



Hertfordshire County Council **Policy and Procedure for** **Managing Persistent and Vexatious** **Behaviour and Complaints**

Hertfordshire County Council (HCC) is committed to dealing with all complaints and service users fairly and impartially and in accordance with the specific complaints policy and process that applies in each case.

HCC will not normally limit the amount of contact that complainants and service users have with us; however, the Council does not expect its staff to tolerate unreasonable behaviour and it will take decisive action to protect staff from such behaviour, including any that the Council deems to be abusive, offensive or threatening.

Hertfordshire County Council defines unreasonable behaviour as that which affects the smooth and efficient running of teams and departments within the Council, or that which hinders the Council's consideration of complaints because of the frequency or nature of the complainant's or service user's contact with the Council, such as, if they:

- Refuse to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuse to co-operate with the complaints process at any point or stage.
- Refuse to accept that certain issues are not within the scope of the complaints process.
- Insist on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduce trivial or irrelevant information that they expect to be taken into account and commented on.
- Raise detailed but unimportant questions and insist they are answered fully, often immediately and to their own timescale(s).
- Make unfounded complaints about staff who are trying to deal with the issues and seek to have them replaced.
- Seek to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly make the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuse to accept the outcome of the complaints process despite the fact that the complaints process has been exhausted and correctly implemented,

including signposting the complainant to the Local Government Ombudsman or Information Commissioner's Office, etc.

- Seek an unrealistic outcome.
- Make excessive demands on Council time and resources by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding their issues or complaint, in person, in writing, by email and by telephone whilst staff are dealing with the matters that have been raised.
- Use threats to intimidate.
- Use language that the Council deems to be abusive, offensive or discriminatory.
- Use or threaten violence.
- Make and break contact with the Council with varying time delays in between.
- Knowingly provide false information or make unfounded allegations.
- Persistently approach various individuals and teams within the Council, as well as Ofsted, the Education and Skills Funding Agency, the Local Government Ombudsman, the Information Commissioner's Officer and the Health and Care Professions Council, etc, through different routes about the same issue(s) in the hope of eliciting different responses.
- Publish what the Council deems to be inappropriate or unacceptable information on social media or other platforms.

Complainants or service users should try to limit their communication with the Council where it relates to their complaint, whilst it is being progressed through the applicable complaints process. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised.

Wherever possible, a Senior Council Officer or the Complaints Manager for that department will discuss any concerns with the complainant or service user about their behaviour informally before formally invoking this policy and procedure for managing persistent and vexatious behaviour and complaints.

If any unreasonable behaviour continues beyond this (or if the Council deems the behaviour to be so inappropriate and serious that the policy and procedure should be invoked immediately), a Senior Council Officer or the Complaints Manager for that department will write to the complainant or service user to inform them that the Council deems their behaviour to be unreasonably persistent, inappropriate and/or vexatious. They will confirm that unless this behaviour ceases immediately, the Council reserves the right to take decisive action to deal with the situation, in accordance with this policy and procedure.

Wherever the complainant or service user continues to contact the Council inappropriately and/or excessively, causing disruption and difficulty for staff, the Council will consider whether to impose some (or all) of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of staff (e.g. the Team Manager).
- Restricting telephone calls to specified days and times.

- Asking the complainant or service user to enter into an agreement about their future contact and conduct with the Council.
- Informing the complainant or service user that if they fail to comply with the arrangements set out above, any further communication or correspondence that the Council considers does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant or service user tries to re-open an issue that has already been considered through the applicable complaints process, the Complaints Manager for that department will inform them in writing that the process has been exhausted, that the matter is now closed, and that the Council will not enter into any further correspondence about it.

The decision of a Senior Council Officer or departmental Complaints Manager to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through any of the Council's complaints procedures. This is because the decision will be reviewed by a Senior Council Officer or the Complaints Manager after six months.

If the complainant's or service user's behaviour has remained the same or worsened, the Council reserves the right to extend the communication restrictions for a further six months each time it reviews the situation. If the complainant's or service user's behaviour has improved to a level that the Council deems acceptable, then communication restrictions will be lifted on the proviso that should matters ever regress, the Council reserves the right to reinstate the communication restrictions that previously applied, either in the same way as before, or in an amended format.

In response to any serious incident of aggression or violence, Hertfordshire County Council will immediately inform the Police and communicate our actions in writing. This may include barring the complainant or service user from some or all premises owned by the Council.

The Council reserves the right to use and adapt this policy and procedure whenever it deems it appropriate or necessary to manage unreasonable, inappropriate or persistent contact or behaviour not directly associated with, or resulting from, formal complaints.