



Coventry City Council

Unreasonable or vexatious complainants policy

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1. Introduction

- 1.1 The Council's Compliments, Comments and Complaints process aims to deal with complaints in a fair, consistent and proportionate manner, to find out what went wrong and try to put things right.
- 1.2 Most complaints we receive are resolved either informally or through the complaints process without difficulty, and we do not normally need to limit the frequency or nature of contact that customers may have with our staff or Councillors during this time.
- 1.3 However, in a small number of cases, some customers may interact with our staff or Councillors in a way that is unreasonable, either by behaving unacceptably or by being unreasonably persistent in the frequency and nature of their contacts. Others may pursue complaints which have appear to have no substance, or which have already been investigated and determined.
- 1.4 Such actions can impede investigation of their complaint, or complaints made by others. In some cases, they can have significant resource issues for the Council and hinder our ability to maintain normal service levels. They may also have a detrimental impact on staff wellbeing.
- 1.5 The substance of a complaint (what is alleged to have gone wrong, and its impact) should always dictate the level of resources dedicated to it, not a complainant's demands or actions.

2. Aims and objectives

- 2.1 The aim of the Unreasonable or vexatious complainants policy is to provide examples of situations where a customer, either individually or as part of a group, might be considered as acting unreasonably in pursuit of their complaint(s), and to set out how we will manage such behaviour consistently and fairly.
- 2.2 The contents of this policy are aligned with the principles of the Local Government and Social Care Ombudsman's Complaint Handling Code, their guidance on 'Managing unreasonable actions by complainants' and their 'Unreasonable complainant behaviour' fact sheet. They also reflect the Local Government Association's 'Councillors' guide to handling harassment, abuse and intimidation'.

3. Definition of unreasonable complainant actions

3.1 We understand that people may act out of character in times of frustration, anxiety or distress. There may have been upsetting or distressing circumstances leading up to a complaint. Just because someone is forceful or determined does not mean their behaviour is unacceptable.

3.2 The Local Government and Social Care Ombudsman (LGSCO) defines unreasonable complainant actions as:

‘Those which, by the nature or frequency of contact with the Council, hinder the Council’s delivery of services or consideration of their, or other people’s, complaints.’

3.3 This can include (but is not limited to):

- unacceptable complainant behaviour – which can be just one or two isolated but unacceptable incidents
- unreasonably persistent or habitual behaviour – this is usually where there is a build-up of incidents or interactions over a longer period
- vexatious complaints - these are complaints which appear to be frivolous or without substance / basis and are made specifically to cause annoyance or disruption.

3.4 It is important to distinguish between complainants who act in a legitimate but determined manner in pursuit of their complaint (i.e. those who genuinely believe that the Council is at fault, or has not dealt with their complaint properly or on time), and those who are being ‘unreasonably persistent’ (i.e. are deliberately being difficult and looking to dominate staff or Councillor attention with frequent lengthy contacts or repetitive requests for information).

3.5 We believe that all complainants should have the right to be heard, understood and respected. However, Council staff and Councillors also have the same rights and should be free to carry out their civic duties and work without fear of attack or abuse. Their safety and well-being are paramount, and the Council will not tolerate aggressive, abusive, or offensive behaviour, unreasonable demands or unreasonable persistence, or the threat or use of violence.

3.6 Staff are required to report any such incidents to the Council’s Health & Safety team, while Councillors should report them to the Members & Elections Team Manager or the Monitoring Officer. These reports will be investigated and appropriate action taken in accordance with the Council’s ‘Prevention of Workplace Violence’ policy and the ‘Protocol for serious incidents of violence and aggression.’ This may include inclusion on the Council’s ‘Potentially Violent Persons’ register or reporting to the police where appropriate.

4. Examples of unreasonable actions

4.1 Each case should be considered on its own circumstances. The examples given below are illustrative and not exhaustive and are intended as guidance to allow officers to identify complainant behaviours which may fall within these boundaries.

