



**JOINT POLICY FOR BABERGH DISTRICT COUNCIL AND MID SUFFOLK DISTRICT COUNCIL**

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# **DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS**

**Including  
Unreasonable, Unreasonably Persistent or Vexatious Complainant  
Behaviour  
A guide for staff, the public, and other providers of the councils'  
services**

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## PURPOSE OF THIS DOCUMENT

1. The purpose of this document is to inform staff, the public, and other providers of council services of the mechanisms in place for capturing customer feedback, in particular through the corporate complaints system. All sub-contractors, contractual partners and providers of services to the Councils will also be asked to adopt this methodology.

The policy is made and operated by the Councils under its general power of competence (section 1, Localism Act 2011) or its statutory incidental powers (section 111(1), Local Government Act 1972).

## WHY HAVE A CORPORATE SYSTEM FOR COMPLIMENTS, COMMENTS AND COMPLAINTS?

2. The main benefits of a council-wide system are:
  - *It is better for the public* – everyone knows the way to register a compliment, comment or complaint and how that will be handled;
  - *It is better for staff* – we can be confident about how a compliment, comment or complaint should be handled;
  - *It is better for Councillors* – they can see on a regular basis if there are any issues and how they are being resolved;
  - *It is fairer* – everyone is treated equally;
  - *It helps us to improve services* – because the issues have gone through the same system, they can be analysed and we can see how to make the services better.

## A SUMMARY OF THE PRINCIPLES FOR DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS

3. The principles on which this policy is based are:
  - (i) We will make our organisations accessible to receiving compliments, comments and complaints and will act on them appropriately.
  - (ii) When we receive notification of a matter concerning our services, we will deal quickly, effectively and appropriately with it.
  - (iii) At all stages, customers will be safeguarded and protected, and we will consider the wishes and feelings of the customer.
  - (iv) We will be mindful of an individual's ability to complain effectively and will ensure that we assist wherever required to process genuine complaints. If we believe that it is necessary, we will recommend that an individual has an advocate to process their complaint.
  - (v) In rare instances, however, where a complainant acts unreasonably or is vexatious or unreasonably persistent, we will respond robustly, in the interests of the proportionate use of the Councils resources on behalf of the community as a whole (see Appendix 4).

(vi) We will seek to resolve issues at an early stage, through discussion and taking appropriate steps to implement any necessary changes to the way in which we deliver services in the future.

(vii) We will endeavour to respond to compliments, comments and complaints by taking appropriate action and letting the customer know what we have done and the reasons why. If appropriate, we will discuss the issue raised with the customer before deciding on the outcome.

4. We will deal under this policy only with complaints concerning matters by which the complainant (or a person on whose behalf the complaint is made) claims to have been adversely personally affected. This policy does not apply to:
  - a. complaints about the policies of the Councils,
  - b. complaints against Councillors;
  - c. service or other issues affecting most, or a significant number, of people in its area; or,
  - d. matters otherwise falling within paragraph 9.3 below.
5. In exceptional circumstances, should the issue affect a group of individuals, the Councils would consider representation by an individual on behalf of a group.
6. Definition of adverse personal effect

We will treat an individual as likely to have been adversely personally affected where they, or another individual on whose behalf the complaint is made, appear (when the complaint is made) to have reasonable grounds to claim that they have suffered an injustice (in terms of financial, reputational or other loss, or distress), as a result of an act or omission of the Councils, or the operation of a council procedure, in relation to them; and where the matter is not one affecting most, or a significant number of, people in the area or in similar circumstances to the complainant.

## DEALING WITH COMPLAINTS

7. It is the Councils' intention to operate a complaints procedure which provides a satisfactory resolution of complaints from members of the public as soon as practicable.
8. However, the Councils reserve the right to terminate communications with any person who is rude, abusive or aggressive to (or about) its staff or contractors. The Councils also reserve the right to return any communication of that character, or which makes derogatory remarks about them, and to take no action on the matter complained of, until the communication (or another) is re-submitted which does not contain such language or remarks.

