

Unreasonably Persistent Complainants Policy **DRAFT**

Contents

Section 1: Your guide to unreasonably persistent complainants

What's in this policy

Our promise to you

Equality and Diversity (Equality Act 2010)

Section 2:

Who is an unreasonably persistent complainant?

How we assess if someone is unreasonably persistent?

Section 3:

What happens next?

Who keeps a record?

Section 4:

Referring to the Local Government and Social Care Ombudsman (LGSCO)

Section 5:

Further information

Any queries?

Appendix 1:

Summary of how the decision is made to make a complainant unreasonably persistent

Section 1: Your guide to unreasonably persistent complainants

We always want to give you the very best service we can. But we know that sometimes we get things wrong or there are problems you need us to put right. Most of these complaints are resolved through the Council's internal complaints process or when needed, the Local Government and Social Care Ombudsman (LGSCO).

However, there are a small number of customers who, because of the amount, nature, and quality of their contact, are deemed to be unreasonable or unreasonably persistent complainants.

The complainant would be told before any decision is made, that their actions are becoming unreasonable or unreasonably persistent. We would offer to discuss this with them before taking any further action.

The sections below will tell you how the decision is made. You can find a summary of this in appendix 1 at the end of the document.

This policy should be read in conjunction with the Corporate Complaints Policy, which explains the steps to take if you have a complaint. You can find further details at this link: [Complaints \(wokingham.gov.uk\)](https://www.wokingham.gov.uk/complaints)

If you'd like this policy in another format like large print, please email customerrelations@wokingham.gov.uk or call 01189746000 and we'd be happy to help.

Our promise

Is to:

- treat you with respect and fairness
- be responsive, friendly, and helpful
- be open and honest and manage expectations
- support and care for you as an individual
- listen to what you have to say and learn from it

Equality and Diversity

This policy is written in conjunction with the Equality Act 2010 which created the Public Sector Equality Duty.

This policy will be applied fairly and consistently to all regardless of gender, race, marital status, national or ethnic origin, nationality, disability, sexuality, age or religion. This is in line with the Equality Plan 2021 to 2025 for Wokingham Borough Council, information on this can be found at: <https://wokingham.moderngov.co.uk/documents/s47397/>.

Wokingham Borough Council's Complaints Team are committed to being accessible to all and reasonable adjustments will be made for residents and representatives, where needed.

Section 2: Who is unreasonable or an unreasonably persistent complainant?

They can be:

- a complainant who has been responded to in full but still wishes to pursue the same complaint
- a complainant who is pursuing their complaint through different ways in the hope of getting a different outcome
- a complainant who makes derogatory or dis-respectful comments aimed at our staff

Examples of unreasonable behaviour:

- Refusing to give the grounds of a complaint, despite offers of help.
- Refusing to work with the complaints process.
- Refusing to accept that certain issues are not within the scope of the complaints process.
- Insisting on the complaint being dealt with in ways which are not in line with the complaints process or with good practice.
- Making unfair complaints about staff who are trying to deal with the issues
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting false documents.
- Adopting a 'scatter gun' approach: sending similar complaints on the same issue to lots of organisations.
- Making undue demands on the time and resources of staff and expecting responses straight away.
- Sending in repeat complaints with small changes to the original complaint and insisting this makes it a new complaint.
- Refusing to accept the decision; continuing to argue points with no new evidence.

The Information Commissioner has also issued guidance on what would be unreasonably persistent or classed as repeated requests.

- Could the request fairly be seen as obsessive?
- Is the request harassing the Council or causing distress to staff?
- Would complying with the request impose a burden on the Council?
- Is it likely that the request is designed to cause disruption?
- Does the request lack any serious value?

How we assess if someone is unreasonably persistent?

If while investigating a complaint the complainant displays one or more of the traits in Section 2 more than once, the Customer Relations Team will discuss it with the Head of Service as to whether to consider these actions unreasonable.

If the complaint has been through the whole complaints process and finished, the complainant will be advised that no further contact about the complaint or complaints related to this. However, if the complaint is ongoing, we may choose to limit the amount of contact to one officer and how often they will contact the complainant.

