

# **Unreasonably Persistent and Vexatious Customers Procedure**

## **Shropshire Council**

## 1. Introduction

The Council is committed to ensuring that it provides a quality and efficient service to every customer. However, there are rare instances where a customer unnecessarily takes up a large amount of resources. This can lead to a detrimental effect on the ability of the Council to provide a satisfactory level of service to its other customers.

The procedure below establishes what is considered to be unacceptable levels of contact with the Council and how instances of unreasonably persistent or vexatious contact can, and should, be handled.

The Procedure must NOT be used to impede the ability of a customer to have reasonable access to services provided. For example, a customer will not be considered for classification under this procedure just for asking difficult questions.

It is also crucial that this procedure will not be used to prevent the delivery of services to customers classified as unreasonably persistent or vexatious.

## 2. Definitions of unreasonably persistent and vexatious behaviour and customers

A customer can be an individual who receives any service from the Council, in any form.

Unreasonably persistent and vexatious customers are those individuals who, because of the nature or frequency of their contacts with the Council, hinder our ability to effectively deliver services to our customers. Some examples of behaviour and actions taken by these individuals are listed below; however this is not an exhaustive list.

## 3. Actions and behaviours of unreasonably persistent and vexatious customers

These are some of the actions and behaviours which teams or officers often find problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper handling of the issues raised and may also affect delivery of services to our customers.

### **These behaviours can be:**

- Refusing to specify the grounds of the service request, despite offers of assistance;
- Refusing to co-operate with the process for handling service requests;
- Refusing to accept that certain issues are not within the scope of a particular team or the Council;
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice;
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced;
- Changing the basis of the service request as the issue proceeds;
- Denying or changing statements made at an earlier stage;

- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed but unimportant questions and insisting they are all answered;
- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others;
- Adopting a 'scatter gun' approach: inappropriately pursuing parallel service requests on the same issue with a variety of organisations or with a variety of teams within the Council;
- Making excessive demands on the time and resources of staff with lengthy phone calls e-mails to numerous council staff or detailed letters every few days, and expecting immediate responses;
- Submitting repeat requests with minor additions/variations that the service user insists make these 'new' issues;
- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence;
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Council or individual services and functions;
- Adopting a violent, aggressive or threatening demeanour towards staff.

#### **4. Operating the procedure**

- Any of the above behaviours will trigger the beginning of this process.
- Prior to taking any action the Customer Feedback (complaints) officers should be contacted. Templates and checks can be undertaken to support the application of the process.
- Prior to making a customer vexatious or unreasonably persistent it is crucial that the service area have fully applied the appropriate Council complaints procedure or have evidence of the number of contacts made and responses provided, and it is clear that customers behaviour or actions fall under section 3. (It is not appropriate to apply this procedure when a customer has an open complaint).
- The Head of the Service Area/Director for the service affected will be responsible for making the decision that a customer is considered vexatious or unreasonably persistent.
- Once the decision has been made a warning letter will be sent to the customer advising them that their issues have been fully addressed and any future contact on the same issue will be dealt with under the unreasonably persistent and vexatious policy.
- If the warning letter does not result in changes to behaviour a second letter to confirm the application of the procedure will be issued.
- A review will be undertaken (see review section below) following the application of the procedure. A decision will be taken, using available evidence, concerning whether the restrictions should be lifted or continued.

- Any new complaints will be considered on their own merits. However, if new complaints relate to same or similar issues previously addressed, it may be appropriate to not investigate these issues further under the relevant complaints procedure. This should only be done with the agreement of the appropriate Service Director/Commissioner. The customer should be told this, and there is no need to provide any right of appeal other than to the Local Government and Social Care Ombudsman. Subsequent complaints should then simply be noted.