## 9. DEFINITION OF A COMPLAINT

9.1 For the purposes of this procedure, a complaint is defined as:

**“Any expression of dissatisfaction or concern about the way in which a service is provided, the standard of that service, or any action or lack of action on the part of the Councils, their employees or another body delivering a service on the behalf of the Councils; or about the operation of the procedure or processes of the Councils”.**

- 9.2 For the purposes of this policy, a reference to the “Councils” is a reference to Babergh District Council and Mid-Suffolk District Council.
- 9.3 It should be noted that, in addition to the matters excluded under paragraph 4 above, the complaints procedure is **not** intended to cover:
- a. Requests for a service (whether generally, or in respect of an individual);
  - b. Requests for information about, or an examination or explanation of, council policy or practice;
  - c. Complaints about formal decisions taken by committees of the council, or those delegated to officers;
  - d. Complaints about the level or standard of service set by or on behalf of the Councils. A complaint can be made if the Councils, or a contractor, has failed to meet the standard set;
  - e. Matters for which there is an existing right of appeal (either within the council itself or to an independent tribunal) or a legal remedy;
  - f. Matters where there is already active or pending litigation;
  - g. Complaints about Councillors, or co-opted Members of the Councils;
  - h. Complaints made more than 12 months after the event, unless there are exceptional reasons as to why the complaint could not have been brought within this time (in which case any complaint should be accompanied by a statement of those reasons);
  - i. Complaints by officers about services provided by other officers.
- 9.4 In line with the approach taken by the Local Government Ombudsman, the Councils are unable to investigate complaints made by “any other body delivering public services”. (see 11.11 below).
- 9.5 Requests for information will be dealt with under the Freedom of Information Act 2000, Environmental Information Regulations 2004, or Data Protection Act 1998, as appropriate.
- 9.6 Anonymous complaints will not be accepted for investigation.
- 9.7 Complaints about Councillors’ disclosable pecuniary interests should be pursued with the police. Other complaints about Councillors’ conduct should be directed to the Monitoring Officer of the relevant authority, who has a duty under the Local Government Act 2000 (as amended) to deal with such matters. The Monitoring Officer can only deal with complaints about the behaviour of a Councillor which are covered by the Council’s Code of Conduct See the following website for more information  
<http://www.midsuffolk.gov.uk/the-council/compliments-comments-and-complaints/suffolk-local-code-of-conduct/>
- 9.8 A copy of the Procedure and an e-mail link are available on the Babergh District Council (BDC) and Mid Suffolk District Council (MSDC) joint website ([www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) ).
- 9.9 If an officer decides that an issue is not a formal complaint, they must ensure that the enquiry is channelled through the appropriate office procedure to deal with the enquiry, and inform the customer accordingly. They should also notify the Customer Services Team.

## 2. INFORMAL COMPLAINT

- 10.1 All officers are responsible under these procedures, and in the first instance they should endeavour to resolve issues or requests for action informally, before an individual feels the need to submit a formal complaint.
- 10.2 If the matter cannot be resolved informally, the customer should be advised to make a formal complaint, which should be in writing where possible – either on a Complaints Form (which is available through the websites [www.babergh.gov.uk](http://www.babergh.gov.uk); or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk); or by contacting the Customer Services Team); or by letter to the relevant council; or by e-mail to [Customer.services@babermidsuffolk.gov.uk](mailto:Customer.services@babermidsuffolk.gov.uk) which covers both Councils). However, officers will need to be alert to situations where the customer may not be able to put his/her complaint into writing, and they should offer assistance so as not to allow obstacles to prevent the customer from putting in a complaint.

## 3. FORMAL COMPLAINTS

### 3.1 STAGE 1

- 11.1 The complaint will be investigated by the relevant Corporate Manager for the service the complaint is about.
- 11.2 Complaints about the performance of the Chief Executive will be referred to the Leader of the relevant Council.
- 11.4 The investigation is expected to be completed within 10 working days following the receipt of the complaint.
- 11.5 If for any reason the investigation cannot be completed within 10 working days, the investigating Corporate Manager will give notification to the complainant by that date that there will be a delay, with an estimated date by which they can expect to receive a response.
- 11.6 At the end of stage 1, the complainant will be given information concerning any further steps they can take if they still remain dissatisfied. If they have no additional information or evidence to justify a referral for a stage 2 complaint investigation this may include referring them to the Local Government Ombudsman or Housing Ombudsman, or their seeking independent legal advice.
- 11.7 The requirement for additional information to be supplied will be introduced as part of a phased approach that includes training for all complaint responders and evidence being seen that the training has resulted in fewer complaints being made and fewer progressing to a stage 2 investigation.

