

London Borough of Camden

Unreasonable Complainant Behaviour Procedure

1. Introduction

- 1.1 Camden Council is open to complaints and seeks to learn from them. We welcome feedback from our residents and customers and use this information to improve our services and the way that we do things. We have a fair and transparent complaints procedure and aim to ensure that all of our residents and customers have easy access to the complaints service.
- 1.2 However, Camden will not tolerate unreasonable complainant behaviour. Abusive, offensive, threatening, deceitful, and vexatious (i.e. that deliberately seeks to cause annoyance, frustration or worry) or any other form of unacceptable complainant behaviour will be addressed with appropriate action to protect the well-being of our staff, our limited resources and the integrity of our processes.
- 1.3 This procedure defines unreasonable complainant behaviour and provides guidance to staff about how to manage this behaviour (see also general guidance document). It is always the desire of the Council to openly engage with complainants, however where a complainants behaviour is unreasonable and the Council has done all it reasonably can to resolve a complaint, then it will be necessary to engage this procedure.
- 1.4 This procedure is written for Camden's complaints service and addresses unreasonable behaviour in relation to a complaint. Staff in other service areas may use this procedure as guidance where unreasonable behaviour is experienced generally.

2. Purpose of this procedure

- 2.1 The purpose is to:
- (i) Define 'unreasonable' and 'unreasonably persistent' complainant behaviour.
 - (ii) Provide Camden staff with clear guidance for managing unreasonable behaviour.
 - (iii) Provide clear and transparent information to complainants, residents and customers about how Camden manages unreasonable complainants and deals with their behaviour.

3. Definitions

- 3.1 We have adopted the Local Government Ombudsman's (LGO) definition of 'unreasonable' and 'persistently unreasonable' complainant behaviour. **Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature of their behaviour, and/or frequency of their contact with the Council, hinder Camden's consideration of their own and/or other people's complaints.**
- 3.2 Unreasonable complainant behaviour may include one or two isolated incidents, whilst persistently unreasonable complainant behaviour refers to a build-up of incidents or behaviour over time.

4. Definitions, outlining unreasonable complainant behaviour

- 4.1 Unreasonable and unreasonably persistent complainants behaviour may include the following types of behaviour (this list is not exhaustive). A complainant may be considered to be behaving unreasonably where they meet one or more of the following criteria:
- Persistently change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed,
 - Continually raise new, minor or trivial complaints issues,
 - Continually submit additional complaints related to an initial complaint already submitted,

- Persistently fail to identify or confirm to the Council the issues they wish to complain about
- Refuse to accept assistance to clarify their complaint for no legitimate reason
- Not allowing the Council time to respond, by making excessive amounts of contact before the specified time to respond has passed.
- Insist on the complaint being dealt with in ways which do not follow the complaints procedure. For example, a complainant forbidding any written record of the complaint
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process (e.g. a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint
- Deny statements he or she made at an earlier stage in the complaint process,
- Electronically record meetings and conversations without the prior knowledge and consent of the other person involved,
- Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints with various officers, offices and organisations at the same time
- Persistently refuse to accept the outcome of the complaints process, repeatedly arguing the point, and/or denying that an adequate response has been given
- Make what appear to be groundless complaints about the staff dealing with the complaints and seek to have them dismissed or replaced where there is no risk of conflict of interest
- The use of social media to offend, harass and or intimidate staff

5 Appropriate action under the procedure - heads of service and service managers

- 5.1 Managers should satisfy themselves that unreasonable behaviour has been demonstrated as above. The Complaints / Information and Records Management Team (Complaints/IRM team) are there to support services and can offer advice and guidance about managing unreasonable complainant behaviour. Decisions around this procedure however are to be taken by the service/Borough Solicitor.
- 5.2 The service should first seek to resolve unreasonable complainant behaviour locally. This may include taking reasonable steps to engage with the complainant. We recognise that quite often unreasonable complainants may have support needs (e.g. mental health). Where you have concerns about a complainant's well-being, you should check whether the complainant is known to Floating Support services. The Floating Support service is there to provide services for residents with support needs.
- 5.3 You can also send the complainant a copy of this procedure/ sign-post them to the procedure online. You should write to the complainant to outline and warn them about their behaviour and the consequences of further action. This is **formal warning 1**. The issuing of a warning 1 is a decision of the relevant Head of Services. Depending on the circumstances it may be appropriate for a further **formal warning 2** to be sent. If at all possible two warnings are recommended before going to **stage 3** but see 7.6.
- 5.4 Ensure that evidence of unreasonable behaviour (correspondences, meeting notes, voice messages, etc.) is fully and properly recorded. Additionally, services should continue to record evidence even after the complainant has been identified as an unreasonable complainant.
- 5.5 Complete an unreasonable behaviour designation request form (available on the intranet) to evidence the complainant's unreasonable behaviour and send to CC/IRM team who will coordinate actions and advise under the procedure.

