

Unreasonably persistent complainants and unreasonable complainant behaviour policy

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Reason for review:	New Policy – to provide a framework for dealing with persistent complainants		
Author:	Gail Walshe	Review date:	Dec 2025
EF review?	Y/N	Date of EF review:	
SMT sign off:	Y	Date:	
Board Sign off:	Y	Date:	28.2.23 (GSP)

1. Introduction

Contact is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to complainants. Having a policy and procedure on unreasonably persistent complainants and unreasonable complainant behaviour helps Contact to treat all complainants in ways which are consistent and fair.

2. Aim

The aim of the policy for dealing with unreasonably persistent complainants and unreasonable complainant behaviour, is to deal fairly and honestly with the complainant whilst ensuring that other service users and charity staff do not suffer from people making repeated and persistent, unreasonable complaints.

3. Definitions

‘Unreasonable’ and ‘unreasonably persistent’ complainants are defined as those who, because of the frequency or nature of their contacts with the charity hinder the charity’s consideration of their, or other people’s, complaints, or prevent the Charity from carrying out its core purposes.

The term complaint in this policy includes requests made under the Data Protection Act 1998 and reference to [Contact’s Complaints Policy](#) is, where relevant, to be interpreted as including meaning a request under this Act.

4. Pursuing action

The considerations under appendix 1 and 2 should be considered in deciding whether to act.

If Contact is considering acting under this policy, consideration should also be given to what action is appropriate balanced against the needs of the individual.

The term complaint in this policy includes requests made under the Data Protection Act 1998 and reference to Contact's Complaints Policy is, where relevant, to be interpreted as including meaning a request under this Act.

When considering what action might be appropriate Contact must have due regard for:

- The Equality Act 2010 Act.
- Contact's own equality, diversity and inclusion policies.

5. Options for action

The precise nature of the action Contact decides to take should be appropriate and proportionate to the nature and frequency of the complainant's contacts with Contact at that time. It is important, however, to ensure that the charity's Complaints Policy and procedure has been followed.

The following is a list of some possible actions for managing a persistent complainant's involvement with Contact:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken e.g. one call on a specified day of any week.
- Limiting the complainant to one contact medium e.g. telephone, letter, e-mail and/or requiring the complainant to communicate with one named member of staff.
- Requiring personal contacts to take place in the presence of a witness.
- Refusing to register/process further complaints about the same matter.

The list is not exhaustive and local case by case factors may be relevant in deciding appropriate action.

6. Completed complaints

Where the complaint has gone through Stage 3 of Contact's complaints procedure and the matter is considered by Contact to have been completed, then the Chief Executive Officer with the agreement of the Chair will write to the complainant to inform them that the matter is at an end and Contact will not enter into further correspondence about the same complaint, and any further letters on the same subject will be read and placed on file, but will receive no acknowledgement or response

7. Persistent Complainants Procedure

Dealing with Unreasonable Complainant Behaviour

Contact has a duty to ensure the health, safety and welfare of its staff and volunteers and it does not expect staff to tolerate language or behaviour by complainants which is abusive, offensive, or threatening and which could impact their physical or mental health.

Members of staff who feel threatened or intimidated by the language or behaviour of complainants should report their concerns to their Manager who will consider:

- Whether to write to the complainant, requiring them not to repeat the behaviour and, if necessary, setting conditions and restrictions for further contact with staff.

- Whether to report the incident to the Police
- Where relevant, whether to report the incident to the organisation the individual may represent or any other relevant regulatory body such as the charity commission.

This procedure sits alongside existing policies as a means of addressing the full spectrum of behaviours which Contact may need to address.

Telephone contact

During a telephone conversation, if staff consider that the caller is becoming aggressive and/or offensive, they will inform the caller that they will terminate the conversation unless such behaviour ceases. If the aggression continues, the member of staff will terminate the call and a note will be placed on file explaining why the call was terminated.

Repeated calls of this nature are considered unacceptable and should be reported to the Manager to determine appropriate action.

Personal contact

Visitors to Contact's offices or in person events or meetings may show aggressive behaviour when they do not achieve the aim of their visit. Triggers for unreasonable behaviour may include:

- Not being able to see the person they hold responsible for their current situation or discontentment.
- Not being allowed instant access to the Chief Executive or a Director.
- Not being able to resolve their complaint during their visit.

Examples of aggressive and unreasonable behaviour can include:

- Shouting and making demands to see the member of staff they hold responsible.
- Making threats to members of staff.
- Using abusive and upsetting language to members of staff.
- Refusing to leave until the problem is resolved.
- Their continued presence causes disruption/distress to other visitors/ participants.