### 3.2 STAGE 2

- 11.8 If, after the completion of Stage 1, and within a period of 20 working days, the complainant indicates that he/she is not satisfied with the response, **and** they are able to provide additional information or evidence for consideration at Stage 2, the Complaints Team will refer the matter to the Corporate Complaints Officer for a further investigation at Stage 2.

- 11.9 The Corporate Complaints Officer is expected to complete an independent investigation, and respond to the complainant, within 20 working days of receipt of the Stage 2 complaint, with a full and clear explanation of the results of their investigation.
- 11.10 If for any reason the investigation cannot be completed within 20 working days, the Corporate Complaints Officer will give notification to the complainant within that time of the delay, and of when they can expect to receive a response.
- 11.11 As part of the stage 2 response, the complainant will be given information concerning any further steps they can take if they remain dissatisfied. This may include referring them to the Local Government Ombudsman or Housing Ombudsman or their seeking independent legal advice.
- 11.12 The Local Government Ombudsman is unable to investigate complaints made by “an authority constituted for the purposes of the public service”. This effectively means that the Ombudsman will not accept or investigate complaints from Town or Parish Councils. As an alternative, the Parish or Town Council, or a parish or town councillor, may assist a group of individuals to make a complaint jointly, if they have been affected together.

### **3.3 Reviewing complaints**

- 11.13 When a stage 1 or stage 2 complaint investigation has been completed the Customer Services Team will check that customers are satisfied with the complaints process, the way the investigation has been carried out and the outcome decision.

## **4 COMPLAINTS RECEIVED IN CONNECTION WITH THE SHARED REVENUES PARTNERSHIP (SRP)**

12. The following arrangements will apply to complaints under this policy in connection with the Shared Revenues Partnership (SRP):
- i) Complaints received by the Councils in connection with the SRP will be passed to the Complaints Team who will log all the relevant information and forward the complaint to SRP;
  - ii) Stage 1 complaints received in connection with the partnership will be dealt with by SRP in accordance with the above outlined procedures.

Stage 2 complaints will follow the procedure laid out in 3.2 above.

## **5. COMMENTS AND COMPLIMENTS**

- 13 Any comments and compliments received should be recorded by the Complaints Team. All relevant such information, letters, e-mails etc. received by service departments should be forwarded to the Complaints Team for recording and storage.

## **6. UNREASONABLE, UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINANTS**

- 14 If, in the opinion of a Strategic Director or the Chief Executive, the actions or behaviour of a complainant are unreasonable or vexatious, or they have unreasonably persisted with their complaint, the Director or Chief Executive may (in a case which has already been addressed under this policy) terminate the correspondence on the specific complaint; or,



in relation to a complaint at any stage, refer the matter for consideration under the “Policy and Guidance on Unreasonable, Unreasonably Persistent or Vexatious Complainant Behaviour” (which is available through the websites [www.babergh.gov.uk](http://www.babergh.gov.uk); or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk))

(See Appendix 4 below)

## **7. INFORMING MEMBERS OF COMPLAINTS**

- 15 If Councillors receive complaints from their constituents, they should forward these to the Corporate Complaints Team, so that they can be processed in line with this policy, and can be managed and monitored effectively.

## **8 EQUALITY MONITORING**

- 16 The Complaints Procedure is intended to uphold the Councils’ legal responsibilities in relation to the Equality Act 2010. This requires both Councils to make a conscious effort to ensure that we treat everyone who wishes to complain with the highest standards of fairness and Equality. Adhering to these standards will ensure that any decisions made by either Council are legally sound and best meet the needs of our diverse communities. Every effort should be made to assist anyone who has special requirements

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## APPENDIX 1

### EXAMPLES OF COMPLAINTS AND OBSERVATIONS

In some cases, it can be difficult to distinguish complaints from observations and comments. This can cause some issues raised by customers to be unnecessarily progressed through the corporate complaints procedure. This can result in frustration for both the complainant and staff dealing with the issue concerned.

Set out below are some examples of complaints and observations to help staff decide whether it is necessary to progress a complaint through the corporate procedure.

