

Whole Authority Unacceptable Actions by Complainants Policy



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Version Control

Title	Whole Authority Unacceptable Actions by Complainants Policy
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1. Scope of procedure

All complaints about services provided by the Council (including complaints relating to compliance with the Welsh Language Measure (Wales) 2011 Service Delivery standards or due for provision by the Council except:

- Services provided by schools, which are subject to separate policies within each school
- Whole Authority Complaints Policy
- Statutory Social Services Policy
- Local Complaints Policies used by Schools
- Corporate Complaints Procedure

It reflects the Complaints Wales single complaints policy for the public sector in Wales.

Which document applies?

The Whole Authority Complaints Policy should apply in all circumstances, as may the Unacceptable Actions Policy. In any given case, only one of the other three will apply, according to the nature of the complaint.

Objectives

The objectives of the Policy are:

- To provide a means of handling necessary communications with complainants whose behaviour has been unacceptable
- To improve unacceptable behaviour so that normal complaints management practices can apply.

2. Roles

Customer Relations Manager

Overall responsibility for deciding when this policy is to be engaged will fall to the Customer Relations Manager.

On receiving a referral the Customer Relations Manager will lead discussions with officers and, if appropriate, the complainant, leading to a decision on how communication with the complainant will be handled.

Customer Relations Team

The Customer Relations Manager will advise officers when it may be appropriate to consider use of the policy, and will liaise with staff.

The Customer Relations team will maintain a log of complainants for which the formal stage of this policy has been used. The management of this log will be compliant with the Data Protection Act 1998 and will include a review date.

When the review falls due, the Customer Relations manager will decide whether the process need continue.

Heads of Service

The relevant Head of Service will be consulted over each instance raised. He/She may nominate a single point of contact between the Complainant and the Council, and may even be the point of contact.

All Staff

Any officer who undertakes a suitably relevant role and has the requisite training or skills may be nominated as a single point of contact.

3. What are unacceptable actions?

Officers should always consider the effect that the situation surrounding the complaint may have had on the complainant. A person who is normally very reasonable may react differently in a stressful situation.

Attempts should always be made to defuse the situation so that, wherever possible, normal relations and procedure can take place.

However, when the complainant's continued actions render that impossible, guidance should be sought from the Customer Relations Manager about the possible use of this policy.

Unacceptable actions may include:

Repetition

A complainant may repeat what amounts to the same complaint over a period of time to one of more officers without raising anything new, or may even call repeatedly to different officers with exactly the same complaint.

Unreasonable pursuit

Once a complainant has been advised of what will happen regarding their complaint and when a response can be expected, it may be considered unreasonable to continue to excessively call officers before that date.

Refusal to accept outcome

Sometimes an investigation will not lead to the result desired by the complainant, and the complainant may continue to raise the matter after the process has been closed.

Abusive behaviour

Complainants may behave aggressively or threateningly toward staff.

Abuse of the procedure

Many actions which could fall under the above descriptions are likely to be irrational. However, some complainants may wish to use the policy to further other ends, such as when a pressure group wishes to keep the profile of its chosen subject high, or when an attempt is being made to influence the Council's legitimate decision making processes.

4. Procedure under the policy

Who can start procedure?

Any officer who feels that a complainant is acting in a way which this policy identifies as unacceptable may raise the issue.

What should they do?

The Informal Stage

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.

If that does not succeed, the Customer Relations Manager should be consulted.

The Customer Relations Manager will review the case, based on the information provided by the officer. This information will include notes about the complaint and records of any contact deemed unreasonable.

The Customer Relations Manager will either advise the officer why the behaviour is not unreasonable, or will contact the Complainant, either by letter or e-mail, explaining why the behaviour is unreasonable and defining what would be considered

reasonable. The letter would also advise the complainant of the future action to be taken by the Council if the behaviour were to continue.

What if the behaviour continues?

The Formal Stage

The Customer Relations Manager will then consider the case, with the assistance of officers involved up to that point, and decide on how to proceed.

The options open will include, but not be limited to:

- 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
- Advising the complainant to contact the Public Services Ombudsman for Wales
- The use of fixed letters to close any contact which does not contain a new complaint.

Future complaints

It is not acceptable to cut off all contact with a complainant, as it cannot be assumed that no genuine new complaints will be raised in the future.

Logging and review

The Customer Relations team will maintain a log of complainants for which the formal stage of this policy has been used. The management of this log will be compliant with the Data Protection Act 1998 and will include a review date.

When the review falls due, the Customer Relations team will bring the case to the attention of the Customer Access Manager, who will decide whether the process need continue.

The log will be updated to reflect the decision. Expired entries should be removed a year after closure.