

# Perth and Kinross Council

## Policy on Unacceptable Actions by Complainants

### 1. Introduction

- 1.1 The Council is committed to providing a complaints procedure that is accessible to all. This Policy sets out the Council's approach to those relatively few complainants whose actions or behaviour we consider unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts our office in connection with a complaint.

### 2. Policy Aims

- 2.1 To ensure that the Council's effectiveness is not compromised by complainants who act in a manner which makes excessive and unacceptable demands on Council resources.

### 3. Defining Unacceptable Actions by Complainants

The Council defines unacceptable actions under three broad headings:

#### 3.1 Aggressive or Abusive Behaviour

This could include:

- Threatening or abusive language
- Derogatory or rude comments
- Unsubstantiated allegations
- Physical aggression

#### 3.2 Unreasonable Demands

This could include:

- Requests for excessive amounts of information (NB note provisions of Freedom of Information (Scotland) Act)
- Setting unreasonable time-scales
- Continual insistence on seeing a particular member of staff
- Continual contact
- Changing the substance of the complaint or introducing unrelated concerns

#### 3.3 Unreasonable Persistence

This could include:

- Refusal to accept a decision made in relation to the complaint
- Refusal to accept explanations of what a service area can and cannot do
- Continuing to pursue a complaint without presenting any new information

### 4. Managing Unacceptable Actions by Complainants

- 4.1 The following courses of action are available to staff who encounter unacceptable behaviour:

- Requesting that the complainant restrict the number of issues raised or requesting greater focus to the complaint
- Restricting the times or ways in which a complainant may make contact
- Requiring the complainant to make an appointment

- Refusing to deal with correspondence that is abusive or makes unsubstantiated allegations
- Requiring future contact to be made through a third party
- Ending telephone calls if the caller is considered aggressive

In all cases, the complainant should be told what action we are taking and why.

4.2 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the Council decision relating to their complaint. The complainant should be told:

- that no future phone calls will be accepted or interviews granted concerning this complaint
- that any future contact by the complainant on this issue must be in writing
- that future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

## **5. Deciding to Restrict Complainant Contact**

5.1 Council staff who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy. They may wish to seek advice from their manager or Service Complaints Co-ordinator.

5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council are taken by an Executive Director or appropriate senior officer in consultation with the Service Complaints Co-ordinator. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. The Head of Service or Executive Director can review this decision at their discretion.

## **6. Appealing a Decision to Restrict Contact**

6.1 A complainant can appeal to the Chief Executive concerning a decision to restrict contact. A representative of the Chief Executive who was not involved in the original decision considers the appeal. They advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

## **7. Recording and Reviewing a Decision to Restrict Contact**

7.1 All incidents of unacceptable actions by complainants should be recorded. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file.

## **8. Policy Availability and Review**

8.1 The Council will review this Policy on a regular basis to make sure that the aims of the Policy are being achieved.

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