



Black Drain
Drainage Board

Unreasonable Complainants Policy

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1. Executive Summary

- 1.1. Occasionally the Board gets things wrong or is unable to deliver an expected standard of service or response. As a public authority the Board employs a clear and transparent process which allows members of the public or other stakeholders to lodge complaints. If the complaint process is followed, then a complaint can usually be investigated with the conclusion arrived at in a straightforward manner. If a complainant is not happy with the Board's conclusion, they may refer the matter to the Local Government Ombudsman or the court and tribunal services depending on the jurisdiction of the complaint.
- 1.2. There is a minority of instances in which a complainant may behave in a way which may cause annoyance, worry and frustration. Whether intentional or not, such actions may impede the investigation of the complaint, place unreasonable resource demands on the Board and cause undue distress or harassment to its staff or Members. This policy sets out the Board's response when these instances occur.

2. Definitions

- 2.1. The Board defines unreasonably persistent and vexatious complainants as those who because of the frequency or nature of their contacts with the Board, hinder consideration of their or other people's complaints and place unreasonable demands on the resources of the Board so that this impacts the delivery of its services. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complainant.
- 2.2. Features of an unreasonably persistent and/or vexatious complainant include those listed below.
 - a) Acting in an intimidating or aggressive manner that results in stress or worry to a member of staff or Board Member
 - b) Refusing to specify the grounds of a complaint, despite offers of help.
 - c) Refusing to cooperate with the complaints investigation process.
 - d) Refusing to accept that certain issues are not within the scope of a complaints procedure.
 - e) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - f) Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
 - g) Changing the basis of the complaint as the investigation proceeds.
 - h) Denying or changing statements he or she made at an earlier stage.
 - i) Introducing trivial or irrelevant new information at a later stage.

- j) Raising many detailed but unimportant questions, and insisting they are all answered.
- k) Submitting falsified documents from themselves or others.
- l) Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- m) Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Board staff, or detailed letters every few days, and expecting immediate responses.
- n) Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- o) Refusing to accept the decision; repeatedly arguing points with no new evidence.

3. Imposing Restrictions

- 3.1. The Board will ensure that the complaint is being or has been thoroughly investigated according to its complaints procedure.
- 3.2. Should the action of a complainant be identified as being potentially unreasonable, the responsible officer shall discuss the case with the Director of Policy & Finance (DPF) and CEO who shall jointly determine if actions of the complainant are unreasonable or vexatious and require restrictions be imposed.
- 3.3. If the complaint relates to the conduct of the DPF and/or the CEO, the determination shall be made in consultation with the Board's Chairman.
- 3.4. Restrictions should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be concluded quickly, without further distractions. Options include:
 - a) Placing limits on the number and duration of contacts with staff per week or month.
 - b) Offering a restricted time slot for necessary calls.
 - c) Limiting the complainant to one medium of contact (telephone, letter, email etc).
 - d) Requiring the complainant to communicate only with one named member of staff.
 - e) Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
 - f) Refusing to register and process further complaints about the same matter.

- 3.5 Complainants will be notified in writing within 10 days of receiving the complaint that the decision has been made to apply this policy and provided with details of the restrictions being imposed.

4. New complaints from complainants who are treated as abusive, vexatious or persistent

- 4.1. New complaints from people who have come under this policy will be treated on their merits. The Director of Policy and Finance in consultation with the CEO will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint (subject to para. 3.3).

5. Review

- 5.1. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Director of Policy & Finance in consultation with the CEO if they have cause to make a further complaint within 6 months of a restriction being imposed.
- 5.2. If the restriction has been extended the complainant shall be informed of the extension.