

Wirral Borough Council

Persistent and Vexatious Complaints Policy

Unreasonable and Unreasonably Persistent Complaints

Wirral Council is committed to dealing with all complaints fairly. However, there are a small minority of complainants whose frequency of contact with the Authority, persistent, habitual, prolific, vexatious complaints or unacceptable behaviour makes it necessary for special measures to be taken.

On the whole, dealing with complaints is a simple process but there are a small number of complainants who because of the frequency, nature or tone of their contact with us, adversely affect our ability to do our job. When contact with a complainant absorbs a disproportionate amount of resources in dealing with their complaint, it is recognised that this situation can cause undue stress for staff.

This policy aims to provide staff with a clear and fair process for dealing with these situations.

Wirral Council do not expect our staff to tolerate unacceptable behaviour by complainants or members of the public. Unacceptable behaviour includes behaviour and comments which are abusive, offensive or threatening.

This policy will only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints through the Wirral Council complaints procedure. Implementation of the “persistent complaints” procedure should only be applied following careful consideration and with the authorisation of the Head of Legal Services or nominated representative from Legal Services, having ensured all reasonable steps have been taken to deal with the customer fairly.

Definitions

A vexatious complaint is one where, on the facts of the case, it has little merit or substance and has been made with the intended consequence of distress or harm to either the individual receiving the complaint, or the subject of the complaint (where they are different individuals).

A persistent or habitual complainant is defined as ‘someone who continually makes contact with the Local Authority to request review of a regular complaint issue’. This may also include offensive, rude, aggressive, discriminatory or abusive behaviour or comments during contact.

A prolific complainant is someone who raises the same issue despite having been given a full response and may display certain types of behaviour including:

- Complains about every part of the system regardless of the issue
- Seeks attention by contacting several agencies and individuals
- Always repeats the full complaint
- Automatically responds to any letter from the Local Authority
- Insists that they have not received an adequate response
- Focuses on a trivial matter

For purposes of the procedure it may be appropriate to refer to a complainant as being defined as vexatious and/or habitual and/or persistent.

Criteria

Complainants may be deemed to be a 'vexatious/habitual/persistent complainant' where on-going contact with them shows that they meet at least two of the following criteria.

The complainant:

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure
- Making unjustified complaints about staff who are trying to deal with issues and seek to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements made at an earlier stage
- Introducing trivial or irrelevant information at a later stage
- Raising many detailed but unimportant questions and insisting they are all answered
- Submitting falsified documents from themselves and others
- Attempts to pursue parallel complaints on the same issue with various departments
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous members of staff or detailed letters every few days and expecting immediate responses
- Submitting repeat complaints with minor additions/variations and the complainant insists that this makes this a 'new' complaint
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Making recordings of conversations or mobile phone videos of Council Officers without gaining permission of the officer first

Action

Once it is clear that the complainant has met at least two of the criteria as outlined and a decision has been taken to invoke procedure, the Head of Legal Services and/or Head of Customer Services will determine the action to be taken. The complainant will be notified in writing of the reasons why they have been identified as a persistent complainant and the action to be taken as outlined below.

This notification may, if appropriate, be copied for the information of others already involved in the complaint. A record must be kept for future reference of the reasons why a complainant has been deemed a persistent complainant.

In some cases it may be appropriate, at this point, to re-iterate and suggest that complainants seek advice and support from a Carer, friend or Advocacy in processing their complaint.

The complainant will receive one written warning confirming that if their behaviour/actions persist, this may result in the council treating them as a Persistent/habitual or vexatious complainant and future contact may be restricted.

Restricting Complainant Contact

Depending upon the level and nature of the complainants contact with us, the following actions may be taken:

- Requesting contact in a specific form (eg by letter only)
- Requesting contact be made with a named officer only
- Setting the number of phone calls that will be accepted (eg once a week)
- Refusing to deal with future correspondence on the same matter if a decision has already been reached
- Similar action, at a reasonable and appropriate level, to address the issues being presented

The complainant will receive a copy of this policy with a covering letter explaining that the policy has been applied and how it will affect their contact with us.

The letter should outline the length of time for which restrictions will be place and how they can ask for the restricted status to be lifted/reviewed.

Aggressive Complaints

On occasions a complainant can go from being unreasonably persistent to offensive, abusive or threatening, any of which will not be tolerated.

Complaints will be seen as vexatious in any situation where violence has been used or threatened towards our staff at any time. This will result in personal contact with the complainant being stopped and they will only be allowed to contact the council in writing. In such incidences, there may be a need to report this behaviour to the police.

Appealing Against a Decision to Restrict Access

A complainant can appeal the decision to add them to a list of “persistent/vexatious complainants” within 15 days of being notified of the decision:

This should be sent in writing to Chief Executive, Wirral Council, PO Box 290 Wallasey CH27 9FQ.

Procedure Admin

	Name	Role	Date
Issued by	Richard Lamb	Customer Feedback Team Leader	02/10/2024
Approved by	Vicki Lungley	Customer Services Manager	02/10/2024
Review Date	Vicki Lungley	Customer Services Manager	02/10/2024
Review Detail	Appeal contact details updated.		
Next Review			02/10/2026