

**POLICY AND PROCEDURE ON THE
MANAGEMENT OF UNREASONABLE
COMPLAINTS OR CUSTOMERS**

October 2025

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

This document is available in a clear and accessible format for all residents. You can request this document or information in another format such as **large print** or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need Wi-Fi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

CONTROL SHEET FOR - Management of Unreasonable Complaints or Customers

Policy Details	Comments/Confirmation (To be updated as the document progresses)
Policy Title	Management of Unreasonable Complaints or Customers Policy
Current Status – i.e., first draft, version or final	Draft
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Cabinet Member	Portfolio for Customer Services
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council/ Planning Committee	Scrutiny Committee Executive & SLT
Date policy approved	
Date policy due for review (Max three years)	
Date policy forwarded to include on website if applicable to public	

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1.0 Introduction

1.1 This policy and procedure is aimed at providing a framework:

- (i) To identify what might be classed as an unreasonable complaint or contact from a customer;
- (ii) To manage the Council's limited resources to help ensure that customer have access to our limited resources to help ensure that customers have access to our limited resources in a way which is proportionate to the issues being raised and the need for other customer to be able to access these limited resources;
- (iii) To set out openly how we deal with unreasonable complaints or customers. What steps we will take if action is required and who can authorise these actions;
- (iv) Which we can provide to customer where this policy and procedure is applied so that the customer can understand the process. This may help to manage the customers' expectations and behaviour.

1.2 The council aims to deal with complaints and customers in a way which is fair and impartial. On occasion customers may behave unreasonably or make unreasonable complaints. Unreasonable customers or complaints can hinder the proper consideration of their cases and may delay consideration of other customers' cases. Unreasonable complaints or customers can have significant resource implications for the Council.

1.3 Customers may sometimes act out of character at times of anxiety or distress and/or their conduct may relate to a disability. Reasonable allowances should be made for such factors. Ultimately, however, the council does not expect its staff to suffer behaviour or complaints by customers which is/are unreasonable in content, tone or persistence. In appropriate circumstances the Council will take proportionate action to protect the wellbeing of its staff, members and contractors and also the integrity of its processes and limited resources.

1.4 If the Council considers that any unreasonable conduct or complaint is or might be related to a disability, or because the customer's first language is not English, the Service Director should be consulted for advice and assistance to manage the issues arising under this policy and procedure where appropriate.

1.5 When considering this policy and procedure the Council will also have regard to other relevant policies and procedures operated by the Council which may include:

- Customer Service Code of Practice and Standards – [add link](#)
- [Complaints, Comments and Compliments Policy](#)
- [Equality and Diversity Policy](#)

- Physical aggressive customer behaviour – Violent Incident Report Form, for inclusion on the Employee Protection Register (EPR).

When this policy is engaged it shall take precedence over these policies in the event of any uncertainty as to different processes to be applied.

- 1.6 It is to be emphasised that this document is a framework. It is not intended to be prescriptive since it is recognised that in those rare situations where customers behave unreasonably or make unreasonable complaints such that this policy and procedure is or might be engaged, each case will need to be considered on its own facts.
- 1.7 This policy and procedure has been drafted with regard to the Local Government and Social Care Ombudsman's and Housing Ombudsman current guidance note on managing unreasonable complainant behaviour.
- 1.8 It is anticipated that this policy will be invoked in only a very small number of cases.

2.0 **Unreasonable Complaints or Customers**

- 2.1 There is no single definition of an unreasonable complaint or customer. Each case must be judged on its merits.
- 2.2 An unreasonable customer may pursue a justified complaint or concern but in an inappropriate way. Alternatively, they may pursue a complaint which has no substance or which has previously been addressed in which case the complaint might be judged to be unreasonable. The concept of 'unreasonableness' is typically identified by a customer conducting themselves in such a manner as to hinder the Council's consideration of their own or other people's complaints and by the customer conducting themselves in such a manner as to place a disproportionate demand on the Council's resources. The conduct of an unreasonable customer may cause a disproportionate or unjustified level of disruption, irritation, stress or distress to Council staff or the Council's contractors / partners.
- 2.3 Whilst each case will ultimately turn on its own facts this policy and procedure may be engaged by one or two isolated unreasonable incidents or a build-up of incidents or behaviour over time which amount to unreasonable conduct. The focus is whether in all of the circumstances the complaint and/or customer are unreasonable. Examples of the sort of customer complaint and/or conduct which might be covered by this policy and procedure include (but are not limited to):
- Refusing to specify the grounds of a complaint despite offers of help.
 - Making a complaint or complaints which have no proper grounds.
 - Unreasonably frequent or lengthy contacts and/or repetitive information

