint;

Refuse to investigate the complaint until the complainant provides further information;

Explain that the Council's Corporate Complaints Policy has to be followed and nominate a single point of contact within the Council for the complainant;

How long any restrictions should apply to the complainant;

To accept the complaint;

Refer complainant to the Citizen's Advice Bureau for assistance in formulating their complaint;

Refuse to respond to further questions on a complaint already considered and refer the complainant to the LGO;

How restrictions can be lifted, when they will be reviewed and by whom.

Who is informed?

Any decision to take action under the policy will be communicated in writing to the complainant.

In addition to the complainant, the Chief Executive, relevant officers and Councillors, will be informed of the decision.

Only these people (detailed above), representatives on behalf of the complainants (once written consent is received) and the LGO will be entitled to receive the detailed information.

How can a decision be appealed ?

As the Monitoring Officer has taken the decision, if the complainant is unhappy with the decision they would need to submit their complaint along with their objection to the decision of the Monitoring Officer for the Council not to investigate their complaint to the LGO.

Record

A record of all the decisions taken under this policy will be retained and reported annually to the Council's Standards Committee. This will be a summarised report which does not name individuals.

The details and reasoning behind any sanctions will be retained for five years after any sanctions have been lifted.