4.2 Examples of complainant actions which may be considered to be unreasonable include:

- Being abusive, offensive, threatening or acting in a manner intended to intimidate. This includes any use of racist, sexist, homophobic or other discriminatory language
- Making excessive demands on the time and resources of staff or Councillors through numerous and / or frequent contact in relation to a specific complaint or complaints. This can include
 - overload of emails, texts or letters
 - making lengthy or frequent phone calls
 - leaving multiple voicemails
 - expecting and chasing for immediate responses to contacts made
- Submitting repeat contacts or complaints, essentially about the same issues but with minor additions / variations, which the complainant insists make these 'new' complaints
- Adopting a 'scatter gun' approach, by pursuing parallel complaints or contacts about the same issue across various areas of the Council or with various members of staff or Councillors at the same time
- Refusing to specify the grounds of a complaint, despite offers of help with this from the Council's staff
- Refusing to co-operate with the complaint investigation process, i.e. failing to provide requested information that may be important for the investigation, yet still wishing their complaint to be resolved
- Insisting on the complaint being dealt with in ways which are incompatible with the Council's adopted complaints procedure or with good practice
- Refusing to accept that certain issues are not within the Council's jurisdiction to influence, or not within the scope of the complaints policy, despite having been provided with information about the policy's scope
- Frequently changing the basis of the complaint as the investigation proceeds
- Changing or denying statements they made at an earlier stage

- Raising many detailed but unimportant questions and insisting that they are fully answered
- Introducing trivial or irrelevant new information at a later stage, which they expect to be included and commented on
- Refusing to accept documented evidence as factual
- Providing false information and / or submitting falsified documents from themselves or others
- Making unjustified complaints about staff who are trying to deal with their complaint(s) and seeking to have them replaced
- Distributing or publishing covertly recorded interactions, including putting recordings of interactions online or live broadcasting / streaming interactions with Council staff or Councillors, without the consent of those involved
- Manipulating or editing any recordings of interactions (overtly or covertly made)
- Putting, or threatening to put, information on social media or online which includes personal information of Council staff or Councillors without their consent, and / or making defamatory statements about them online
- Persistently seeking an outcome which we have already explained is unrealistic or unachievable for policy, legal or other valid reasons
- Refusing to accept the complaint outcome; repeatedly arguing points with no new evidence, complaining about the decision reached and / or denying that an adequate response has been given
- Persistently wanting to pursue a complaint which we consider has already been investigated and responded to in full and has exhausted the Council's complaints procedure

5. Managing unreasonable complainant contact

- 5.1 Where we believe that a customer is behaving in an unreasonable manner, the Service Lead for the affected service should review the customer's original complaint to ensure it has been, or is being, correctly investigated in accordance with the Council's Compliments, Comments and Complaints policy.
- 5.2 This will include reviewing the decision reached, establishing whether there have been adequate communications with the customer, and checking that the customer is not now providing any significant new information that might affect the Council's view on the complaint.
- 5.3 The Service Lead will then contact the customer to discuss their actions, explain why their conduct is considered to be unacceptable and request that

they desist. They should also advise that restrictions may be applied or further action taken if they do not modify their behaviour. A link to or copy of this policy should also be emailed or posted to the customer for their information at this time.

- 5.4 The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be concluded briskly, without further distractions.
- 5.5 If the unacceptable actions continue, the Service Lead (or their Head of Service) will decide whether to invoke this policy and apply restrictions on future contacts by the customer.
- 5.6 Any restrictions applied must be proportionate to the nature and frequency of the customer's unreasonable actions and be decided on a case-by-case basis. Consideration must be given as to whether the behaviours may be linked with underlying health issues, conditions or disabilities and must also have regard to the Council's duty to make any reasonable adjustments under the Equality Act 2010,
- 5.7 In most circumstances it will be sufficient to only restrict access to the service(s) who have been subject to unreasonable actions, although details of the restrictions may also be shared with any other services and staff who need to know. Where actions are considered to pose a significant risk to staff or Councillors or relate to several different service areas, it may be appropriate to consider Council-wide restrictions on contact.
- 5.8 Restrictions may include:
 - Limiting the customer to one method of contact with the service, i.e. email, letter or telephone contact only (having regard to any reasonable adjustments required)
 - Placing limits on the number, length and frequency of contacts made per week or per month
 - Only considering a certain number of issues or complaints within a given time period
 - Setting a specific time slot for essential contact only (on given days and / or at defined times)
 - Restricting access to the service by appointment only
 - Blocking access to some or all of the Council's social media channels

- Restricting contact to a specified Single Point of Contact (this may include limiting contact to use of a generic email address or specified telephone number only)
- Not responding to any correspondence we consider to be abusive, offensive or unhelpful
- Where a final decision on a complaint has been made, not accepting additional complaints or engaging in further correspondence relating to the same matter, unless new, relevant additional evidence or information is provided. (Any such correspondence received will be read by a designated officer and placed on file but without acknowledgement or reply)

5.9 Where restrictions are to be applied, the Service Lead must email or write to the customer to confirm:

- why we consider their conduct to be unreasonable
- what action we are taking, including what type of contact the service will continue to allow and the frequency of that contact
- how long any restrictions will be in place for
- how the customer can request a review of the decision, and
- their right to contact the LGSCO regarding being classed as behaving unreasonably in accordance with this policy

5.10 Where the unreasonable behaviour is being made towards a Councillor rather than a service or a member of staff, the Councillor should disengage from interactions with the complainant and report the incident to the Members & Elections Team Manager, who will follow the same process as the Service Leads as set out in sections 5.1 to 5.8 above.