6. Appropriate action under the procedure stage 3 - the Borough solicitor and the Executive Directors or Directors of the service.

- 6.1 Making a decision to restrict a customer / resident from a service is considered at a senior level. Decisions are made by the Borough solicitor and or the Director or Assistant Director of the service.
- 6.2 The Borough solicitor and or the relevant Executive Director or Director will consider the case as per the evidence presented and will decide whether a complainant's behaviour is unreasonable under the procedure and merits further action.
- 6.3 They will determine whether the actions proposed by the service for managing the complainant's behaviour is appropriate and proportionate.
- 6.4 Where ICT restrictions are proposed the Head of ICT will also be consulted as appropriate.
- 6.5 Where a complainant's behaviour is found to be unreasonable by the Borough Solicitor or relevant Director or Assistant Director, the following actions may be implemented to manage their behaviour. This list is not exhaustive and other actions may be used as appropriate in line with the nature of their unreasonable behaviour.
- Requesting contact in a particular form only (e.g. contact by letter only)
 - Placing restrictions on telephone calls to specific times and days of the week
 - Requesting that the customer enters into a contact agreement setting out their future contact
 - Placing restrictions on the amount of time officers will spend investigating their complaints
 - Where relationships have broken down, requesting that the customer uses an appropriate advocate to act and contact the Council on their behalf
 - Banning the complainant from sending emails to some or all council officers
 - Requiring contact to take place with one named member of staff / team only
 - Call witnessing, e.g. call recording; note that the customer should be informed
 - Meeting witnessing, e.g. face to face contact to take place in the presence of a witness
 - Letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint
 - In some circumstances, the Council may decide that it is appropriate to severely reduce or completely stop responding to a particular customer. However, all letters should be read to ensure that there are no new relevant complaints raised
 - Banning the complainant from visiting any council building (except by appointment)

Decisions pursuant to the above will be recorded in a letter to the complainant. This letter will say when this decision will be reviewed. This is **formal notification of being on the unreasonable complainant register**.

- 6.6 Where the complainant has demonstrated extreme unreasonable behaviour e.g. racist / homophobic / threatening behaviour, the procedure actions may be implemented without the complainant receiving a warning.
- 6.7 The Complaints/IRM team will update the unreasonable complainant register with the complainant's details. Information about unreasonable complainants will be held by Complaints/IRM team and will be communicated to officers / services as necessary but will otherwise be kept confidential.

7. Appeals

7.1 Where a complainant is designated an unreasonable complainant, they have the right to appeal. Appeals will be considered by an Executive Director or the Chief Executive. It is the complainant's responsibility to provide evidence against the decision.

7.2 Where the relationship between Camden and the complainant has broken down significantly, appeals / complaints may be referred to the Local Government Ombudsman (LGO) for consideration.

8. Reviews

8.1 Actions implemented against an unreasonable complainant should be for an appropriate period of time and a review of the case should be facilitated by Complaints/IRM team in line with the conditions placed on the complainant in the notification letter.

8.2 Where a complainant has demonstrated continued unreasonable behaviour, their designation as an unreasonable complainant will be extended and restrictions on the complainants contact will remain in place (restrictions may be updated as necessary). The complainant should be informed.

8.3 For a complainant to remain on the unreasonable complainant behaviour register there should be continued demonstrable evidence of their unreasonable behaviour collected by the service.

8.4 Where the complainant's unreasonable behaviour has stopped, the restrictions should be lifted at the end of the stated period.



Andrew Maughan
Borough Solicitor
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For further information about this procedure please contact the Complaints team, complaints@camden.gov.uk