

VEXATIOUS & UNREASONABLE CUSTOMER BEHAVIOUR POLICY

June 2025

1. Introduction

- 1.1. This policy sets out how the council will manage customer contact that is unreasonable, persistent or vexatious. It ensures staff are protected from unacceptable behaviour and that the council resources are used fairly and efficiently while maintaining a commitment to high quality customer service.
- 1.2. This is not the council's corporate complaints policy. Customers wishing to make a complaint should refer to our Corporate Compliments and Complaints policy which is available on the council's website.

2. Scope

- 2.1. This policy applies to all individuals who contact the council, including residents, service users, businesses and third parties acting on behalf of others. It covers all channels of communication including phone, email, social media, face to face contact and letters.
- 2.2. This policy also applies when managing complaints. We are committed to dealing with all complaints fairly, comprehensively, and in a timely manner. In the majority of cases customers are seeking a resolution or understanding of an issue and are cooperative in the process, however in a minority of cases, people demonstrate unreasonable behaviour or pursue their complaint in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.
- 2.3. We will not normally limit the contact customers have with the council or council staff unless there is good reason to do so.
- 2.4. We do not expect staff to tolerate unreasonable behaviour by customers, or any customer. Unreasonable behaviour includes behaviour, which is abusive, offensive or threatening and may include:
 - Using abusive or foul language in emails, letters, on the telephone or face to face
 - Making personal comments about staff
 - Any form of intimidating or threatening behaviour
- 2.5. Raising legitimate queries or criticisms of service delivery or a complaints process as it progresses, for example if agreed timescales are not met, should not in itself lead to the enquiry or complaint being regarded as vexatious.
- 2.6. Similarly, the fact that a customer is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause them to be labelled unreasonably persistent.

3. Aim of this policy

- 3.1. The aim of this policy is to ensure that all customer contact is managed in a consistent, fair, and proportionate manner. It sets out how the council will identify and respond to unreasonable, persistent, or vexatious behaviour, and what actions may be taken to manage such contact appropriately.

4. Definitions

- 4.1. We have aligned our interpretation of "*unreasonable customer behaviour*" and "*unreasonable persistent complaints*" with the Local Government and Social Care Ombudsman's (LGSCO) guidance.
- 4.2. A complaint or contact may be considered unreasonable or vexatious if, due to its frequency or nature, it hinders the council's ability to address the issue or impacts the ability to serve others effectively.
- 4.3. Features of an unreasonably persistent and/or vexatious complaint or behaviour include (but are not limited to) the following:
 - There are insufficient or no grounds for the complaint and it is made only to disrupt and antagonise
 - There are no specified grounds for the complaint despite offers of assistance
 - The customer refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
 - The complaint is about issues not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the customer refuses to accept this
 - The customer insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chief Executive)
 - There appears to be groundless complaints about the staff dealing with the customer, or an attempt to have them dismissed or replaced
 - There is an unreasonable amount of contact with the council, by any means, in relation to a specific complaint or complaints for example when chasing emails are sent, after the customer has been told they will receive a response in x number of days
 - There are persistent and unreasonable demands or expectations of staff and/or the complaints process for example a customer who insists

on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails

- Attempts to harass, verbally abuse or otherwise seek to intimidate staff by use of foul, inappropriate, offensive or discriminatory language
- Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the original complaint
- There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- The customer denies statements he or she made at an earlier stage in the complaint process
- The customer electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- The complaint is the subject of an excessively broad approach; for instance, the complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the council's independent auditor, the Monitoring Officer, other bodies such as the Information Commissioners Office (ICO), the police, solicitors, and/or the Local Government and Social Care Ombudsman
- The customer refuses to accept the outcome of a decision or the complaints process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- The same complaint is made repeatedly, perhaps with minor differences, after the complaints process has been concluded and where the customer insists that the minor differences make these 'new' complaints which should be put through the full complaints process
- The complaint is submitted and persistently pursued through different council departments at the same time
- The complaint remains 'active' through the customer persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- Documented evidence is not accepted as factual by the customer
- The complaint relates to an issue based on a historic and irreversible decision or incident

