



Whitland Town Council Complaints Policy

1. Introduction

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and representations. This can impede the investigation of their complaint (or complaints by others) or / and can cause significant resource implications for the Whitland Town Council (the Council). These actions can occur either while their complaint is being investigated, or once an investigation has been concluded. In such circumstances the Council must reserve the right to bring the complaint to a close once the procedure has been exhausted. Equally, we reserve the right not to continue to deal with repetitive complaints from the same person on the same matter.

2. Why have a policy?

The Council deals with complaints in an open, fair and proportionate way. We liaise with complainants with courtesy and respect, to ensure good customer care. We expect the same behaviour from the complainant towards our staff and Council Members dealing with the complaint. A policy-led approach in some cases helps staff and Members to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. Having a policy enables staff to deal with complainants in ways which are demonstrably consistent and fair; that can be shared with complainant or a group of complainants if they start to behave unreasonably; and that can assist in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.

3. Defining unacceptable behaviour by Complainants.

3.1 General.

The Council does not view behaviour as unacceptable merely because a customer is forceful or determined. However, the actions of complainants or groups of complainants who are angry, demanding or persistent, may result in unreasonable demands or unacceptable behaviour towards staff or Members. It is these actions that are considered unacceptable and the ones that this policy aims to manage. These have been grouped under four broad headings but are not limited to:

3.1.1 Aggressive or Abusive Behaviour.

- Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- Examples include (but are not limited to) threats; physical violence; personal verbal abuse; derogatory remarks and rudeness; directly or indirectly made. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

- We expect our staff and Members to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards staff or Members.

3.1.2 Unreasonable Demands.

- Complainants may make what are considered to be unreasonable demands on the Council through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- Examples include (but are not limited to) demanding responses within an unreasonable time-scale; insisting on seeing or speaking to a particular officer; continual phone calls or letters; repeatedly changing the substance of the complaint or raising unrelated concerns; making groundless complaints about staff dealing with complaints and wanting them replaced; seeking an unrealistic outcome and persisting in doing so despite being clearly advised of the justification for the decision.
- These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the officers or Council Members, such as taking up an excessive amount of time to the disadvantage of other complainants or functions.

3.1.3 Unreasonable Persistence.

- It is recognised that some complainants will not or cannot accept that the Authority is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the Authority persistently about the same issue.
- Examples include (but are not limited to) persistent refusal to accept a decision made in relation to a complaint; persistent refusal to accept explanations relating to what the Council can or cannot do; continuing to pursue a complaint without presenting any new information; hindering objective consideration of an enquiry by the nature or frequency of contact with the Council; continuing to attempt to pursue any matter, having exhausted all stages of the corporate or other statutory complaints procedure. The way in which these complainants approach the Authority may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- The actions of persistent complainants are considered to be unacceptable when they take up what the Authority regards as being a disproportionate amount of time and resources.

3.1.4 Malicious Complaints.

These will include, for example complaints made, which are proven to be malicious against the Council, or a council officer or a Member.

We will also consider any combination of these elements or any other behaviour which the Council considers amounts to inappropriate conduct, to a single member of staff or to a group of different staff.

4. Managing Unacceptable Actions by Complainants

- 4.1 Staff or Members 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.

- 4.2 If an officer or Member is concerned that a person is acting unreasonably, during either the investigation of their complaint, or following conclusion of their complaint, they need to bring this to the attention of the Chairman of the Council and provide relevant examples of the unacceptable behaviour.
- 4.3 The Chairman will liaise with the Policy Committee and contact will be made with the complainant. An explanation will be provided to the complainant regarding the aspects of conduct that are deemed unacceptable and the possible consequences of implementing the policy. They will be asked to change their behaviour.
- 4.4 If the behaviour continues, it will be raised at the next available meeting and discussed in a private and confidential session. A decision will be made whether to apply this policy. If the policy is to be applied, the Council /Policy Committee will then decide how the complainant's actions will be managed, which will depend upon the circumstances of each case. They will also decide on who needs to be notified of the restrictions identified.
- 4.5 It is advisable for a decision form to be completed to record the decisions made. Normally the Clerk will be requested to manage the case, but should that be inappropriate it will be managed by a designated Councillor. The Council / Policy Committee will also agree a review date. All data will be held in accordance with GDPR and other current legislation.
- 4.6 The designated person will write to the complainant to tell them why it is believed their behaviour is unacceptable, the action that is being taken, and the proposed duration. The letter will also notify them of the appeals procedure.

