

## **South Ayrshire Council**

### **Policy on Unacceptable Actions By Complainants**

#### **1. Introduction**

- 1.1 South Ayrshire Council recognises the value in listening to and acting on feedback from customers. Our Customer Comments and Complaints Procedure is fair, transparent and easily accessible.
- 1.2 Occasionally, the behaviour or actions of a small number of complainants can impact on our ability to manage their complaint and can also have a detrimental impact on our resources.
- 1.3 This policy sets out how South Ayrshire Council will manage the small number of complainants whose actions or behaviour are considered unacceptable. The policy outlines the behaviours which we consider to be unacceptable and actions which we may take as a result.
- 1.4 The term complainant includes anyone acting on behalf of a complainant or who contacts the Council in connection with a complaint.

#### **2. Policy Aims**

- 2.1 To ensure the unreasonable actions of a minority of complainants do not limit the effectiveness of the Council by placing excessive demands on Council resources.
- 2.2 To ensure South Ayrshire Council meets its duty of care towards employees by setting out clear guidance on how to deal with unacceptable actions by complainants.
- 2.3 To ensure that, in the application of this policy, individual circumstances are taken into account, particularly where a complainant may be vulnerable.

#### **3. Individual Circumstances**

We recognise that people may act out of character when distressed. We also recognise that complainants may have individual circumstances including issues of health and disability which may impact on their behaviour. We will make reasonable adjustments in such cases. However, such adjustments will always be balanced against our duty of care to employees.

## 4. Defining Unacceptable Actions by Complainants

4.1 We have clear definitions of behaviour which we consider unacceptable:

### 4.2 Abuse and Harassment of Council Staff

4.2.1 We believe that both our customers and our employees should be treated with dignity and respect at all times.

4.2.2 We recognise that people can feel upset or angry when they make a complaint about the Council. However, we will not tolerate abusive behaviour or acts of harassment towards staff, verbal or otherwise.

4.2.3 We will not tolerate physical abuse, intimidation, verbal abuse such as threats, swearing, personal abuse directed at employees, or offensive remarks. This includes written complaints from customers which are abusive, threatening or harassing.

4.2.4 We consider unsubstantiated, vexatious and defamatory allegations about our employees to be abusive behaviour.

4.2.5 We will document all instances of abuse and harassment in line with the Violence and Aggression at Work policy.

### 4.3 Unreasonable Levels of Contact

4.3.1 Our complaints procedure follows a national two stage model. Customers can log their complaint in a variety of ways including in person at a customer service centre, to any council employee, on-line via the Council's web-site, by phone or by letter. All complaints are acknowledged and logged and will be dealt with by the appropriate service or department within nationally agreed timescales.

4.3.2 Having received an acknowledgement verbally or in writing that their complaint is being managed within agreed timescales, it is important that customers do not raise the **same** complaint with the Council through different routes and employees.

4.3.4 A small minority of customers make unreasonable and excessive contact with the Council in relation to a specific complaint or complaints. This can include continuous phone calls, e-mails or letters or persistently demanding to speak to members of staff. The level of contact becomes unacceptable when the amount of time spent corresponding with a complainant places undue demands on our resources.

### 4.4 Unreasonable Demands

4.4.1 Customers are entitled to complain more than once to the Council, if subsequent incidents occur. However, it is unreasonable for customers to persistently make the same complaint, despite the complaint having been fully investigated under the Customer Comments and Complaints Procedure.

4.4.2 Other behaviours which we consider to be unreasonable include:

- a) Making the same complaint repeatedly with minor amendments after the conclusion of the complaints procedure.

- b) Complaining about a historical matter.
- c) Refusing to accept that issues are outwith the remit, power or influence of the Council.
- d) Seeking an unrealistic outcome and indicating an intention to persist until the outcome is achieved.
- e) Repeatedly demanding responses within an unreasonable timescale and outwith the scope of the timescales set out in the Customer Comments and Complaints Procedure.
- f) Repeatedly changing aspects of the complaint at either Stage One or Two of the procedure, or after any formal response has been issued.
- g) Refusing to co-operate with the complaints procedure while wishing the complaint to be resolved.