Difficult situations such as this can sometimes be resolved by being patient, remaining calm, listening and identifying the exact nature of the problem.

If it is not possible to resolve the situation, actions may include:

- Ensuring another member of staff is present. If this is not practicable, assess the situation and decide what action you should take e.g. leave the room to seek assistance.
- If applicable, try to remain behind a desk/table/counter – this acts as a barrier and maintains a distance, thus reducing the risk of violent behaviour.
- If the complainant refuses to calm down, call for assistance., including calling the police if not in a venue where additional colleague support is available.
- Explain clearly that you are unable to help any further but that you will pass on the details of their complaint to the relevant person, then, if necessary, ask the complainant to leave the premises.
- As soon as possible after the incident, write up a clear account of what has happened, listing those present at the time. Sign and date the document and forward to the line manager.

This list is not exhaustive and unreasonable complainant behaviour is not limited to one, or a combination of any, of the above.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of Contact's staff or volunteers, other options will be considered e.g. reporting the matter to the Police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

Dealing with Unreasonably Persistent Complainants

The decision to designate someone as unreasonably persistent can only be made by the Chief Executive Officer or the Chair. As appropriate, staff should be informed that contact with a named complainant is being restricted and why, and who will have access to that information on request.

Application of the Procedure

If the decision is made to apply the procedure, the relevant Manager will write to the complainant to:

- Inform them that the decision has been taken to invoke the procedure.
- Explain what it means for their contact with Contact.
- Explain how long any restrictions will last.
- Explain what the complainant can do to have the decision reviewed.
- Enclose a copy of the procedure with the letter.

Records

Adequate records must be kept of all contact with unreasonably persistent complainants and complainants acting unreasonably. The information should be treated as confidential and only shared with those who may be affected by the decision.

Key information to be recorded includes:

- When a decision is taken to apply, or not to apply, the procedure following a request to do so by a member of staff.
- When a decision is taken to make an exception to the procedure after it has been applied, e.g. if extenuating circumstances subsequently come to light.
- When a decision is taken, and the reason, not to put a further complaint from the same complainant through the Complaints' procedure.
- When a decision is taken not to respond to further correspondence, having made sure that any further letters, faxes, e-mails, etc from the complainant do not have any significant new information.

Future Complaints by the same Complainant

When/if the complainant makes a complaint about a new issue this should be treated on its merits and a decision will need to be taken on whether any restrictions, which have been applied before, are still appropriate/necessary.

Reviews of Decisions

Reviews of decisions to restrict a complainant's contact, or Contact's responses to that contact, should be carried out in accordance with agreed timescales or at least every six months by the appropriate Manager in liaison with the Senior Management Team.

If no further contact has been received from the complainant over a period of six months, consideration may be given to cancelling the restrictions. However, urgent assessment will be necessary to re-introduce them if behaviour which led to the original decision recommences.

Approval and review

Approved by	Board (GSP)
Policy owner	CEO
Policy author	Gail Washe
Date	28.2.2023
Review date	28.02.2025

Relationship with other Procedures/Policies

This procedure should be read in conjunction with the following policies, as appropriate:

- [Complaints Procedures](#)
- [Health & Safety Policy](#)
- [Equality and Diversity Policy](#)
- Harassment and Un-reasonable behaviour – link to doc coming soon

Appendix 1: Assessing whether the action is proportionate and necessary

Consideration of the following points, together with any other relevant factual information, will be necessary to assess whether the proposed action is proportionate and necessary:

- Is the complaint being investigated properly and in accordance with Contact's policy for investigating complaints?
- Are the correct timescales being adhered to?
- Has the complainant been advised of any delays that may have occurred?
- Are the considerations/decisions reached, as part of the investigation, being implemented correctly?
- Have communications with the complainant been adequate, clear and coordinated?
- Has consideration been given to the possibility of mental ill health, learning disabilities, or personality disorders?
- Is the complainant now providing any significant new information that might affect Contact's view of their complaint?

Appendix 2: Assessing whether further action is necessary before designating the complainant 'unreasonably persistent'

If satisfied on these points, consideration should be given as to whether further action is necessary prior to making the decision to designate the complainant as unreasonably persistent, for example:

- Have any meetings taken place between the complainant and a member of staff? If not, unless there is a known risk about such a meeting, would this be likely to help the situation? The complainant may be accompanied by an advocate, if they wish, if it is considered that a meeting may help the situation.
- Is more than one department or service area being contacted by an unreasonably persistent complainant? If so, consideration could be given to setting up a strategy meeting to agree a cross-department approach and designate a key Manager to co-ordinate Contact's response.