



Guildford Borough Council Vexatious, Malicious and Persistent Grievances Policy

Version Control: Final Version

Policy Service Owner: Customer and Case Services

This document replaces: Partial Complaints Policy

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Governance route: Chief Executive and Lead Councillor

1. Purpose of this Policy

This document sets out our approach to dealing with vexatious, malicious and persistent customers.

We are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain. Access to this service and to Council offices and employees is not normally restricted. However, there are a small number of customers who, because of the nature and frequency of their contact with the Council, hinder consideration of their own complaints.

In most cases, complaints can be dealt with quickly and efficiently. However, the behaviour of a minority of customers can make investigating and resolving a complaint difficult. These customers can also take up a lot of resource and time, meaning there is less time to help others.

In a very small number of cases, a customer's behaviour may become unacceptable. We have a duty to protect our staff from behaviour which is abusive, offensive and threatening, and in these cases will consider the matter under the procedure on unacceptable behaviour.

This policy sets out clearly for customers our approach to vexatious, malicious, and persistent complaints and grievances so they know certain actions will be taken depending on the type and extent of the behaviour. It also sets out for our staff what to do and how they will be supported when dealing with this type of customer. The policy will also help us assess, monitor and improve how we deal with vexatious and malicious customers.

This policy should be read with our Complaints Policy.

2. What is a vexatious/malicious/persistent customer?

We have adopted the Local Government Ombudsman's definition of unreasonable customer behaviour: For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.

Whilst this list is not exhaustive, indicators of a vexatious/persistent customer may include:

- Persistently approaching the Council through different routes about the same issue,
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint causing excessive demands on the time and resources of staff and expecting immediate responses,
- Continuously shouting at a member of staff, swearing, threats and name-calling,
- Physical aggression or threat of actual bodily harm towards a member of staff or any Council contractors,
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced,
- Obsessive, harassing behaviour,

- Making the same complaint repeatedly or with minor differences but never accepting the outcome that the Council has legitimately determined within its remit as local authority, within legislation or policy,
- Seeking an unrealistic outcome and persisting until it is reached,
- Someone with a history of making other unreasonably persistent complaints,
- Using Freedom of Information requests excessively and unreasonably,
- Insistence upon pursuing complaints in an unreasonable manner or refusing to cooperate with our complaints process,
- Insistence on only dealing with senior staff at the Council irrespective of the issue and the level of delegation proportionate to dealing with such matters,
- Refusing to accept the decision; repeatedly arguing points with no new evidence,
- Submitting falsified documents from themselves or others,
- Changing the basis of the complaint as the investigation proceeds,
- Refusing to accept that issues are not within the power of the Council to investigate, change or influence,
- Denying or changing statements made at an earlier stage.

3. When will the policy be implemented?

Prior to invoking the policy, the Council will first seek to understand the customers circumstances, the grievance/issue they have and what they seek to resolve the matter. The Council will ensure it has taken all reasonable steps to give the customer the opportunity to express their views and ensure we have given appropriate and proportionate consideration to resolving the matter. When the relationship between the customer and Council has become unworkable, we will invoke this policy through the procedure as described below.

4. Procedure and Options for restricting a customer's contact with the Council

We will take action according to the circumstances of the case, and the behaviour of the customer.

Initially, relevant Executive Head of Service in consultation with relevant colleagues, including the Executive Head of Customer and Case will review the matter before deciding whether to issue a warning to the customer. The Executive Head of Service will contact the customer by phone, in writing or by email to explain why their behaviour is of concern and ask them to cease their behaviour. If the disruptive behaviour continues, we will consider applying restrictions as described below.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff we will consider other options, such as reporting the matter to the police or taking legal action. In such cases, we may not give prior warning before taking such action.

If a decision is taken to apply restrictions, we will write to the customer with a copy of this policy to explain:

- Why the decision has been taken,
- How the customer's contact with the Council will be restricted in future,
- How long any limits will last
- What the customer can do to have the decision reviewed/their right to appeal
- The right of the customer to contact the Local Government Ombudsman, Housing Ombudsman or Information Commissioner's Office (ICO) - if their complaint is related to a Freedom of Information or Subject Access Request - about the fact that they have been treated as a persistent/vexatious customer.

We will ensure that any steps restricting a customer's ability to correspond with us are proportionate to the nature and frequency of the customer's current contact and are consistent with the relevant legislation and guidance (e.g. vexatious requests as referred to in the Freedom of Information Act 2000). The following options may be suitable:

- Placing limits on the number and duration of contacts with staff per week or month,
- Requesting contact in a particular form, for example by letter only,
- Placing restrictions on telephone calls to specific times and days of the week,
- Where relationships have broken down, requiring that the customer uses an appropriate advocate to act and contact the Council on their behalf,
- Banning the customer from visiting any Council building except by appointment,
- Requiring contact to take place via a designated member of staff,
- Refusing to register and process further complaints about the same matter.

Decisions to restrict or stop a customer's access to the Council's offices and staff/contractors can only be taken by the relevant Director in consultation with the appropriate manager (s). Clearly documented evidence supporting any such decision will be provided.

The decision made and any correspondence sent to the customer will be logged on the Council's complaints system.

The Director will review any restrictions imposed upon the customer after three months and at the end of every subsequent three months within the period during which the policy is to apply.

We will tell the customer of the outcome of the review. If restrictions or limits are to continue, we will explain our reasons and state when it will next be reviewed. If at the end of the restricted period it is considered that the customer's behaviour is no longer deemed to be vexatious, malicious or persistent we will confirm this in writing advising that the restrictions have now been lifted.

If the customer continues to behave in a way which is deemed unacceptable then the Chief Executive, in consultation with legal services may decide to refuse all contact with the customer and cease any investigation into his or her complaint.

Harassment and bullying

Persistent and vexatious customer behaviour may amount to bullying or harassment. All Council staff and contractors have the right to be treated with respect and dignity in the workplace. Behaviour by third parties that bullies, harasses or intimidates Council staff or contractors is unacceptable and will not be tolerated. We will take all reasonable steps to prevent any such behaviour and workers will be protected from victimisation.

Data Protection and retention of information

All complaints and information related to vexatious/malicious/persistent customers will be handled in accordance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. Personal data will be handled and stored in accordance with the Council's Data Protection Policy and Records Retention Schedule.

Equality Act 2010

We will comply with the Equality Act 2010, and where required will adapt its policy and procedure to accommodate an individual's needs.

Any restrictions imposed on a customer's contact should recognise and be appropriate to their individual circumstances.

Review of the Policy

The Council's Monitoring Officer will review this policy every year. Under the Scheme of Delegation within our Constitution, the Chief Executive is authorised to amend and update this policy in consultation with the Lead Councillor to ensure it remains fit for purpose.

Performance of the Policy

We will report on this policy annually as part of our Annual Governance Statement report

We are aware that learning from vexatious and malicious complaints can influence future service changes, policies and procedures. We will look for systemic themes in vexatious and malicious complaints received and if found will use this awareness to learn and improve our service delivery.