The following are some of the questions that will be considered before a complainant is classed as unreasonably persistent.

- that the complaint is being, or has been, investigated properly
- any decision reached on the complaint has followed the complaints policy and procedures
- communication has been maintained with the complainant
- whether the complainant is providing any significant new information that might affect the service's view on the complaint

A decision will then be made on what action to take. Below are some of the options available:

- Placing limits on the number and duration of contact with staff per week/month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one type of contact (i.e. email).
- Requiring the complainant to correspond with only one member of staff.
- Requiring any 'face to face' meetings to take place in the presence of a witness and in a suitable location.

However, whilst contact will be stopped about the complaint, if the complainant were to contact us on a separate matter, contact should be managed as normal.

The final decision will be made by the Director of service concerned, in conjunction with the Chief Executive and the Corporate Leadership Team.

Section 3:

What happens next?

If agreed, the complainant will be informed of what action will be taken. Correspondence will be sent informing of the decision.

This should make the following points clear:

- The complaint the complainant is being unreasonably persistent about.
- The action we propose to take.
- What restrictions will be put in place.
- That restrictions apply to this complaint and no other contact.
- That a record will be kept reflecting that the complainant has demonstrated unreasonably persistent behaviour in respect of the matter.
- When the record will be reviewed.

Keeping records?

If a complainant is classified as unreasonably persistent, we will keep a copy of evidence in support of the decision.

The Customer Relations Team are responsible for updating and monitoring the records.

These records include the following information:

- why and when the complainant's details were recorded
- who made and approved the decision
- date of review

The Customer Relations Team will keep a record of any correspondence about the complaint.

The Customer Relations Team will review the recorded details six months after the action has been taken. When reviewed, the Customer Relations Team will talk to the Head of service to check if there has been any contact about the complaint. If there has been no contact, the complainant details regarding being unreasonably persistent will be removed. If contact has continued, then officers will need to consider the nature and frequency, and whether the restrictions should continue.

Once this decision is made, correspondence will be sent to the complainant to advise of the decision.

This should inform of:

- the decision being made
- the reasoning to support this decision; and
- when it will be reviewed next, if it has been agreed to keep the complainant's details on record

The Customer Relations Team will update the record to reflect the outcome and any actions.

Section 4:

Referring unreasonably persistent complainants to the Local Government and Social Care Ombudsman (LGSCO)

In some cases, agreements cannot be reached. If the complaint can't be resolved and is still ongoing, early referral to the LGSCO may be made.

Complainants can make a complaint to the Ombudsman about the way they have been treated. The Ombudsman is unlikely to be critical of actions if it can show that the policy has been applied correctly and fairly.

Section 5:

Further Information

The policy will be monitored and amended in line with best practice in both public and private sectors.

Any queries regarding this policy should be directed to the Customer Relations Team using the following contact information:

- Tel.: **(0118) 974 6000 and ask to speak to the Customer Relations Team**
- E-mail: CustomerRelations@wokingham.gov.uk

Appendix 1 – Summary of how the decision is made to make a complainant

Who could be unreasonably persistent?

- A complainant who has been responded to in full but still wishes to pursue the same complaint
- A complainant who is pursuing their complaint through different ways in the hope of getting a different outcome
- A complainant who makes derogatory or dis-respectful comments aimed at our staff

Section 2



How do we assess if someone is unreasonably persistent ?

- The Customer Relations Team will discuss the complainant with the Head of service, and establish whether to consider their actions unreasonable
- If the person has a complaint that is ongoing, we may choose to limit the amount of contact to one officer and how often they will contact the complainant

Section 2



Who will decide if someone is unreasonably persistent?

- The final decision will be made by the Director of the service concerned, in conjunction with the Chief Executive and the Corporate Leadership Team

Section 2



What happens next ?

- Once the decision is made, the complainant will be contacted and advised of the decision.

This should inform of:

- the decision being made
- the reasoning to support this decision; and
- when it will be reviewed next, if it has been agreed to keep the complainant's details on record

The Customer Relations Team will update the record to reflect the outcome and any actions. A review will take place after 6 months.

Section 3

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