



Ribble Valley
Borough Council

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**POLICY FOR MANAGING
UNREASONABLE ACTIONS
BY COMPLAINANTS
2024-2027**

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For any queries about this policy, please contact the plan owner.

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Committee	Policy & Finance Committee		

This policy is maintained and published on behalf of Ribble Valley Borough Council. A copy of this policy will be published on the Council Intranet and will be reviewed and updated as stated below.

VERSION CONTROL AND REVIEW DATE

Version	Date	Reason for Publication	Approved by Committee / Date	Review Date
V1.0	TBC			

This policy will be reviewed, as a minimum, on an annual basis. However, consideration should be given to reviewing the policy should there be any changes in legislation or guidance. The policy/procedure owner will ensure the document is reviewed as stated.

Equality implications

	Action	Yes / No
An Equality Impact Assessment (EIA) has been completed		Yes
EIA Hyperlink		

SUPPORTING DOCUMENTS OR LEGISLATION RELATING TO THIS POLICY

Please include any supporting documents / legislation
1. Local Government Act 1972
2. LGSCO Complaint Handling Code February 2024

1. Aims of the Policy

- 1.1 Ribble Valley Borough Council ("Council") is committed to dealing with all complaints fairly and impartially and to providing a high quality of service to complainants.
- 1.2 This policy sets out the Council's management of the small number of complainants who are deemed to be acting in an unreasonably persistent manner. The Council will treat such complainants consistently, honestly and proportionately whilst ensuring that other service users, officers and the Council as a whole suffer no detriment. This policy applies to all areas of the Council.

2. Definition

- 2.1 The Local Government Ombudsman (LGSCO) defines unreasonable actions as those which, because of the frequency or nature of contact with the Council, hinder the Council's delivery of services or consideration of complaints.
- 2.2 Some unreasonable actions emerge over time as complainants become more persistent in pursuit of their complaint. It is recognised that many complainants act in a legitimate but persistent manner to pursue their complaint and it is important to recognise the difference between "persistent" and "unreasonably persistent" actions.

3 Examples of Unreasonable Actions

- 3.1 The following are examples of what may be deemed unreasonable actions:
- Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language.
 - Putting, or threatening to put information on social media or websites which includes personal information of an organisation's employees without their consent and/or making defamatory statements about employees online.
 - Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed correspondence every few days or more often, and expecting immediate responses.
 - Submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these 'new' complaints.
 - Refusing to specify the grounds of a complaint, despite offers of help.
 - Refusing to cooperate with the complaint's investigation process. For example, failing to provide information requested that is important for the investigation.
 - Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
 - Frequently changing the basis of the complaint as the investigation proceeds.
 - Raising many detailed but unimportant questions, and insisting they are all answered.
 - Providing false information and/ or submitting falsified documents from themselves or others.
 - Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations.
- 3.2 This list is not exhaustive, nor does it mean that where one of the above applies to a complainant they will automatically be considered as acting in a persistently unreasonable manner. Each case will be considered on its own merits.

4. Considerations Prior to Taking Action Under the Policy

- 4.1 Consideration of the following points will also be necessary to assess whether action should be taken under the policy:
- Is the complaint being investigated properly and in accordance with the Council's complaints procedure?
 - Have communications with the complainant to date been adequate?
 - Is the complainant now providing any significant new information that might affect the Council's view on the complaint?
 - Whether the complainant has any special needs. Not all disabilities are visible. Has the complainant been asked whether changes need to be made to how the Council delivers a service.
 - Are there any underlying explanations for the unreasonable actions. This could be due to unmet communication or support needs. Regard must be given to the duty to make reasonable adjustments under the Equality Act 2010.
 - Is more than one department involved/being contacted. Would it be appropriate to set up a strategy meeting first to agree a cross-service approach and to designate a key officer to co-ordinate the Council's response.
 - Has the complainant received any previous informal warnings about their actions.

- Has the complainant exhausted the Council's complaints procedure? If so, the Council has the option to end all communication with the complainant on the issue and refer him/her to the Ombudsman.