#### EXAMPLES OF COMPLAINTS

- 'I contacted you three weeks ago asking for advice on how I apply for planning permission and you have not replied to me'
- 'When I phoned to report that you had not emptied my black bin you said this would be collected within 24 hours. You failed to do this'
- 'Although you repaired the roof on our leased industrial unit we continue to have problems with water leaks'
- 'The Council Officer I spoke to was rude and didn't fully answer my query'

#### EXAMPLES OF OBSERVATIONS

- 'I am very concerned about the proposals for the site'
- 'I don't like this new refuse collection system. The Council should empty my black bin on a weekly basis'
- 'I only overstayed my time by five minutes in the car park and you issued me with a ticket. This is unfair'
- 'The bus shelters should be cleaned on a more regular basis'

## APPENDIX 2

## PAYING A COMPLIMENT OR MAKING A COMPLAINT

Please complete all the relevant sections of this form (if you require assistance in completing this form please contact our Complaints Co-ordinator on 0300 1234000) An On-line version is available at either [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or [www.babergh.gov.uk](http://www.babergh.gov.uk) or you can e-mail your complaint to [customerservices@baberghmidsuffolk.gov.uk](mailto:customerservices@baberghmidsuffolk.gov.uk) (this e-mail address is for both Babergh and Mid Suffolk District Councils) The Council is always happy to receive Compliments or Comments.

If you complete a paper copy then please return it to either:

**BABERGH DISTRICT COUNCIL**  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

**MID SUFFOLK DISTRICT COUNCIL**  
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

The Council is unable to accept anonymous complaints.

Title:	First Name:	Surname:
Address		
		Postcode:

Daytime Phone Number	
Evening Phone Number	
E-Mail Address	

1. What do you consider the Council has done right / wrong or failed to do? Please give us as much detail as possible including times and dates where you have them. If you know the names of any officers involved in the matter, please include these as it will assist us in passing on your compliment/comment or investigating your complaint

2. Please explain the circumstances which you are complimenting on or the harm or inconvenience you feel that you have suffered as a result.

3. What do you think the Council did right or can do to sort things out?

4. Please list any contacts you may already have had with the Council about this matter.

Signed (or returned by E-mail):		Date:
Name of Ward Member notified		

Babergh and Mid Suffolk District Councils want to make sure that they are dealing with all people correctly. You can help us with this by answering the following questions about yourself.

This information will be kept secure and only used for the purposes of monitoring the complaints received by the Council to ensure that no discrimination is occurring. It will only be viewed by those officers dealing with your complaint and the team that oversee this activity. It will not be shared with Ward members unless you let us know you have told them.

You may choose the “Do not wish to answer” option (please tick the box), in which case there is no need to complete the Equality and Diversity Information below and you may either submit your form online or send a paper copy.

Do not wish to answer	<input type="checkbox"/>
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Please tick all the relevant boxes, or feel free to mark the “Prefer not to say” on any questions.

**1. How would you describe your gender?**

Man	<input type="checkbox"/>	Woman	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
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**Is your gender different to that assigned to you at birth?**

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
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**2. How old are you?**

Under 15	<input type="checkbox"/>	16 – 24	<input type="checkbox"/>	25 – 34	<input type="checkbox"/>	35 – 44	<input type="checkbox"/>	45 - 54	<input type="checkbox"/>
55 – 64	<input type="checkbox"/>	65 – 74	<input type="checkbox"/>	75 – 84	<input type="checkbox"/>	Over 85	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

**3. Do you have a disability or long-standing health problem that affects your day to day activities?**

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
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**If yes, which of the following best describes your disability or health problems?**

I have sight problems	<input type="checkbox"/>
I have hearing problems	<input type="checkbox"/>
I use a wheelchair	<input type="checkbox"/>
I have problems getting around	<input type="checkbox"/>
I have learning difficulties	<input type="checkbox"/>
I have a mental health problem	<input type="checkbox"/>
I have a medical condition that will get worse as I get older	<input type="checkbox"/>
I have a long term illness or condition	<input type="checkbox"/>
I have a condition that is not described above (please give details in the box below)	<input type="checkbox"/>
I prefer not to disclose the nature of my disability	<input type="checkbox"/>

#### 4. What is your ethnic origin?

##### Asian or Asian British?

Bangladeshi	
Indian	
Pakistani	
Any other Asian background (please give details below)	

##### Bi-racial / dual heritage background

White and Asian	
White and Black African	
White and Black Caribbean	
Any other bi-racial background (please give details below)	

##### Black or Black British

African	
Caribbean	
Any other Black / African / Caribbean background (please give details below)	

##### Chinese

Chinese	
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##### Other ethnic group

Any other ethnicity (please give details below)	

##### White

British	
Irish	
Irish Traveller	
Romany	
Any other White background (please give details below)	

Prefer not to say	
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**What is your religion?**

Atheist	
Buddhist	
Christian	
Hindu	
Jewish	
No religion	
Muslim	
Sikh	
Any other religion (please give details below)	
Prefer not to say	

**5. How would you describe your sexual orientation**

I am Bi-sexual	
I am a Gay man	
I am a Gay woman / Lesbian	
I am Heterosexual	
None of the categories above describe my sexual orientation (please give details below)	
Prefer not to say	

Please return this form to the Complaints Co-ordinator.