## 5. Actions We May Take

- 5.1 Employees who experience abusive or threatening behaviour from a complainant have the authority to manage the situation immediately in line with this policy and South Ayrshire Council's policy on Violence and Aggression at Work.
- 5.2 Where a customer is being physically aggressive, threatening or verbally abusive to employees we will immediately advise them that this is unacceptable. Incidents may be reported to the police. This will always be the case where physical violence is used or threatened. Employees will log all incidents of violence and aggression.
- 5.3 We will not accept written complaints, including e-mails and on-line complaints, from customers which are abusive, threatening or harassing. In such cases, we will contact the customer in writing to inform them that their language is offensive and ask them to re-submit their complaint.
- 5.4 Customers who wish to complain by telephone should phone our 0300 123 0900 number. We record all telephone calls. South Ayrshire Council staff have the right to end calls with complainants who are aggressive, threatening or abusive. The employee taking the call will advise customers who are being aggressive, abusive or offensive that they will end the call unless the abusive behaviour stops.
- 5.5 In all other cases where a customer's behaviour is considered unreasonable, we will advise them of the following in writing:
- a) Why their behaviour is unreasonable citing examples.
  - b) What action we may take **if** the unreasonable action persists.
  - c) Of the content of this policy.
- 5.6 Where the customer has been advised that their behaviour is unreasonable but the behaviour continues, we may take one or more of the following actions:
- a) Restrict contact to a particular form e.g. 0300 123 0900 number or written correspondence only.
  - b) Restrict phone or face to face contact to particular times of day or days of week or by appointment only.
  - c) Restrict contact to a nominated council employee and inform the customer that correspondence to other employees will be diverted to the named employee.
  - d) Require face to face contact to take place in presence of a witness.
  - e) Inform the complainant that the council will not acknowledge or respond to any further correspondence relating to the complaint.

- f) Request that the customer's complaint is dealt with through an advocate or other appropriate third party.
- g) Reject the complaint, where no other alternative action is appropriate.
- h) Take any other required action

## 6. Deciding To Take Action

- 6.1 Where a complainant is violent, abusive or aggressive, employees may take immediate action.
- 6.2 In all other cases, before considering any action, we will take into account a customer's individual circumstances, and ensure that:
  - a) The complaint has been managed appropriately and in line with the Complaints Procedure.
  - b) The complainant is not providing new information which significantly affects the complaint.
  - c) Any proposed action has been reviewed and found appropriate.
- 6.3 Employees should raise issues around unacceptable actions by complainants with their manager and complaints co-ordinator. Any decision to take action regarding unreasonable behaviour must be approved by a senior manager.
- 6.4 We will always tell the complainant what action we are taking and why. Customers will always be informed in writing of any decision to restrict contact or reject complaints. The customer will also be informed that they can appeal in writing against any decision to restrict access or to reject a complaint.

## 7. Appeals Process

- 7.1 Customers can appeal against any decision to restrict contact or reject a complaint. We will only consider appeals relating to the decision to **restrict contact** and not the complaint itself.
- 7.2 Customers can appeal against a decision to restrict contact by writing to *Listening To You* by e-mail or at the address below. Where a customer's individual circumstances mean that written contact is not appropriate, we will agree a suitable alternative form of communication. A senior manager who has not had any previous involvement in the case will consider the decision and respond to the customer in writing within 20 working days, outlining whether they uphold or reject the appeal or recommend any alternative action.

## 8. Recording and Reviewing a Decision to Restrict Contact

- 8.1 We record all incidents of unacceptable actions, decisions made and relevant correspondence on the Council's complaints system. All information is stored in compliance with the Data Protection Act. We will review the status of customers who have restricted contact arrangements every six months.

**9. Policy Availability and Review**

- 9.1 Copies of this policy are available on the Council's website, at our Customer Service Centres, by request at any Council office or by contacting the 0300 123 0900 number.
- 9.2 This policy will be reviewed annually by the Head of Legal and Democratic Services.