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Unreasonable Behaviour and Communication Policy	30.8.2023	April 2024	April 2025
Version: 2 Amended 25.9.23	**Author:**	Nichola Oliver	**Last review:**
Review comments	Updated September 2023 policy re-named.		

Unreasonable Behaviour and Communication Policy

Unreasonable Behaviour and Communication

1 Introduction

North West Leicestershire District Council welcomes feedback from customers on our services. We take complaints seriously, and treat them as an opportunity to improve our services. We are committed to dealing with all complaints fairly and impartially and to providing a high quality service to the person who made the complaint. Many complaints are able to be resolved very quickly.

Occasionally, the behaviour or actions of individuals using our Services makes it very difficult for us to deal with their complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our process.

When this happens, we have to take action to protect the health and wellbeing of our staff who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the behaviour on our ability to do our work and provided a service to others.

As a result, the Council has developed this policy to set out how it deals with unreasonable behaviour and communication.

2. Aim of Policy

The aim of this policy is to contribute to the Council's overall aim of dealing with all complaints in a courteous, fair and consistent manner. It should be read in conjunction with the Council's Complaints Policy.

It sets out how the Council will decide if a complainant will be treated as an 'unreasonable' what it will do in those circumstances.

It is important to distinguish between a customer who makes a number of complaints,

because they genuinely believe that the Council was at fault, and customers who are being difficult. It is recognised that customers may sometimes act out of character at times of anxiety or distress.

This policy has been drafted with regards to the Local Government Ombudsman's (LGO) Guidance note on 'unreasonably persistent complainants' and 'unreasonable complainant behaviour' and the Housing Ombudsman complaints code of conduct.

3. Definition of Unreasonable Behaviour and Communication.

North West Leicestershire District Council has adopted the definitions provided by the Local Government Ombudsman (LGO):

Unreasonable Behaviour and Communication is when behaviour becomes aggressive/abusive and/or 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.

For the Council, unreasonable behaviour is where the frequency or nature of a complainant's contact with us takes up unjustifiable officer time and resources, making it hard for us to handle their complaint and/or those of other people, or where their behaviour is offensive or abusive.

4. Actions and behaviours of unreasonable communication.

Listed below are some examples of the actions and behaviours of unreasonable communication based on those defined by the Local Government and Housing Ombudsman. This is not an exhaustive list.

This policy does not address the issues of health and safety but sits along side existing Council policies and guidance regarding violence at work, as a means of addressing the full spectrum of behaviours that the Council might have to address.

- If anger escalates into aggression towards Council officers, we consider that unacceptable. Any violence or abuse towards staff will not be tolerated. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel offended, afraid, threatened or abused.

  Unacceptable language is that which:

  - ❖ is offensive, derogatory or patronising,
  - ❖ is discriminatory in any way, including racist, sexist, homophobic or transphobic comments; or

- ❖ makes serious allegations that individuals have committed criminal, corrupt or perverse conduct without any evidence.

- Refusing to specify the grounds for a complaint, despite offers of assistance from Council staff;
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refusing to accept that issues are not within the remit of a complaints' procedure despite having been provided with information about the procedure's scope;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints' procedure or with good practice;
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage;
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered;
- Electronically recording meetings and conversations without prior knowledge and consent of the other persons involved;
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the Council and, at the same time, with other people or bodies such as the Member of Parliament / a Councillor / the district auditor / local police / solicitors / the Ombudsman;
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, for example, excessive telephoning or sending emails to numerous Council staff, writing lengthy complex letters every few days and expecting immediate responses;
- Submitting repeated complaints, after complaints processes have been completed, essentially about the same issues, with additions / variations which the complainant insists make these 'new' complaints worthy of being put through the full complaints' procedure; and / or
- Refusing to accept the decision on a complaint – repeatedly arguing the point and complaining about the decision.

Complaints may be deemed to be Potentially Violent in any situation where physical violence has been used or threatened towards staff or their families/associates at any time. This will cause personal contact with the complainant to be discontinued and the complaint will,

thereafter, only be pursued through written communication. All such incidents should be documented and reported in accordance with Potentially Violent Person Policy, also reporting where appropriate, to the police.