- Pursuing a complaint only to annoy or disrupt or for reasons that are not identified or are not obvious.
- Refusing to co-operate with the complaints investigation process but still wanting the complaint to be resolved.
- Making unjustified complaints about staff who are dealing with issues and trying to have them replaced.
- Refusing to accept that issues are not within the remit of the Council's Complaints, Comments and Compliments Procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the Complaints, Comments and Compliments procedure or with good practice (for example insisting that there should be no written record of a complaint or aspects of a complaint).
- Electronically recording meetings and conversations without the prior knowledge and consent of the other person involved.
- Where a complainant pursues a disproportionately large number of complaints with the Council.
- Where a complainant pursues a 'scatter gun' approach of approaching multiple external organisations with parallel complaints about the Council.
- Unreasonably repeating complaints which have previously been addressed (and as part of that perhaps seeking to add minor or immaterial additions to earlier complaints after the event as a basis for seeking to reopen investigations).
- Obstructing reasonable access for council staff (or agents) to tenanted properties or insisting upon unreasonable conditions for access.
- Persistently seeking to complain about matters that occurred outside of the one year time period usually allowed for the investigation of complaints without good reason.
- Acting towards staff or Council contractors or partners in a manner which causes or is likely to cause them nuisance, annoyance, harassment or distress or behaving in a discriminatory manner.
- Persisting in conduct which the customer has been told is unreasonable.
- Changing the basis of the complaint as an investigation proceeds.
- Denying or changing statements they made at an earlier stage.
- Introducing trivial or irrelevant information at a later stage.
- Raising many detailed but unimportant questions, insisting they are all answered.
- Submitting falsified documents.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept a decision; repeatedly arguing points with no new evidence.

3.0 **Managing Contact**

- 3.1 The Council operates policies and procedures which have proved effective when dealing with customers. This policy and procedure for the management of unreasonable complaints or customers will be used only where the Council's day to day policies are unable to resolve the issues arising and where the complaint and/or the customer are deemed to be unreasonable.
- 3.2 If an officer of the Council considers that a complaint and/or customer are unreasonable they should discuss their concerns, and the reasons for their concerns, with a member of the Customer Service and Standards Manager or Senior Manager.
- 3.3 The Service Manager may determine that the complaint and/or customer are unreasonable and that it is proportionate to issue a warning to the customer under this policy and procedure. The officer who determines that a warning shall be issued will write to the customer concerned within 3 working days of that determination setting out (appendix 1- Letter template):
- (i) why their complaint or conduct has been considered unreasonable.
 - (ii) that this policy and procedure has been invoked.
 - (iii) that a warning is being given to them under paragraph 3.3 of this policy and procedure.
 - (iv) what the customer is being asked to do to address the concerns raised.
 - (v) a request for the customer to consider the letter and amend their complaint or conduct (as appropriate).
 - (vi) the actions which may be taken by the Council if the concerns raised are not addressed adequately (this will include informing the customer of the power of the Council to impose a restriction or restrictions on contact with the Council, the fact that any restriction(s) may be applied for a specified time period and how any restriction(s) might enable any continuing complaint or information request to be managed within the complaints policy or such other policy as is relevant).
 - (vii) an opportunity for the customer to write to the author of the letter to respond to the warning if he / she has proposals to address the Council's concerns and avoid further escalation.
 - (viii) details of the customers right to complain to the Local Government Ombudsman or Housing Ombudsman about the engagement of this policy and procedure and/or any determinations made pursuant to it.

The customer should be sent a copy of this policy and procedure, or a link to the policy.

The circumstances of the complaint might mean that a warning under this policy is not appropriate, for example (but not limited to) where there have been previous warnings given in relation to the behaviour, or in the event of behaviour by the complainant causing serious distress.