## **5. Restricting Contact**

Any restrictions will be agreed by the relevant Service Director/Commissioner and will be appropriate and proportionate to the nature of the customer's contacts with the Council at that time. The following is a summary of the types of restriction which may be used:

- Placing time limits on telephone conversations and personal contacts;
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week);
- Limiting the customer to one medium of contact (telephone, letter, etc.);
- Requiring the customer to communicate only with a named employee;
- Requiring any personal contacts to take place in the presence of a witness;
- Closing the investigation into a complaint;
- Refusing to register and process further complaints providing the customer with acknowledgements only of further letters, faxes, or e-mails received after a particular point;
- Banning a customer from some or all of the Council's premises;
- Involving the police in cases where we believe the customer has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the customer refuses repeated requests to leave council premises;
- If more than one service is being contacted by an unreasonably persistent complainant, the Council will consider a strategy meeting to agree a cross-service approach; and, where appropriate, designating one officer to coordinate future Council responses to the complainant.

## **6. Withdrawing restriction**

Once an individual has been classified as a vexatious or unreasonably persistent complainant, there is a review process for withdrawing this status if, for example, a more reasonable approach is subsequently demonstrated by the customer.

## **7. Notification of Unreasonably Persistent/Vexatious Decision**

Once the decision has been made a notification letter will be sent from the Director/Commissioner of the Service Area to the customer outlining who in the Council will be informed of the restrictions and detailing below reasons/actions;

- Why the decision has been taken;

- How the customers behaviour needs to change;
- What action will be taken;
- The duration of that action;
- Officer/Service area aware of the restrictions;
- The date of review for the action, if required;
- The right of the customer to contact the Local Government and Social Care Ombudsman about the application of this procedure.

**8. The services areas to be informed of instances where this procedure is invoked are;**

- The Complaints Officer, who keep records of all instances of classification of unreasonably persistent or vexatious customers (UP&V Register). Evidence of unreasonably persistent or vexatious behaviour and copies of all letters should be sent to the Customer Feedback officers to be kept on record.
- The relevant Service Manager/Service Area, to inform them of the appropriate steps to take should customer contact occur.
- The relevant Councillor and/or Portfolio Holder if appropriate (e.g. it is topically or geographically appropriate).
- In extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of staff members. This is a decision which will be taken by the Service Director/Commissioner.
- Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, other options will be considered; for example reporting the matter to the Police or taking legal action. This is covered in the Health and Safety Policy.
- In instances involving formal procedures (i.e. Penalty Charge Notices or Freedom of Information requests) where a customer whose enquiry has been closed or responded to persist in communicating with the Council about the issue, the Council may decide to terminate contact with the individual. In such cases all correspondence relating to the enquiry will be reviewed, but unless there is fresh evidence which affects the outcome of the enquiry then any communication may be logged only, and not responded to.
- New service requests that come from individuals who have been classified as unreasonably persistent or vexatious will be treated on their own merit.

**Right of Appeal:**

If the customer feels that the decision for restricted contact to the council as a vexatious or unreasonably persistent customer is unfair or incorrect they have the right of appeal by writing to the Complaints Monitoring Officer outlining their reasons.

The decision will be reviewed by the Complaints Monitoring Officer and the outcome of that appeal will be final. The next review should take place six months following the implementation of the restriction.

### **Review Process**

- A review will be conducted at the end of the restricted period (often at 6 month intervals) by the Service Manager, Head of Service or Director who was responsible for the original decision.
- He / She will review all contacts received from the customer during the restricted period and will consider if all or any of this contact relates to the reason that the unreasonably persistent/vexatious policy was invoked.
- The Service Manager, Head of Service or Director will then write to the customer with the outcome of their review. If the decision is that the restriction is to continue, the reasons and timeframe will be detailed in the review letter.

## **9. Monitoring**

Reports will be provided to Senior Management, on request, highlighting key information about instances where this procedure has been invoked, including:

- How many times the procedure has been invoked;
- How many times a decision has been taken not to classify a customer as unreasonably persistent or vexatious;
- Number of reviews;
- Numbers on the register and name only;
- Why customers on the register (i.e. themes);
- Learning from the instances above.

## **10. Procedure Review**

This procedure will be reviewed as necessary.