5. Imposing restrictions

- 5.1. In the first instance the manager investigating the complaint or issue will consult with their Head of Service or relevant member of the Senior Leadership Team prior to issuing a warning to the customer. The manager will contact the customer in writing either by email or by letter to explain why this behaviour is causing concern and ask the customer to change their behaviour. The manager will explain the actions that the council may take if the behaviour does not change.
- 5.2. If the disruptive behaviour continues, a member of the Senior Leadership Team or the Corporate Complaints Officer will issue a letter or email to the customer advising them of how they will be allowed to contact the council in future will be restricted.
- 5.3. Any restriction that is imposed on the customer's contact with the council will be appropriate and proportionate and the customer will be advised of the period the restriction will be in place for. In most cases restrictions will apply for between three and twelve months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a six-monthly basis.
- 5.4. Restrictions will be tailored to deal with the individual circumstances of the customer and may include:
 - Requiring contact to take place with one named member of staff only
 - Restricting contact to specified days / times / duration
 - Ending telephone calls or appointments where behaviour becomes unacceptable.
 - Requiring any personal contact to take place in the presence of an appropriate witness
 - Banning the customer from making contact by telephone except through a third party e.g. solicitor / councillor / friend acting on their behalf
 - Banning the customer from sending emails to individual and/or all council officers and insisting they only correspond by letter. This may include blocking emails if necessary
 - Banning the customer from accessing any council building except by appointment
 - Informing the customer that the council will not reply to or acknowledge any further contact from them on the specific subject or matter
 - Informing the customer that any further complaints from them will only be considered if a member of the Senior Leadership Team or the Corporate Complaints Officer agrees that it warrants investigation

5.5. When the decision has been taken to apply this policy to a customer, a member of the Senior Leadership Team or the Corporate Complaints Officer will contact the customer in writing to explain:

- Why the council has taken the decision
- What action the council is taking
- The duration of any restrictions
- The right of the customer to contact the Local Government and Social Care Ombudsman about the fact that their complaint or behaviour has been treated as vexatious / unreasonably persistent

5.6. Where a customer continues to behave in a way which is unacceptable, the council may decide to refuse all contact with the customer and stop any investigation into their complaint.

5.7. Where the behaviour is extreme or it threatens the immediate safety and welfare of staff, the council will consider other options, including:

- Implementing contact restrictions immediately without warning
- Reporting the matter to the police or taking legal action

5.8. In such cases, the council may not give the customer prior warning of that action.

6. New complaints from previously restricted customers

6.1. New complaints that are substantially different from previous issues will be considered on their own merits. A member of the Senior Leadership Team or the Corporate Complaints Officer will determine whether any existing restrictions remain appropriate.

6.2. The fact that a customer has previously been subject to this policy, and any restrictions imposed, will be recorded and shared with relevant staff as necessary.

7. Record keeping

7.1. Adequate records will be retained by the appropriate manager with the details of the case and the action that has been taken. A central record will be maintained by the Customer Service Centre setting out:

- The name and address of each customer who is classified as abusive, vexatious or persistent
- When the restriction comes into force and ends
- What the restrictions are
- When the customer and departments were advised

8. Equality and accessibility considerations

8.1. Before applying this policy, the council will consider whether the behaviour may be the result of a vulnerability or health condition, disability

or communication difficulty. In such cases reasonable adjustments will be considered.

9. Right to review

- 9.1. The decision by a member of the Senior Leadership Team or the Corporate Complaints Officer under this policy is final and there is no right to internal review or appeal as part of this policy.
- 9.2. If you are unhappy with the decision, then you may wish to refer your complaint to the Local Government & Social Care Ombudsman.

10. The Local Government & Social Care Ombudsman (LGSCO)

- 10.1. The LGSCO is an independent body appointed by the Government to investigate complaints against certain authorities.
- 10.2. The best way to make a complaint is via the LGSCO website www.lgo.org.uk which has an online form. For telephone help, you can call an LGSCO adviser, who will listen to you and say whether the LGSCO can consider your complaint. You can call 0300 061 0614 between the hours of 10.00am - 4.00pm, Monday to Friday (except public holidays).

11. Policy review

- 11.1. This policy will be reviewed every 3 years or sooner if required by changes in legislation, Ombudsman guidance or council procedures.

Policy review date:	June 2025
Policy reviewed by:	Head of Customer Experience
Summary of any amendments or updates:	<ul style="list-style-type: none">• Inclusion of the Corporate Complaints Officer to contact customers and implement restrictions under this policy.• Scope of policy description clarified to include all customer contact not just complaints.• Change of policy title from Vexatious and Unreasonably Persistent Complaints Policy to Vexatious & Unreasonable Customer Behaviour Policy.

Next policy review: June 2028