If a person, through unreasonable behaviour, presents a risk or threats of physical violence, then consideration should also be given to including their details on the **Employee Protection Register**.

3.4 Single Point of Contact by Agreement:

Sometimes it is useful for both the customer and the Council to agree a single point of contact for the customer. This can ensure the named officer builds knowledge of the needs and behaviour of the customer, helps to ensure continuity and build trust. It can continue as long as both consider it appropriate. This voluntary process is outside the unreasonable complaints policy.

4. Habitual or Vexatious Complainants

4.1 For the purpose of this policy the following definition will be used:

The repeated and/or obsessive pursuit of

- Unreasonable complaints and/or unrealistic outcomes.
- Reasonable complaints in an unreasonable manner.

4.2 Where complaints have been identified as habitual or vexatious in accordance with the criteria below, the Assistant Director for complaints management or their representative, following discussions with the relevant service Director/Assistant Director, will take a report to the Senior Leadership Team (SLT) to seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken for an appropriate length of time, usually twelve months but this is not prescriptive, before being reviewed. Operational aspects for handling habitual or vexatious complainants will be covered in the supporting procedures.

4.3 Where individuals, or individuals acting on behalf of another individual or group, are submitting multiple or lengthy requests for information or complaints in relation to the same subject matter to the Council, the Assistant Director with responsibility for Customer Services will have the option to take a report to SLT using the evidence collated from all the individuals involved, in order to prevent duplicating or prolonging the evidence gathering process.

4.4 The Assistant Director of Customer Services or their representative will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.

4.5 Senior Managers will need to inform and seek advice from the Customer Service Manager or Customer Standards and Complaints Officer regarding potential habitual or vexatious complaints, which have not progressed to a

Stage Two complaint and as such fall outside the control of, and therefore knowledge of, the Customer Service department.

- 4.6 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review and monitored by the Assistant Director or their representative, with reports being taken to SLT as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.
- 4.7 Our experience has shown that the behaviour of some customers considered vexatious can fluctuate greatly. Following any SLT decision that has determined a customer as habitual or vexatious, SLT may confer delegated powers to the Assistant Director responsible for complaints management or their representative, in cases to amend the conditions in the interest of the service where prompt action may be required at short notice. In such cases the Assistant Director responsible for complaints management or their representative will put monitoring measures in place and make a decision in line with this policy.
- 4.8 Once the 'appropriate length of time' has expired, normal contact with the customer can be resumed. However, should the customer revert to their previous behaviour, the Council reserves the right to determine their behaviour as vexatious again without the need for further monitoring or submission of a report to SLT.

Criteria for Determining Habitual or Vexatious Complainants

- 4.9 Complainants or anyone deemed to be acting on their behalf may be considered to be vexatious or persistent if one or more of the following applies where previous or current contact with them shows that they meet two or more of the following criteria:

Where complainants are:

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of a complaint's procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure 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 complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a late stage.
- Raising numerous, detailed but unimportant questions; insisting that they are answered.

- Acting individually or on behalf of a group, submitting numerous or lengthy requests for information or complaints in relation to the same subject or where the Council has received similar complaints or requests for information from the complainant themselves previously on the same issue.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach, pursuing parallel complaints on the same issue with a variety of other organisations.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous Council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints.
- Refusing to accept the decision, repeatedly arguing points with no new evidence.
- Harassing verbally or otherwise seeking to intimidate employees dealing with their complaint, including the use of foul, abusive or racist language, which will be reported to the appropriate authority.
- Threatening or using physical violence towards employees. The Employee Protection Guidance (available on the Council's Intranet) provides guidance and procedures on how to report such incidents.
- Insisting on pursuing unjustified complaints and/or unrealistic outcomes to legitimate complaints or taking actions that are out of proportion to the nature of the complaint, even when the complaints procedure has been exhausted.
- Demonstrating behaviour which has a significant and disproportionate adverse effect on the Councils resources.

The Habitual/ Vexatious complaints handling process Options for Dealing with Habitual or Vexatious Complainants

4.10 The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named Officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.

3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints and this may lead to legal action being taken against the complainant as the Council has a duty to protect both the Council's reputation and its employees.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the Local Government & Social Care Ombudsman or External Auditor.
6. If a person, through habitual or vexatious behaviour, presents a risk or threats of physical violence, then consideration should be given to including their details on the **Employee Protection Register**.

