

Nottingham City Council

Serial or Unreasonably Persistent Complainant / Behaviour Policy

Nottingham City Council aims to investigate and respond to communication and complaints from Citizens in a way that is open, fair and proportionate; however, in a minority of cases, Citizens interact with services, raise an issue with a Councillor or pursue their complaints in a way that is unreasonable.

We will not tolerate abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When unreasonable behaviour occurs, we will take proportionate action to protect the wellbeing of our employees and the integrity of our processes.

This policy manages this negative behaviour in such a way that their enquiry or complaint investigation can still be carried out fairly and concluded successfully. It is intended to be used alongside, and not instead of, the established Council policy and procedures already in place around health and safety, staff welfare, harassment and staff codes of conduct.

This policy and procedure covers behaviour which is unreasonable, this can be on one occasion or may include two or more isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

1. What is unreasonably persistent contact or behaviour?

Serial or unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contact with a service or Councillor, hinder the consideration of their, or other people's, complaints.

Some complainants have justified complaints but may not pursue them in an appropriate way, others may pursue complaints which appear to have no substance or which has already been investigated and determined. Their contacts with the organisation may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved.

Serial or unreasonably persistent contact would be defined as multiple telephone calls or visits to a service or Councillor's support a day and/or calls demanding a response immediately. A citizen shouting on the telephone or in person, using abusive, derogatory or threatening language; or discussing issues that have already been raised in excess of 10 minutes or frequently attending a service in person without need or appointment. It also includes abusive or multiple emails per day being received from the complainant or multiple interactions on a social media site per day.

Unacceptable behaviour can be defined as making contact with inappropriate content such as references to religion, swearing and racist, homophobic or sexist slurs or pictures of images which are inappropriate and distressing. It is enough for the recipient to determine that they find the image inappropriate or distressing. (Examples can include

Nottingham City Council

Serial or Unreasonably Persistent Complainant / Behaviour Policy

pictures depicting graphic violence or sexual content, pictures showing harm to animals and defaced imagery).

2. Actions and Behaviours deemed unreasonable:

- 2. a Refusing to cooperate with the enquiry/complaints investigation process (not accepting the process or response deadlines)
- 2. b Refusing to accept that certain issues are not within the scope of the comments, compliments and complaints procedure or within the power of the service to deliver.
- 2. c Insisting on the complaint being dealt with in ways which are incompatible with the complaints or Councillor procedure or service procedure.
- 2. d Changing the basis of the complaint as the investigation proceeds.
- 2. e Introducing trivial or irrelevant information at a later stage.
- 2. f Raising many detailed but unimportant questions, and insisting they are all answered (this can include information about council services policy and procedure which is not necessary, hypothetical and rhetorical questions, sarcasm and questions that ask for a personal opinion)
- 2. g Adopting a 'scatter gun' approach, pursuing parallel complaints on the same issue with different teams and departments within the council.
- 2. h Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, frequent visits without prior appointment, and expecting immediate responses.
- 2. i Submitting repeat complaints with minor additions/variations the complainant insists makes these 'new' complaints
- 2. j Refusing to accept the decision; repeatedly arguing points with no new evidence
- 2. k Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them disciplined or dismissed.
- 2. l Refusing to specify the grounds of the complaint, despite offers of help
- 2. m Sending emails or letters with inappropriate and offensive pictures attached or included in the body of the email text
- 2. n The citizen has not raised a complaint or does not have a current enquiry but continually contacts the service.
- 2. o Contacting the service deliberately in an unsuitable or confusing manner, for example deliberately rejecting the conventions of correspondence and using poetry or using challenging and confusing terminology and references.
- 2. p Using threatening or abusive language whilst interacting with a service, member of staff or Councillor support.

3. Who can authorise the implementation of the policy

When a service or member of staff feels that a complainant falls under the category of serial or unreasonably persistent they should record evidence for this and contact the Customer Experience Lead as soon as possible. If the behaviour is in regard to a

Nottingham City Council

Serial or Unreasonably Persistent Complainant / Behaviour Policy

complaint, it must have been logged through the Have Your Say system for this policy to be activated.

4. Implementing the policy

Implementation of the policy means that the contact the citizen can make with the service about their enquiry or complaint has been limited and the way in that they contact the service restricted to a specific method of communication. This decision will be made because of the way the complainant continues to interact with the service and because they refuse to modify their behaviour when asked to by the service.

Actions that are taken should be in proportion to the nature and frequency of the citizen's current contacts. The objective of using the policy is to manage the complainant or citizens behaviour in such a way that their complaint investigation or enquiry can be carried out fairly and concluded successfully without further distractions.

When the decision has been made to implement the policy the following steps must be taken:

- 4.a** Write to the citizen advising them that the policy has been implemented with details of how the citizen will be communicated with going forward; this can be by letter or email.
- 4.b** Carry on with the investigation of the complaint in line with the complaints policy and procedure or carry out the enquiry.
- 4.c** Brief all stakeholders that the policy is in place and ensure that all stakeholder parties are providing consistent responses to the citizen; if this does not happen the policy will be undermined and therefore ineffective.

*For a complainant, it is important that the two identified stages of the complaints process is adhered to regardless of the implementation of the policy. It is important that the complainant receive the same high quality level of investigation as had they not been a serial or unreasonably persistent complainant.

Where a decision on the complaint or enquiry has been made, there is no obligation for the service to respond to future correspondence about the same complaint or enquiry unless it contains material new information. Future correspondence from the complainant received by the service but not containing new material information will be read and placed on file but not acknowledged. A designated officer should be identified who will read future correspondence.

5. Duration of the policy

The implementation of the policy would be for the duration of the complaint or enquiry investigation period only. However if the complainant persistently acts in an unreasonable way each time they contact a Council service or Councillor, the duration of the policy implementation will be reviewed by the Customer Experience Lead and clearly communicated to the complainant.