You can complete this form on-line on either of the Council Websites, at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or [www.babergh.gov.uk](http://www.babergh.gov.uk) or you can e-mail your details directly to the Council's at [customer.services@babberghmidsuffolk.gov.uk](mailto:customer.services@babberghmidsuffolk.gov.uk)





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7. What do you think the Council did right or can do to sort things out?

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8. Please list any contacts you may already have had with the Council about this matter.

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Signed (or returned by E-mail):	Date:
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Thank you for taking the time to let us have your thoughts and views. If you have asked for feedback on this matter we will respond within 10 Working days

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**POLICY AND GUIDANCE ON UNREASONABLE,  
UNREASONABLY PERSISTENT, OR VEXATIOUS  
COMPLAINANT BEHAVIOUR**

# **POLICY AND GUIDANCE ON UNREASONABLE, UNREASONABLY PERSISTENT, OR VEXATIOUS COMPLAINANT BEHAVIOUR**

**[ALSO APPENDIX 4 OF “DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS”]**

## **Generally**

Babergh and Mid Suffolk District Councils are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make such complaints. As part of this service, we do not normally limit the contact complainants have with us. This may be necessary on occasion, however, where a complainant acts unreasonably or in a vexatious manner, or unreasonably persists with their complaint. In such cases, the Councils will act robustly to maintain the proportionate and balanced use of resources, in the interests of the community as a whole; or to protect its staff (or those of its contractors) from unreasonable or distressing behaviour.

*NB. References in this document to the Councils’ “main policy” on complaints are to: “Dealing with Compliments, Comments and Complaints”, to which this policy also forms Appendix 4.*

## **Definition**

1. Complainants who behave unreasonably, or are unreasonably persistent, are those complainants who, because of the frequency or nature of their contacts with the Councils, or their persistence with their complaint beyond a normal process of investigation and consideration, hinder the Council’s consideration of their own or other people’s complaints, or the efficient conduct of the Councils business.
2. Vexatious complainants are those whose complaints appear to be designed to irritate or cause distress (rather than to address a proper ground of complaint), which would unnecessarily waste resources, or which are based on insufficient grounds to warrant investigation. Their complaints may be unduly burdensome, cause harassment or distress to staff, appear to have no proper purpose or value, or raise questions about the motive of the complainant. All complainants under the council’s complaints policy are expected to be able to show that they have personally been adversely affected by the matter complained of, and suffered an injustice (see main policy, paragraph 6); and vexatious complainants may include those who cannot do so. Examples of unreasonable or vexatious behaviour, or of unreasonable persistence with a complaint, are given in paragraph 4 below, and the descriptions may overlap in a particular case.
3. Complainant behaviour which is unreasonable or vexatious may include one or two isolated incidents. Unreasonably persistent behaviour is usually an accumulation of incidents or behaviour over a longer period.

## **Examples of actions or behaviour of unreasonable, unreasonably persistent or vexatious complainants.**

4. The following, non-exhaustive list, sets out examples of the action or behaviour of unreasonable, unreasonably persistent, or vexatious complainants which may cause the policy to be invoked.
  - a) Making or pursuing a complaint on a matter by which they (or another individual on whose behalf they are complaining), have not been personally adversely affected (as defined in the councils’ Complaints policy), after this requirement has been explained to them;
  - b) Refusing to specify the grounds of a complaint, despite offers of assistance with this from council staff;

