



# **Pembrokeshire County Council**

## **Unacceptable Actions by Complainants Policy**

<b>Version No</b>	<b>Comments</b>	<b>Author</b>	<b>Date of issue</b>	<b>Status</b>
1.0	New policy	Laurence Harding	April 2012	To be reviewed
1.2	Amendments to wording of policy	Emily Sheen	October 2014	Draft To be reviewed October 2016

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## **1. Introduction**

This policy explains what the Council considers to be unacceptable actions from customers making a complaint and, how the Council will communicate with these customers.

This policy is designed to be used together with:

- The Corporate Complaints and Compliments Policy and Procedures
- The Social Services Complaints and Compliments Policy and Procedures

## **2. What the Council considers to be unacceptable actions**

### **2.1 When this policy will be used**

- 2.1.1 Some people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint.
- 2.1.2 Pembrokeshire County Council does not view behaviour as unacceptable just because a claimant is forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands or unacceptable behaviour towards staff.
- 2.1.3 This policy should be used when a complainant's behaviour is having a detrimental effect on a staff member, team or service area and their ability to carry out their role and/or affects their ability to provide a service to other customers.

### **2.2 Aggressive or abusive behaviour**

- 2.2.1 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.
- 2.2.2 Examples of this type of behaviour include: threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- 2.2.3 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. Pembrokeshire County Council staff understand the difference between aggression and anger. 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 individual staff members.

## **2.3 Unreasonable demands**

- 2.3.1 Complainants may make what are considered to be unreasonable demands through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make to individual staff or a service area. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- 2.3.2 Examples of actions grouped under this heading include: demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of a complaint or repeatedly raising unrelated concerns.
- 2.3.3 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the service, such as taking up an excessive amount of staff time to the disadvantage of other customers or services.

## **2.4 Unreasonable persistence**

- 2.4.1 It is recognised that some complainants will not or cannot accept the outcome of investigations into their complaint. They may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- 2.4.2 Examples of actions grouped under this heading include: persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what can or cannot be done and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- 2.4.3 Complainants may seek to prolong contact by changing the substance of a complaint or continually raising new issues and questions whilst the complaint is being addressed.
- 2.4.4 The actions of persistent complainants are considered to be unacceptable when they take up what is regarded as being a disproportionate amount of time and resources to the disadvantage of other customers or services.

## **3. Unacceptable behaviour at point of contact**

- 3.1 Some types of unacceptable behaviour will need to be dealt with immediately at the point which it occurs by any staff members affected.
- 3.2 Staff will end telephone calls or face to face meetings if the complainant is considered to be aggressive, abusive or offensive. The staff member taking the

call or in attendance at the meeting has the right to make this decision, tell the complainant that their behaviour is unacceptable and then to end the call or meeting if their behaviour does not stop.

#### **4. The process for managing unacceptable actions**

There are relatively few complainants whose actions are considered to be unacceptable. However, there will be times when the Council needs to adopt the following process.

##### **4.1 Who can start the unacceptable actions procedure?**

4.1.1 Any officer who feels that a complainant is acting in a way which this policy identifies as unacceptable may raise their concern with their manager and/or the Information Governance and Complaints Team.

4.1.2 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.

4.1.3 Following any necessary immediate action being taken, if the unacceptable actions of the complainant continue the following process should be followed.

##### **4.2 The Informal Stage**

4.2.1 The first action is to explain to the complainant, calmly and politely, why their behaviour is unacceptable and to try to influence that behaviour so that it becomes acceptable. This can be done face-to-face, over the telephone or in writing. This can be done by the individual staff member or their manager.

4.2.2 If this does not succeed then the Data Protection and Complaints Officer should be consulted.

4.2.3 The Data Protection and Complaints Officer will review the case, based on the information provided by the officer or service area affected.

4.2.4 The Data Protection and Complaints Officer will either advise the officer why the behaviour is not unreasonable, or will contact the complainant, either by letter or e-mail, explaining why their behaviour is unreasonable and defining what they need to do to change the way they communicate with the Council or service area. The letter will also advise the complainant of the future action to be taken by the Council if the behaviour were to continue.

##### **4.3 The Formal Stage**

4.3.1 Any further repetition of unacceptable behaviour should be forwarded to the Information Governance and Complaints Manager for consideration.

4.3.2 The Information Governance and Complaints Manager will then consider the case with assistance from relevant officers within the service area and decide how to proceed.

Options to consider may be the following:

- Use of a single point of contact.
- Advising the complainant that only complaints unrelated to those already considered will be accepted.
- Meeting with the complainant to discuss their behaviour.
- Advising the complainant to contact the Public Services Ombudsman for Wales if they remain dissatisfied with the Council's response.
- The use of a standard letter to close any contact which does not contain a new complaint.
- Only take phone calls from the complainant at an agreed time or on an agreed day.

4.3.3 The matter will be discussed with the Head of Service or a suitably senior manager within the service area affected and a way forward for communicating with the complainant will be agreed.

4.3.4 The agreed method of contact with the complainant will then be communicated to all appropriate staff members.

4.3.5 The Information Governance and Complaints Manager will write to the complainant informing them of the above and how they will be communicated with in relation to any future contact. They will be advised when the management of their contact through this procedure will be reviewed (usually every 12 months).

## **5. Future Contact**

5.1 It is not acceptable to cut off all contact with a complainant, as it cannot be assumed that their future contact will not be about a new or genuine complaint or service request.

5.2 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 Authority must comply with any statutory requirements.

## **6. Logging and review**

6.1 The Information Governance and Complaints Team will maintain a log of complainants for which the informal and formal stage of this policy has been used.

- 6.2 Each complainant will be given a review date as to when we will re-consider how they can contact the Council or service area (usually every 12 months).
- 6.3 The Data Protection and Complaints Officer or Information Governance and Complaints Manager will carry out this review and agree with the appropriate senior manager or Head of Service whether the contact arrangements need to remain or can be changed.
- 6.4 The senior manager or Head of Service will inform staff within their service area about any change to contact arrangements with the complainant.
- 6.5 The complainant will be informed of this outcome by the Information Governance and Complaints team and a future review date will be set if their behaviour is to be continued to be managed through this procedure.
- 6.6 Expired entries on the log will be removed a year after closure when any special contact arrangements have ceased.
- 6.7 If the circumstances of the complainant change before the 12 month review date, they are able to ask for an 'early review' to be carried out by the Information Governance and Complaints team to look at how their contact is managed. The complainant is able to submit at this point any further information they feel should be considered as part of an 'early review.'
- 6.8 If the complainant remains dissatisfied with the outcome of this 'early review' then the details will be sent to the Head of IT and Central Services to make a final decision as to whether contact arrangements are appropriate or, if any further changes need to be made. The decision of the Head of IT and Central Services is final.

## **7. Unacceptable actions through the use of social media**

- 7.1 The Council has a separate process for how it manages contact with customers through social media. Statements relating to this can be found in the Council's Social Media Policy and Social Media Statement displayed on the Facebook page.