5. Options for Action

- 5.1 The Council / Policy Committee will decide how the complainant's actions will be managed, which will depend upon the circumstances of each case. Examples are provided in paragraphs 5.2 to 5.6 below.
- 5.2 No correspondence (by letter, fax, email or other electronic means) that is abusive to staff or Members, or which contains allegations that lack substantive evidence will be dealt with by staff or Members. When this happens, details or examples will be given to the complainant and they will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and they will be informed that there will be no response to their correspondence if they do not stop. Future contact may only be accepted through a representative.
- 5.3 Staff or Members will end any telephone calls where the caller is considered aggressive, abusive or offensive. The staff member or Member taking the call have the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop. A record should be kept of such actions in a confidential file, and any subject access requests that relate to it should be suitably redacted.
- 5.4 Where a complainant repeatedly emails, phones, sends irrelevant documents or raises the same issues, it may be decided that:
 - telephone calls from the complainant may only be received at set times on set days or an arrangement is put in place for only one member of staff to deal with calls or correspondence from the complainant in the future.
 - the complainant should contact the office in writing only.
 - documents should be returned to the complainant or, in some cases, the complainant advised that further irrelevant documents will be destroyed.

- other actions may be taken that are considered appropriate. The complainant will be informed what action is being taken and why.
- 5.5 Where a complainant corresponds on a wide range of issues, and this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 5.6 A complainant's actions may also be considered unreasonably persistent if the complainant continues to dispute the Council's decisions despite the issue having been investigated and answers having been supplied to them regarding the issue or issues. The complainant can be told that no future telephone calls will be accepted concerning this complaint, and that any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

6. Appeals

A complainant can appeal against a decision to restrict contact within 28 days of being notified that they are subject to the provisions of the policy. A Councillor not involved in the original decision will consider the appeal. A complainant may also be asked whether they are willing to modify their behaviour to address the concerns of the Council. The complainant will be advised 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 A record of the decision and proposed actions agreed by the Council / Policy Committee be kept by the Clerk and communicated to the Chairman.
- 7.2 The decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach.
- 7.3 There will be a review of the status of all complainants with restricted contact arrangements on a 6 monthly basis or sooner if required. This will be co-coordinated by the Clerk.
- 7.4 If the review determines that the restricted contact arrangements should continue, the Clerk will write to the complainant and advise accordingly.

8. Related Matters

New issues raised by complainants who have been designated as displaying unreasonable behaviour will be treated on their merits. This will avoid a failure to respond to a request for service made in an appropriate fashion, or a request for information where the Council must comply with any statutory requirements.

9. Electronic recording of verbal communication

- 9.1 The electronic recording of meetings or telephone conversations by customers may be considered intimidating to staff or Members. If a customer intends electronically recording a conversation by any means (for example on a mobile phone or dictaphone), that intention must be made clear to the other party beforehand.
- 9.2 There is no obligation for a member of staff or Member to agree to the electronic recording of conversations/meetings. Where a member of staff or Member state that they are not happy to proceed with an electronically recorded conversation/meeting, the customer will be expected to agree not to electronically record the conversation/meeting.
- 9.3 If the member of staff or Elected Member is happy to continue with an electronically recorded conversation/meeting, the recording must only be retained for personal use by the customer to help with

their recollection of the discussion. Electronic recordings must not be shared with any third party for any reason.

9.4 Any covert recording of telephone calls/meetings by customers, or those recorded which are not in line with 9.2 or 9.3 above, will be considered as unreasonable behaviour and the customer would therefore be subject to appropriate actions as outlined in this policy.

10. Ensuring equality of treatment

This policy must be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion or belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status. It will also be applied in conjunction with the other policies of the Council.

Policy prepared by: Vicky Mitchell - Clerk,

Based on the Public Services Ombudsman policy (22nd June, 2015) and the Carmarthenshire County Council Complain Policy 2017.