

## **Havant Borough Council**

### **Complaints and Vexatious Complaints Policy and Procedure**

#### **Introduction**

A complaint is *an expression of dissatisfaction about a council service that requires a response*. We make no distinction between a 'formal' and an 'informal' complaint.

This policy covers general complaints to the council about its own services. It does **not** cover complaints that are covered by other rules, such as:

- Planning appeals.
- Benefits entitlement appeals.
- Council tax or business rates liability appeals.
- Complaints about councillor conduct.
- Reviews of decisions under the Information Request (Freedom of Information Act) and related legislation.
- In the event of a complaint against the Chief Executive the organisation will decide if the complaint is investigated by the Local Government and Social Care Ombudsman [LGO]. The decision will be made by an Executive Director and/or the Monitoring Officer independent of the complaint.

#### **Aims of the policy**

We aim to provide good quality services. Unfortunately, things go wrong sometimes. It is really important for us to know when things do not go well, so that we can try to resolve any problems and learn from them.

For this reason, we have a complaints process. We log complaints on our Customer Relations Management [CRM] system and report regularly to councillors and managers on how we are doing.

#### **How we try to resolve your complaint**

Before making a complaint, call the council service direct as it may be possible to resolve the problem immediately without having to go through the complaints process. If this is not possible or you are unhappy with the response then the stages below outline our complaints process.

## **Corporate Complaints Process**

### **STAGE 1 – Team Leader/ Manager**

The Team Leader or Manager for the relevant service will receive your complaint.

He or she will oversee the investigation and respond directly to you. He or she may need to contact you to clarify the details of your complaint. If this is done by telephone, he or she will follow this up with a letter or email. It is very important that we understand exactly what the complaint is before we investigate.

We aim to acknowledge your complaint in writing or email within 3 working days and provide an answer within 10 working days. Sometimes, a complicated complaint may take longer. We will keep you informed if this happens.

### **STAGE 2 - Head of Service**

If you are not satisfied with the Team Leader or Manager's reply, you may contact the Head of Service, who will try to provide a full response within 15 working days. If their response is likely to take longer they will contact you and agree a resolution date.

You may wish to contact the Head of Service to make your first complaint, but he or she may decide to ask the appropriate Team Leader or Manager to respond directly to you.

### **Stage 3 – Ombudsman**

If you are not satisfied with the Head of Service's reply, you may contact the LGO. This is the independent organisation that looks into complaints against councils.

You may obtain a leaflet about the Ombudsman by visiting:  
[www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint).

### **How to complain**

We are happy to receive your complaint in a variety of ways.

Website: fill in the complaints form on the council website

Email: email your complaint to [info@havant.gov.uk](mailto:info@havant.gov.uk)

Telephone: if you know it, call the telephone number of the appropriate service, or call our general number 023 9244 6019, and ask to speak with the Operator who will then transfer you to the senior manager of that service

Letter: address your letter to the "Team Leader or Manager", naming the relevant service, or to the Customer Service Manager - "Complaints" at Havant Borough Council, Public Service Plaza, Civic Centre Rd, Havant PO9 2AX

In person: phone first to make an appointment if you wish to discuss your complaint with the appropriate Team Leader or Manager.

Through your local Councillor: they will forward your complaint to the relevant Team Leader or Manager.

### **Resolving the complaint**

We aim to resolve 85% of all complaints within 10 working days. Sometimes, a complicated complaint may take longer and we will discuss a revised target date with you.

We regularly monitor this target to make sure complaints are resolved as quickly as possible.

We will work closely with you to get at the heart of the problem and do whatever we can to put things right. We will apologise if we have let you down and learn from our mistakes.

### **Policy in the management of unreasonable complainant behaviour (Vexatious)**

#### **Aim of this Policy**

The aim of this policy is to contribute to our overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

It sets out how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, staff in the Borough of Havant, partner organisations and councillors, as well as customers.

#### **Introduction**

Havant Borough Council (“the Council”) are committed to dealing with all complaints fairly and impartially, and to making our services as accessible as possible.

But because of the nature or frequency of their contact with the Council’s services, a few complainants behave unreasonably and hinder the consideration of their own, or other complainants’ cases.

This policy covers ‘unreasonable complainant behaviour’, which may include one or two isolated incidents, as well as ‘unreasonably persistent behaviour’, which is usually a build-up of incidents or behaviour over a longer period. This also covers obsessive behaviour that is tantamount to victimisation of an individual or those associated with an individual, whether professionally or personally.

Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with the Council, hinder the Council’s consideration of their, or other people’s, complaints. These complaints may include complaints about Officers, Councillors and Council Services. Nothing in this

policy in any way diminishes the Council's policies and procedures aimed at preventing and detecting fraud or improper behaviour.

### **Examples of unreasonable actions and behaviours**

These are some of the actions and behaviours which organisations often find problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- 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.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- 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, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

### **Unreasonable complainant conduct**

The Council will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes. In certain circumstances such behaviour may be construed as harassment and the Council will consider taking legal action.

Our Officers manage a number of complaints at any one time, using their time and resources to best effect. They cannot do so if someone tries to dominate our attention with frequent, lengthy contacts and repetitive information. This hinders the consideration of their or other people's, complaints and their day to day duties as an Officer. When necessary, we will take action to restrict access to our service when unreasonable behaviour of this nature persists.

### **Forewarnings**

In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with the Council.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff we may report the matter to the police and/or consider taking legal action. In such cases, we may not give the complainant prior warning.

### **Restricting access to the Council**

An Executive Director, and/or the Monitoring Officer will decide whether the circumstances justify any restrictions of access. They will record the reason for their decision and explain it to the person concerned. They will also be notified that a marker/flag will also be applied to their record. They will state how long any restrictions will apply before it is reconsidered.

Example of the sort of restrictions imposed could include (this list is not an exhaustive list):

- Restricting telephone calls to specified days and limited times
- Limiting contacts to one form only (for example, a maximum of one letter or email a week)
- Requiring contact to take place with one named Officer
- Requiring the complainant to enter into an agreement about their future behaviour before their case proceeds, and/or
- Managing contact with the help of an independent advocate

Other suitable options will be considered in the light of the complainant's circumstances. Our objective wherever possible, is to complete consideration of the complaint on its merits in a managed way.

If the complaint is still under consideration six months later, we will review whether the restrictions imposed are still necessary and should remain.

### **Terminating access to the Council's complaint service**

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to our service, we may decide to terminate contact with them and end any investigations into their complaint.

### **New complaints**

New complaints from people whose behaviour has previously been deemed unreasonable will be treated on its merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to any new matter.

**Review** We will review this policy at least once every two years. We will also occasionally seek feedback from complainants about the process to make sure that you are being treated fairly and complaints are dealt with professionally.