

WATER MANAGEMENT ALLIANCE

**MANAGEMENT OF
UNREASONABLE
COMPLAINANT
BEHAVIOUR POLICY**

GOVERNANCE

Review date: December 2020

To be reviewed every 5 years

Next review date: December 2025

Reviewed by: WMA Consortium Management Committee

Adopted by:

Broads Internal Drainage Board
East Suffolk Internal Drainage Board
King's Lynn Internal Drainage Board
Norfolk Rivers Internal Drainage Board
South Holland Internal Drainage Board
Waveney, Lower Yare and Lothingland Internal Drainage Board
Pevensy and Cuckmere Water Level Management Board

Any complaint to the Water Management Alliance, its Member or Associated Boards is recorded and resolved using the Board's Complaints Procedure. If the complainant does not accept the outcome even though it has been explained to them, and the complainant becomes unreasonably persistent in their contact with Board Officers, to the detriment of Board business, steps will be taken to manage the complainant's unreasonable behaviour. The purpose of this policy is to set out how the Board will go about managing such behaviour.

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1. Introduction

- 1.1. In a minority of cases people may pursue a complaint in a way that is unreasonable, by behaving unacceptably, or be unreasonably persistent in their contact and/or submission of information. This can have a significant adverse effect on the Board's resources. This unreasonable behaviour may occur whilst the complaint is still being investigated, or after the complaint has been resolved and the complainant has been informed of the conclusion, resolution and, where appropriate, any actions taken.
- 1.2. The purpose of this policy is to set out how the Board will manage incidences of unreasonable complainant behaviour.

2. What is deemed unreasonable behaviour?

- 2.1. The Board has a Complaints Procedure to ensure that all complaints are recorded and dealt with in an open and honest manner that is fair and proportionate. Should a complainant not accept the outcome of the Board's investigation of their complaint and subsequently resort to persistent contact with repetitive information either in person or by letter, or other unreasonable behaviour, the Board's Officers need to know what options are available to them to manage the complainant's unreasonable behaviour.
- 2.2. Examples of unreasonable behaviour and actions are:
 - Refusing to specify the grounds of a complaint, even if offered help to do so;
 - 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 or good practice;
 - Making unjustified complaints about Board members, or officers who are trying to deal with the issues and seeking to resolve them;
 - Changing the basis of the complaint as the investigation proceeds;
 - Denying or changing statements the complainant has already made at an earlier stage;
 - Introducing trivial or irrelevant new information at a later stage;
 - Raising many detailed but unimportant questions and insisting that they are all answered;
 - Covertly recording meetings/conversations;
 - Submitting falsified documents from themselves, or others;

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- Pursuing parallel complaints on the same issue with more than one organisation which are unreasonable;
- Making excessive demands on the time and resources of the Board's officers with long telephone calls, unannounced visits to the office, numerous emails and or detailed letters sent every few days with the expectation of an immediate response;
- Submitting repeat complaints with minor additions/variations that the complainant insists constitute a 'new' complaint;
- Refusing to accept the outcome of the complaint; repeatedly arguing points with no new evidence.

3. Consideration of the complainant's behaviour

- 3.1. When the complaint is being, or has been, properly and fairly investigated by the Board and the outcome communicated in writing to the Complainant who then refuses to accept this and continues to frequently contact the Board and/or its officers about the same complaint, the Board will invoke the Management of Unreasonable Complainant Behaviour Policy by first:
 - 3.1.1. confirming with officers that the complaint is being, or has been, properly and fairly investigated and that the final outcome is the right decision;
 - 3.1.2. confirming with officers that the final outcome and how this was decided has been adequately communicated to the Complainant in writing;
 - 3.1.3. confirming with officers that no new information has been received from the Complainant that may affect the original view on the complaint.
- 3.2. The Board will consider if the option of the Chief Executive meeting with the Complainant is feasible, to explain why his/her behaviour is seen as unreasonable, and if it is necessary for the Complainant to have a suitable independent advocate present, depending on the Complainant's needs. Failing this, the Board will:
 - 3.2.1. Instruct the Chief Executive to restrict the Complainant's access to officers. The Chief Executive will then write to the Complainant setting out how the complaint is being/has been, dealt with and the resulting outcome, and explain how the Complainant's continued communication on the matter is seen as unreasonable, culminating in the Board's decision to restrict access to his/her contact with the Board's Officers.
 - 3.2.2. If the investigation into the complaint is ongoing, the Complainant will be advised that access to Officers' time will be restricted to within a particular limit, (which will be set out in detail in the letter). This will be reviewed within a timeframe, (to be determined at the time of writing), at which point restrictions may be lifted subject to the Complainant no longer acting unreasonably. The letter should detail exactly what behaviours are deemed by the Board to be unreasonable. If

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after the review period there are grounds to continue to restrict access the Complainant should be advised accordingly.

- 3.2.3. If the investigation into the complaint has already been completed the Complainant will be advised that he/she will not have contact in person or by telephone with the Board's Officers about the complaint that has been investigated and closed. He/she will also be informed that any correspondence sent in connection with the closed complaint will be placed on file but not acknowledged, unless it contains material new information.
- 3.3. Where a decision is taken by the Board to stop responding to correspondence from the Complainant, all such correspondence will be checked on receipt to ensure it does not contain any significant NEW information before being kept on file.