5. Formal Warning

- 5.1 Upon taking into account the above factors, if a complainant is deemed to be acting in an unreasonable manner, consideration will be given to issuing the complainant with a formal warning. The decision as to whether such a warning will be given lies with the relevant Head of department and is based on the evidence presented.
- 5.2 A Head of Department should reach their own conclusion on whether a formal warning is necessary or whether other actions may resolve the cause of any unreasonable actions. This may include:
- Exploring whether the individual requires any reasonable adjustments under the Equality Act 2010.
 - Offering to meet or speak with the individual to understand any concerns that may be causing them to act in an unreasonable way.
 - Offering mediation if the individual requires ongoing services from the organisation.
- 5.3 Any formal warning should be given in writing, where appropriate, and should explain:
- The actions that the Council considers unreasonable;
 - Examples of actions considered unreasonable;
 - A time period within which future actions will be monitored and when / how / by whom any restrictions on contact or other actions will be reviewed;
 - Consequences of failing to address their actions;
 - A check on whether the individual requires any reasonable adjustments under the Equality Act 2010; and
 - Details of the organisation's complaints process if the person is unhappy with their warning.
- 5.4 A copy of the Council's policy on managing unreasonable actions by complainants will be enclosed with the warning.

6. Decision to Restrict Contact

- 6.1 If after a warning has been given, the complainant continues to act unreasonably, then the decision may be taken to restrict their contact with the Council. Also, if the case is deemed to be serious, it may be appropriate to restrict a complainant's access with the Council without warnings being given first.
- 6.2 The Council may decide to take the following action:

- Placing limits on the number and duration of contacts with staff per week or month.
 - Offering a restricted time slot for necessary calls.
 - Limiting the complainant to one medium of contact (telephone, letter, email etc).
 - Requiring the complainant to communicate only with one named member of staff.
 - Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
 - Refusing to register and process further complaints about the same matter.
- 6.3 The decision as to what action should be taken will be made by the Corporate Management Team and must be proportionate to the nature and frequency of the complainant's actions.
- 6.4 The Complaints Officer or relevant departmental Director/Chief Executive will then write to the complainant, where appropriate (and with regard to any reasonable adjustments), outlining:
- Why the decision has been made
 - Examples of actions considered unreasonable
 - What it means for his/her contacts with the Council
 - How long any restrictions will last
 - A time period within which future actions will be monitored; and when / how / by whom any restrictions on contact or other actions will be reviewed.
 - Consequences of failing to address their actions
 - Confirmation that the Council has considered the individual's rights under human rights and equality legislation.
 - Details of the Council's complaints process or details of the Ombudsman if the complaint process has been exhausted.
- 6.5 A copy of the Council's policy on managing unreasonable actions by complainants will be enclosed with the letter.

7. Review

- 7.1 When a complainant's access is restricted, a date within 12 months will be provided for when this decision is to be reviewed. The Complaints Officer will undertake the review and provide a report to CMT for them to make a decision as to whether any restrictions should continue. The Complaints Officer will then write to the complainant advising him/her of the outcome. If restrictions are to remain in place, then there will be a further review every 12 months.

8. Record Keeping

- 8.1 The Complaints Officer will keep a record of all complainants who have been treated as acting unreasonably and this will include details of why restrictions were imposed, what action was taken and for what period of time.

9. Referral to the Ombudsman

- 9.1 In some cases, relations between the Council and complainants may break down to the point where there is little prospect of achieving a satisfactory outcome. In such circumstances, it may be not be in anybody's interests to follow all the stages of the Council's complaints procedure. As such, and in exceptional circumstances, the Local Government and Social Care Ombudsman may be prepared to consider complaints before the Council's complaints procedure has been exhausted.
- 9.2 A complainant who has been classed as behaving unreasonably by the Council can make a complaint to the Ombudsman about the way in which he/she has been treated.

10. Links with Other Policies

- RVBC's Complaints Policy
- RVBC's policy in respect of dealing with violent or aggressive behaviour to staff
- RVBC's reasonable adjustments policy