- c) Refusing to co-operate with the complaints investigation process, while still wishing their complaint to be resolved;
- d) Refusing to accept that a matter is not within the remit of the complaints procedure, where this is not correct, and despite having been provided with information about the procedure's scope;
- e) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- f) Making what appear to be groundless complaints about the staff who are the subject of the complaint, or who are dealing with it, or seeking to have them replaced;
- g) Using derogatory language about staff or other persons, denigrating staff (of the Councils or a contractor) or those providing a service, or repeatedly adopting a belligerent or unduly critical tone about individuals, in discussion or correspondence;
- h) Seeking to coerce, intimidate or threaten staff or other people involved (or actually coercing, intimidating or threatening them, whether or not intentionally), whether by use of threats, language, tone of voice, or behaviour, including body language;
- i) Changing the basis of the complaint as the investigation proceeds, and/or denying statements made at an earlier stage;
- j) Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented upon; or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
- k) Electronically recording meetings and conversations, where the complainant has no right to do so, and without the prior knowledge and consent of the other persons involved;
- l) Making unreasonable or excessive demands on the time, information or resources of staff, whilst a complaint is being looked into (eg by excessive telephoning, sending emails to numerous council staff, making repeated or unexpected visits to the Council, writing lengthy or complex letters every few days, or expecting immediate responses to correspondence);
- m) Making demands which are unnecessary, or which appear to be designed to overwhelm the system (or which threaten to have that effect);
- n) Adopting an excessively 'scattergun' approach (for instance, by pursuing the complaint to the Council at the same time as with a Member of Parliament, councillors, government departments, other public agencies, solicitors, or the Local Government Ombudsman);
- o) Refusing or failing to co-operate with reasonable arrangements made (or suggested) to manage their complaints or correspondence;
- p) Seeking to encourage council staff, or those of contractors, to comment on each other's statements or decisions, or to criticise each other;
- q) Submitting repeat complaints or correspondence (either while a complaint is being processed, or after the complaints process has been completed), essentially about the same issues; or, producing additions/variations to the complaint, which the complainant insists make it into a 'new' complaint which should separately be put through the full complaints procedure;

- r) Refusing to accept the decision – repeatedly arguing the point or complaining about the decision;
- s) Escalating issues without seeking constructive dialogue; or
- t) Combinations of some or all of the above examples.

### **Considerations prior to taking action**

5. Different considerations may apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. If the complaint has been concluded and the complainant is simply refusing to accept the answer, the Councils clearly have the option of ending all communication with the complainant. Where appropriate, the complainant may also be referred to the Ombudsman. However, where the complaint is ongoing, and there needs to be some continuing contact with the complainant, steps in this policy to manage contact with the complainant may be applied (see paragraph 12).
6. Termination of contact without designation. The Councils also reserve the right, however, exceptionally to terminate communications immediately with a complainant who acts wholly unreasonably, continues to be rude or abusive towards staff after being asked to desist, or who otherwise makes demands on the Councils that a Director or the Chief Executive consider to be unacceptable. A decision to terminate contact in this way may only be made by a Strategic Director or the Chief Executive. In that event, the Councils would notify the person (including whether the ending of contact was permanent or for a period), and give its reasons. Any further correspondence received from that person (or received from them during that period) would be placed on file, but receive no response. In these exceptional circumstances, the process of designation described below would not apply.

### **Designation of a complainant**

7. A decision to designate someone as an unreasonable, or unreasonably persistent or vexatious complainant could have significant consequences for the individual. Before deciding whether the policy should be applied, the Councils should be satisfied that:
  - a) the complaint is being, or has been, investigated properly;
  - b) any decision that has been reached as to the outcome of the complaint is the right one;
  - c) communications by the Councils with the complainant during the complaint have been adequate;
  - d) the complainant has not provided, and is not now providing, any significant new information that might affect the Council's view of the proper outcome of the complaint.
8. If the Councils are satisfied on these points, a Strategic Director or the Chief Executive may take the decision to designate the complainant as unreasonable, unreasonably persistent or vexatious, in the light of behaviour or actions of the types outlined above, or a combination of them; or on any other similar grounds in the particular case which that officer may consider to be relevant and appropriate. Any such decision, and the reasons, shall be recorded in writing, and shall otherwise be in accordance with the requirements of the following paragraphs.

9. Alternatively, the Councils may, before moving to a decision to designate, consider whether any further steps may be desirable or likely to assist the course of the complaint, before considering at a later stage whether to designate. Examples of such further steps include:
- a) If no meeting has taken place between the complainant and an officer/officers (and provided that the Councils know nothing about the complainant which would make this inadvisable), offering the complainant a meeting with an officer of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution;
  - b) If more than one directorate is being contacted by the complainant, agreeing a cross-departmental approach, and appointing a key officer or officers to act as a single point of contact, or otherwise to co-ordinate the Council's response(s);
  - c) If the complainant has special needs, considering making an offer to help the complainant to find an independent advocate, which might be helpful to both parties;
  - d) giving the complainant a formal warning that, if their actions continue, the Councils may decide to treat them as an unreasonable, unreasonably persistent or vexatious complainant, and explaining why.
10. For the avoidance of doubt, however, none of these possible further actions in paragraph 9 need prevent a decision to designate at that point under paragraph 8, if the Director or Chief Executive is satisfied that to do so at that time would be conducive to the efficient or proper operation of the Council's service.

