

PERSISTENT COMPLAINANTS POLICY

1.0 AIM OF POLICY

- 1.1 To deal fairly, honestly and properly with persistent complainants while ensuring that other service users, officers and the Council as a whole suffer no detriment.

2.0 HUMAN RIGHTS

- 2.1 In implementing this Policy the Council will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both Persistent Complainants, other service users and officers.

3.0 WHO IS A PERSISTENT COMPLAINANT?

- 3.1 For the purpose of this policy, a persistent complainant is a member of the public who complains about issues that the complainant considers to be within the remit of the Council and whose behaviour is characterised by

- a) actions which are obsessive, persistent, harassing, prolific, repetitious and/or
- b) an insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- c) an insistence upon pursuing meritorious complaints in an unreasonable manner.

4.0 WHILE A COMPLAINT IS ON-GOING

- 4.1 Where officers form the view that they are dealing with a persistent complainant, the matter should be referred as soon as possible to the Department Representative and the Head of Customer Contact who should consider whether this policy should be applied to that individual. The Departmental Representative will be a senior manager (third tier or above).
- 4.2 Before applying this policy, the Department Representative and the Head of Customer Contact should ensure that the complainant has been provided with all appropriate information about relevant decision making processes.
- 4.3 If a complainant is being dealt with under this policy this information should be shared in confidence with the complaints officers of other departments to ensure that, where necessary, approaches are co-ordinated.

4.4 In any event, any strategies adopted under this policy should be formally reviewed at least once every 6 months.

5.0 **WHEN A COMPLAINT HAS BEEN DEALT WITH UNDER A FORMAL PROCEDURE**

5.1 If a complainant continues to express dissatisfaction with the authority's final response to a complaint, then

- a) If further clarification of the outcome is ineffective, the complainant should be reminded of their right to refer the complaint to:
 - The Local Government Ombudsman
 - The Secretary of State if the complainant considers that the Council has failed to meet its statutory duty

In addition, the complainant should be reminded of their right to take independent legal advice.

- b) If the complainant continues to complain, the Council should repeat the advice in (a) above and add that the matter is now at an end and that the Council will not enter into any further communication unless it relates to a fresh complaint unrelated to the current complaint. (See letter 1)
- c) If the complaints continue then the Council should send a response in the following terms:

“I acknowledge your (letter/e-mail/telephone call) dated ... the contents of which are noted. Unfortunately, there is nothing I can add to my letter of A further copy of which is enclosed for your convenience.” (See letter 2)
- d) If contact continues, subject to being authorised by the Departmental Representative and the Head of Customer Contact, the Council should decline to respond further.
- e) The relevant local Member(s) will be kept informed regarding persistent complainants.

5.2 NB Correspondence etc must be monitored to ensure that it does not contain a new complaint or fresh, relevant information about a previous complaint that the complainant neither knew nor ought to have known about at the time of making that previous complaint.

5.3 If a fresh issue is raised that needs to be addressed it should first be referred to the Departmental Representative to consider.

Letter 1

Dear

Heading

I acknowledge receipt of your letter / e-mail / fax / telephone call dated [insert date]. I note that this communication did not raise any new issues with regard to your complaint.

The Council wrote to you on [insert date] and told you that the Council had completed its complaint investigation and that there were no more internal stages through which you could pursue your complaint. The letter also informed you that if you wished to take your complaint further, you had the right to refer the matter to the Local Government Ombudsman. If you consider that the Council has failed to meet its statutory duty, you also have the option of complaining to the Secretary of State (insert of which Dept.)

As your complaint has progressed fully through the internal complaints procedure, the Council is unable to enter into any further direct communication with you about the issues that have already been investigated. However, if there is a fresh issue which has not been looked into by the Council, you have the right to raise this under the Complaints Procedure in the normal way. Nothing in this letter should be interpreted as preventing you from doing this.

You are reminded of your right to seek independent legal advice about the matters discussed in this letter.

Yours sincerely,

Letter 2

Dear

Heading

I acknowledge receipt of your letter / e-mail / fax / telephone call dated [insert date]. I note that this communication did not raise any new issues and therefore there is nothing I can add to my letter dated [insert date]. I enclose a further copy of that letter for ease of reference.

This response is being sent in accordance with the Council's Complaints Procedure, in particularly section [insert relevant section] which deals with persistent complainants. A copy of that policy is enclosed / was sent to you in the letter dated [insert date] / can be viewed on the internet at [insert web link].

You are reminded of your right to seek independent legal advice.

Yours sincerely,