Raising legitimate queries or criticisms of a complaints' procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded an as 'unreasonable'. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled 'unreasonable'. If the complaints procedure is operating properly, then responding to expressions of dissatisfaction and requests for information should not cause the Council any particular problems.

5. Considerations prior to taking action under the policy

Different considerations will apply depending on whether an investigation into the complaint or query is ongoing or whether it has been concluded. However, where the issue is ongoing the Council will need to continue some contact with the individual.

The decision to designate someone as unreasonable is onerous and could have serious consequences for the individual.

Before deciding whether the policy should be applied the Council should be satisfied that:

- The complaint/query is being or has been properly investigated
- Any decision reached is the right one
- Communications with the customer have been adequate
- The customer is not providing any significant new information that might affect the Council's view on the matter
- Any circumstances relating to the customer's mental health, age, gender, sexual orientation, religious belief, language or disability have been considered
- The Council's Complaints and Information Governance policies has been applied correctly
- The customer has been made fully aware of their rights to appeal through the Ombudsman or other organisation.
- We have been impartial and objective.
- The customer behaviour is un proportional to the enquiry/complaint. Somebody who is upset, emotional, angry or loud is not necessarily being unreasonable.

If the Council is satisfied on these points, it will consider whether further action is necessary prior to taking the decision to designate the behavior as unreasonable behaviour/communication. Examples might include:

- If no meeting has taken place between the customer and an officer /officers, and where it is appropriate to do so, consider offering the individual a meeting with an officer of appropriate seniority. Sometimes meetings can dispel misunderstandings and move matters towards a resolution. The Council does not, however, guarantee a meeting and will offer one dependent on the particular circumstances of the case.

- If more than one service is being contacted, consider:
    a) setting up a strategy meeting to agree a cross-service approach; and/or
    b) designating a key officer to co-ordinate the authority's response(s).

Before applying any restrictions in line with this policy the customer will be notified by phone, in writing or by email explaining that if his/her actions continue the authority may decide to treat him/her as unreasonable, an explanation why and warning of potential action the Council may take (with reference to this policy) if the problem persists.

6. Approach

How the Council manages such correspondence will be dependent upon the nature and extent. If their persistence adversely affects the Council's ability to carry out its functions and provide a service to others, it may need to manage their unreasonable behavior/communication by restricting contact with staff.

Any restrictions applied will be appropriate and proportionate. The following are examples of the types of restriction(s) which may be used:

a) Placing time limits on telephone conversations and personal contacts.
b) Restricting the number of telephone calls that will be taken (for example, one call on one specified morning /afternoon of any week).
c) Limiting the customer to one medium of contact (telephone, letter, email etc) and/or requiring the customer to communicate only with one named officer.
d) Requiring any personal contacts to take place in the presence of a witness.
e) Refusing to register and process further complaints/correspondence about the same matter.
f) Where a decision on the complaint/query has been made, providing the customer with acknowledgements only of letters, faxes, or e mails, or ultimately informing the customer that future correspondence will be read and placed on the file but not acknowledged.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual against those of other customers and of staff and members as well as the need for the Council to provide its services.

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

7. Challenging the council's decision

Customers may challenge the decision to apply the unreasonable behaviour/communication policy and/or the restrictions imposed by writing to the Chief Executive. This challenge must be made within 21 days of the date of the letter. This will be considered, and the customer notified of the outcome.

To challenge the decision please email or write to:
Email: feedback@nwleicestershire.gov.uk

Address: North West Leicestershire District Council
PO Box 11051
Coalville
LE67 0FW

The customer may make a complaint about the way they been treated to the Local Government Ombudsman at any time during the process.

Local Government Ombudsman

Contact details for the Local Government Ombudsman are:
Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614
Website: www.lgo.org.uk/making-a-complaint

Housing Ombudsman

Contact details for the Housing Ombudsman are:
Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

Telephone: 0300 111 3000
Website: www.housing-ombudsman.org.uk