### **Possible arrangements under designation**

11. The precise nature of the action to take in relation to **an** unreasonable or unreasonably persistent or vexatious complainant should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Councils at that time.
12. The following is a list of possible options for managing a complainant's involvement with the Councils, from which one or more might be chosen and applied, if warranted. It is not an exhaustive list and there may be other options in a given case, or particular factors which would be relevant in deciding what might be appropriate action:
- a) Placing time limits on telephone conversations or personal contacts;
  - b) Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week), or limiting numbers of letters or emails;
  - c) Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff, or a small team of officers (a "Single Point of Contact");
  - d) Limiting the complainant to booked and agreed appointments, rather than allowing ad-hoc "drop in" meetings when the complainant demands to see someone;.
  - e) Requiring any personal contacts to take place in the presence of a witness; or



- f) Refusing to register or process further complaints about the same matter.
13. As already indicated (paragraph 5), where a decision on the complaint has already been made, the authority may decide to provide the complainant with acknowledgements only of letters, faxes, or emails; or, ultimately, it may inform the complainant that future correspondence will be placed on the file, but not acknowledged. In those circumstances, the authority may (but is not required to) appoint a specific officer to read future correspondence before it is filed.

### **Informing the complainant**

14. If a decision is taken to designate the complainant as unreasonable, unreasonably persistent or vexatious, staff should write to inform the complainant that:
- a) the decision has been taken;
  - b) what it means for their contacts with the Councils;
  - c) advice about which officers/Councillors of the authority are being informed that contact with the named complainant is being restricted, and why; and who will have access to that information;
  - d) the period during which the restriction will apply (subject to internal review – see below);
  - e) how the complainant may appeal against the decision, and within what period; and
  - f) the potential consequence of any continued unreasonable, unreasonably persistent, or vexatious behaviour by the complainant during the period of the designation (see paragraph 25).
15. A copy of this policy should be enclosed with the decision letter.

### **Who needs to be notified of decisions taken under the policy?**

16. Every time a person is designated, pursuant to the policy, their details should be entered on to the Corporate Persistent Complainers list, managed by the Corporate Complaints Co-ordinator. This should ensure that people who have been designated under the policy are not able to continue pursuing their complaint via other officers. All members of the Extended Leadership Team will be notified.
17. For the same reason, ordinarily (and unless there are any overriding confidentiality considerations), the relevant local ward councillor should also be notified of a designation affecting one of his or her constituents. Exceptionally, individual leading members may also be informed, to any extent that this is considered necessary and relevant in a particular case for the exercise of the council's functions.

### **Appeal against designation**

18. A complainant may appeal against their designation. Any appeal should be addressed to the Customer Support Transformation Officer, Babergh and Mid Suffolk Councils, Endeavour House, 8 Russell Road, Ipswich IP1 2BX. An appeal letter should set out the complainant's

reasons for resisting designation. Appeals against designation must be made to the relevant officer within 2 months of the date of the letter designating them.

19. In the event of an appeal, the Customer Support Transformation Officer will co-ordinate an independent review of the designation by a member of the Senior Management Team who was not involved in the original decision. The officer conducting the review will complete it within 20 working days, unless the scale of the issues involved or other circumstances, make this impracticable. In that event, the officer will notify the complainant within that period of the date by which he or she expects to complete the review. The reviewing officer may request such further information from the complainant, or from other officers, as he or she may consider necessary. The complainant, however, will have no right to make further representations to the reviewing officer, beyond those contained in his or her appeal letter, unless invited by the reviewing officer to do so.
20. The reviewing officer may: confirm the designation on the terms originally determined; confirm it with revised terms (including the period during which it will remain in force); or, lift the designation.
21. During the period of any appeal and review, the designation shall remain in force, and the complainant shall adhere to the terms and conditions stated in their designation letter. Any failure to do so may lead to forfeiture of the right to the appeal.
22. Following the results of the review, the complainant will be notified of the outcome. If the original or other restrictions are to continue to be applied, the complainant will be informed in the decision letter of the date by which they will next be reviewed.

