



Information Asset Owner: Director of Legal & Governance

Page : 1 of 5

Procedure Note:

Unreasonably persistent complainants and unreasonable complainant behaviour

Appendix D

To:	Document Summary:
All staff	This procedure sets out Buckinghamshire Fire & Rescue Service' (BFRS) approach to dealing with unreasonably persistent complainants and unreasonable complainant behaviour.
Please note that as Documents are frequently updated, if you print a document, its accuracy cannot be guaranteed, always check for latest version.	

1. Changes since to previous version

Issue 1.0 First issue

2. Purpose

- 2.1 The purpose of this procedure is to help Buckinghamshire Fire and Rescue Service (BFRS) deal with unreasonably persistent complaints, and unreasonable complainant behaviour, in ways that are consistent and fair. It lets staff and complainants know what we consider to be unreasonable complainant behaviour and what action may be taken.
- 2.2 A very small minority of complainants make or pursue complaints in a persistent or vexatious way which can either slow down the investigation of their complaint or can have significant resource issues for BFRS.
- 2.3 Raising legitimate queries or criticisms of the progress of a complaint, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent or unreasonably behaved.
- 2.4 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent or unreasonably behaved.

3. Unacceptable Behaviour & Frivolous or Vexatious Requests

In dealing with unreasonably persistent behaviour, BFRS may terminate or suspend a complaint if we consider that the complainant has acted unreasonably - this relates to the behaviour of the individual. If BFRS deem a complaint to be frivolous or vexatious SMT will write to the complainant to advise that we are terminating our consideration of the complaint and the reason(s) for our decision. Frivolous or vexatious complaints relates to the nature of the complaint itself.

4. What is a frivolous or vexatious complaint?

Version:	1.0	Status of document:	Draft
Author:	Information Governance & Compliance Manager	Approved By:	
Issue Date:		Review Date:	September 2016



Information Asset Owner: Director of Legal & Governance

Page : 2 of 5

Procedure Note:

Unreasonably persistent complainants and unreasonable complainant behaviour

Appendix D

4.1 A frivolous or vexatious complaint can be characterised in a number of ways:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.

4.2 A vexatious complainant is someone who contentiously raises a complaint, without grounds, in order to cause annoyance or disruption.

5. What is a persistent complainant?

5.1 A persistent complainant is someone who contacts BFRS and raises the same complaint or similar complaints many times. - Many times is defined as on more than three separate occasions.

5.2 Examples of persistent and vexatious behaviour are:

- Persistently approaching BFRS through different routes about the same issue.
- Persistently seeking an outcome which we have already explained is unrealistic for policy, legal or other valid reasons.
- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
- Making an unreasonable number of contacts with BFRS, by any means, in relation to a specific complaint or complaints.
- Making persistent and unreasonable demands or expectations of BFRS staff and/or the complaint process after the unreasonableness has been explained to the complainant (for example a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails).
- Refusing to specify the grounds of a complaint despite offers of assistance.

Version:	1.0	Status of document:	Draft
Author:	Information Governance & Compliance Manager	Approved By:	
Issue Date:		Review Date:	September 2016



Information Asset Owner:	Director of Legal & Governance
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Page :	3 of 5
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Procedure Note:

Unreasonably persistent complainants and unreasonable complainant behaviour

Appendix D

- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of the BFRS complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints policy and procedure or with good practice (e.g. insisting that there must not be any written record of the complaint).
- Refusing to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome and /or denying that an adequate response has been given.
- Making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insisting that the minor differences makes these 'new' complaints which should be put through the full corporate complaints procedure.

6. Restricting access

- 6.1 In considering when to apply this policy it is critical that BFRS consider a complainant's circumstance, how and why they feel as they do and what it is that would resolve the matter for them. We must be sure that we have given them the right opportunity to express their views and opinions and that we have listened and given appropriate thought and effort to resolving and explaining the position and our actions.
- 6.2 If a complainant's behaviour adversely affects BFRS ability to do its work and provide services to others, such behaviour may need to be addressed by restricting contact with us.
- 6.3 The decision to restrict access to our Stations, offices and officers can only be taken by the Strategic Management Team (SMB) in consultation with the Director of Legal & Governance. Before deciding whether the policy should be applied SMT should be satisfied that:
- the complaint is being or has been investigated properly
 - any decision reached has been reviewed and is found to be appropriate
 - communications with the complainant have been adequate and

Version:	1.0	Status of document:	Draft
Author:	Information Governance & Compliance Manager	Approved By:	
Issue Date:		Review Date:	September 2016



Appendix D

the complainant is not now providing any significant new information that might affect our view on the complaint.

6.4 Actions that could be taken to restrict access and contact:

- Requesting contact in a particular form only (e.g. letters only)
- Placing restrictions on telephone calls to specific times and days of the week
- Requesting that the customer enters into a contact agreement for their future contact with BFRS
- Placing restrictions on the amount of time officers will spend investigating their complaints
- Where relationships have broken down, requesting that the customer uses an appropriate advocate to act and contact BFRS on their behalf
- Banning the complainant from sending emails to some or all BFRS officers and insisting they only correspond by letter or a designated email contact
- Banning the complainant from visiting any BFRS building except by appointment
- Requiring contact to take place with one named member of staff only
- Requiring any face to face contact to take place in the presence of an appropriate witness and
- Letting the complainant know that BFRS will not reply to or acknowledge any further contact from them on the specific topic of that complaint.
- In some circumstances, BFRS may decide that it is appropriate to reduce or stop responding to a particular complainant.

7. What happens if BFRS decide that a complainant's behaviour is unreasonable?

- 7.1 Once SMT has been advised why a complainant's behaviour is causing a concern, and giving clear documented evidence to support this, they will decide what action to take. In the first instance this may be to write to the complainant to explain what will happen if the behaviour persists. If there is a need to take action SMT will write and advise what action will be taken and a date when the action will be reviewed.

Version:	1.0	Status of document:	Draft
Author:	Information Governance & Compliance Manager	Approved By:	
Issue Date:		Review Date:	September 2016



Information Asset Owner: Director of Legal & Governance

Page : 5 of 5

Procedure Note:

Unreasonably persistent complainants and unreasonable complainant behaviour

Appendix D

7.2 Following the review, if there has been no persistent or unacceptable behaviour since action was taken SMT will remove whatever restrictions it had imposed and notify the complainant.

8. If the originator is still not satisfied with our response

Whenever a concern or complaint is thought to be resolved, the originator should be contacted to determine that they are satisfied with the manner in which it has been addressed. If the originator remains dissatisfied they should be advised to contact the Local Government Ombudsman:

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH

Tel: 0300 061 0614 Monday to Friday from 8.30am to 5.00pm.

9. Roles & Responsibilities

- 9.1 **Any investigating officers with concerns about a complainant** should, in the first instance, discuss this with their line manager and/or the **Information Governance & Compliance Manager**.
- 9.2 The **Information Governance & Compliance Manager** should assist **investigating officers** to collate evidence of **unacceptable behaviour and frivolous or vexatious requests**.
- 9.3 **SMB**, in consultation with the **Director of Legal and Governance** are responsible for deciding what course of action to be followed when the behaviour of a complainant is unacceptable.

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