The habitual/ vexatious complaint handling process

Habitual/ Vexatious complaint	
Description	Multiple complaints or requests for information about the same* issue (s) which have previously been investigated or answered fully and may have been issued a warning under paragraph 3 of this policy and procedure
Who by	A customer to any member of staff /officer of the Council/Contractor
Action	To be passed to the Complaints and Standards Manager or CSCO for administration, monitoring and reporting purposes cccadmin@bolsover.gov.uk Submit a report to the Senior Leadership Team (SLT) to seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken for an appropriate length of time.

***Please note:** Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints.

5. Responsibility for Implementation

The Director responsible for complaints management

- 5.1 The Director responsible for complaints management will oversee the implementation of this policy. The Director responsible for complaints management, with support from the Customer Service Manager who is responsible for establishing systems and procedures that support the implementation of this policy and for managing the compliments, comments and complaints system or the CSCO who is responsible for the administration of the compliments, comments and complaints system.

The Director responsible for complaints management will in some cases, where it is considered by SLT be given delegated powers to amend conditions associated with 'vexatiousness' if it is in the interest of the service and where prompt action may be required at short notice.

Directors / Assistant Directors

- 5.2 Responsible for reviewing Internal Review complaints, they should be satisfied that the investigation is complete and the response addresses all aspects of the complaint.

The Monitoring Officer

- 5.3 The Monitoring Officer has overall responsibility for the policy and has a duty to make a statutory report periodically, at least once a year, to the relevant Standards Committee in respect of maladministration where the Local Government & Social Care Ombudsman has investigated and found maladministration and injustice on the part of the authority.

Senior Managers and Departmental Complaints Contacts:

- 5.4 Involved in the operational investigation and management of complaints handling. They may be responsible for preparing and signing decision letters or submitting information to the CSCO in complex or crosscutting cases), so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

Complaints Investigator:

- 5.5 The complaints investigator is responsible and accountable for the management of the investigation. This may be the CSCO or their representative and they will be involved in the investigation and in co-

ordinating all aspects of the response to the customer. This will include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the organisation.

All staff:

- 5.6 A compliment, comment or complaint may be made to any member of staff within the organisation. All staff must be aware of the Compliments, Comments and Complaints Policy and procedure and how to handle complaints at the frontline stage. They should also be aware of who they should refer a complaint to in case they are not able to personally handle the matter.

The Customer Standards and Complaints Officer/ Local Government & Social Care Ombudsman/ Housing Ombudsman:

- 5.7 The CSCO is also the Council's Link Officer for the Ombudsman. The Link Officer's role will include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to investigations, and confirming and verifying that recommendations have been implemented.

Appendix 1

Letter Template

Direct Line: 01246 242424
Please ask for: [ComplaintsOfficer]
Our Ref: BDC-[CaseNo]
e-mail: CCAdmin@bolsover.gov.uk
Date: [TodaysDate]

[ComplainantsName]
[ComplainantsAddress1]
[ComplainantsAddress2]
[ComplainantsAddress3]

Dear [ComplainantsName]

Re: Bolsover District Council's Customer Service Code of Practice and Standards Policy - Zero Tolerance.

I am emailing you with regards to your recent contact with the Council. *Add Date/Method of Contact/Department*

I must advise you that the Council operates a zero tolerance towards unreasonable behaviour and would like to inform you of the Customer Service Standards & Code of Practice (please see attached).

The Council's Customer Service Standards & Code of Practice sets out the promises that Council Officers make to customers (page 7), which includes being welcoming and courteous and polite, fair and respectful to our customers. Within this standard the Council also request that our customers are courteous and respectful to Council Officers in return. I must advise you that any verbal threats or abuse towards Council Officers may lead to restrictions being put in place to access Council Services.

The Council has a duty to make reasonable adjustments to its services for individuals put at a disadvantage due to their disability compared with others who are not disabled. Please contact the Customer Standards and Complaints Officer if you wish to discuss reasonable adjustments.

I hope this explains the Council's position and you take this opportunity to modify your behaviour so that you can continue to have a positive relationship with this Council in future.

Yours sincerely