### **Keeping adequate records of all contacts with complainants**

23. Adequate records of all contacts with unreasonable, unreasonably persistent or vexatious complainants must be maintained, for example:
  - a) when a decision is taken not to apply the policy during a period of designation (eg in circumstances where a member of staff asks for this to be done, or to make an exception to the policy once it has been applied); or
  - b) when a decision is taken not to put a further complaint from such a complainant through the complaints procedure for any reason; or
  - c) when a decision is taken not to respond to further correspondence (whether or not ensuring that any further communications from the complainant are checked to pick up any significant new information);
24. Records of the details of the course of the designation should be maintained by a named officer.

### **Terminating contact with a designated complainant**

25. Where a complainant has been designated, but continues to behave in a way which is vexatious or unreasonable, a Strategic Director or the Chief Executive may, after giving due consideration to the behaviour in question, alter the terms of the designation, or decide to terminate contact completely with that complainant with immediate effect. In such cases, any

further correspondence from the complainant will be placed on the file without acknowledgement.

### **Keep any restrictions under review**

26. Any designation under this policy, and any arrangements made in relation to such a designation, will be reviewed on a six-monthly basis by the Customer Support Transformation Officer and a Strategic Director. They will consider whether there has been any communication to the Councils from the complainant in the previous 6 months; and, if so, review the correspondence or any other relevant information. If a complainant has had no contact with the Councils over that period, or if communications or contact from the complainant have not had the character of being unreasonable, unreasonably persistent or vexatious, a decision may be taken on whether any restrictions placed on the complainant's contacts should be cancelled, reduced or phased out. The Councils will not expect to take this course, however, unless its officers are reasonably satisfied that the future course of any contact or communication from the complainant will be reasonable and constructive in tone and volume. Any phasing-out of restrictions over a period may be made conditional during that period. The outcome of this review should be noted on the Council's records.
27. In the event that any restrictions are reduced, phased-out or cancelled, but unreasonable behaviour recurs (whether during or after that time), the same restrictions may be reintroduced with immediate effect by the Customer Support Transformation Officer with a Strategic Director, or the Chief Executive; or, different restrictions may be imposed by Customer Support Transformation Officer with a Strategic Director (subject to an appeal under paragraphs 18-22); or, contact with the complainant may be terminated summarily by a Strategic Director or the Chief Executive.

### **What about complaints about new issues?**

28. When a designated complainant makes a complaint about a new issue, unconnected to the subject matter of the previous complaint, this should be treated on its merits, unless contact with the complainant has been terminated (in which case the matter will be filed only). Decisions will need to be taken, by a Strategic Director or the Chief Executive, as to whether any restrictions which have been applied before are still appropriate and necessary, either generally or in relation to the new matter.
29. Where a designated complainant continues to raise new complaints or issues during the period of designation, however, a review will be undertaken as to whether these amount to behaviour constituting a continuation of the reasons for the complainant's designation. The review will be undertaken at Strategic Director level. If it is considered that the communications fall within the criteria that were the reason for the original designation, or other criteria justifying designation, contact may be terminated by a Strategic Director or the Chief Executive under paragraph 25 above. Alternatively, no acknowledgement will be given and no further action may be taken on the complaint or issue raised.

### **What happens if the complainant then complains to the Ombudsman?**

30. A complainant who has been designated under this policy may (where the decision has been confirmed on appeal) make a complaint to the Ombudsman about the way in which he or she considers that they have been treated.

## **Referring unreasonable or unreasonably persistent or vexatious complainants to the Local Government Ombudsman**

31. If relations between the Councils and a complainant who has been designated, break down badly while complaints are under investigation, or during a period of designation, and there appears to be little prospect of achieving a satisfactory or sustainable outcome, there may be little purpose in following through all stages of the Council's complaints procedure, or this policy.
32. Where this occurs, the Ombudsman has indicated that he may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures. In that event, a Strategic Director or the Chief Executive may determine that the complainant should be referred by the Councils to the Ombudsman without awaiting the conclusion of any remaining part of the complaints process.

### **Extreme unreasonable behaviour**

33. Where the behaviour of a complainant is so extreme that it threatens the immediate safety or welfare of the Council's staff (or the staff of a contractor), or any other person, the Councils will consider other options, such as reporting the matter to the police, or taking legal action. In such cases, the Councils need not give a complainant prior warning of such action.