5.11 If restrictions are applied, the Service Recovery Team must be informed and will maintain a register of all complainants who have been classed as behaving unreasonably. This will include details of:

- the name and address of the customer
- summary of why the policy was invoked
- what restrictions were implemented and by whom
- name and contact details of Single Point of Contact (if allocated)
- period of restrictions / review date
- date customer advised by service
- date and which relevant Council departments were advised
- date restrictions removed and customer (and relevant Council departments) advised

- 5.12 The decision to restrict contact will be reviewed by the Service Lead after six months (unless otherwise specified) and relationships returned to normal unless there are good grounds to extend them.
- 5.13 If restrictions are to remain in place following the review, the Service Lead will email or write to the customer to explain the reasons for the continuation and when the restrictions will next be reviewed. They will also advise the Service Recovery Team of the outcome so that the register can be updated.
- 5.14 If, despite the decision to restrict contact, the complainant persists in behaving in a manner which is considered unacceptable, the Service Lead, in consultation with their Service Director and / or the Council's Monitoring Officer, may decide to refuse all further contact regarding their complaint and cease the investigation into it. At this point, the complainant will be referred to the LGSCO, as there will be little or no prospect of achieving a satisfactory outcome. This action will usually only be taken in the most serious cases, particularly where a complainant's actions are having an adverse impact on staff welfare.

6. New complaints

- 6.1 The Council does not support a "blanket policy" of ignoring genuine service requests or new complaints where they are founded. Any new complaints received from customers who are or have been subject to this policy will be considered on their own merits.
- 6.2 The Service Lead will decide whether any restrictions which have been previously applied are still appropriate and necessary in relation to the new complaint.
- 6.3 If the 'new' complaint is considered to be the same or broadly similar to the issues previously investigated, just with minor additions or variations, we will not investigate it. The Service Lead will email or write to the customer to explain why and advise them of their right to take our decision to the Ombudsman.
- 6.4 Where a customer tries to re-open an issue that has already been through and fully exhausted the Council's complaints procedure (including referral to the Ombudsman), the Service Lead will inform them by email / in writing that the procedure has been exhausted, the matter is now closed, and no further action will be taken.

7. Unreasonable actions by representatives

- 7.1 Some people find it helpful to have someone else such as a family member, friend, carer, advice agency or advocacy worker to help them with their complaint. They may also ask them to represent or accompany them at any meetings with the Council or with Councillors
- 7.2 While we need to ensure that a representative has consent or other lawful basis for acting on another customer's behalf, we will not place restrictions on representatives unless there are good reasons for doing so. For example, if a person wants to attend a meeting with a friend or family member for support, we will not prevent that person from speaking in the meeting without good reason.
- 7.3 In a small number of cases, some representatives may act in a way that is unreasonable. This can cause difficulties for the Council and the individual they are representing. In such cases, this policy will also apply to managing unreasonable actions by representatives where appropriate.
- 7.4 When applying this policy to a representative we will need to ensure that the individual they are representing is not disadvantaged by this. We may therefore:
- Offer to deal with the individual directly, taking account of any reasonable adjustments required or requested under the Equality Act 2010
 - Offer to support the individual to find another representative (e.g. an advocacy service)
 - Ask the individual to nominate another representative

8. Requests for review

- 8.1 A customer (or representative) deemed to be unreasonable has the right to request a review of the decision to apply this policy and / or any restrictions applied. Review requests must be submitted within 28 calendar days of the date of the notification email or letter from the Service Lead.
- 8.2 Reviews of decisions to take action or to restrict contact will be undertaken by the relevant Service Director and the outcome will be confirmed to the customer (or representative) by email or in writing.

8.3 All review requests should be sent to: servicerecoveryteam@coventry.gov.uk

or in writing to:

Service Recovery Team
Coventry City Council
PO Box 7097
Coventry
CV6 9SL

Appendix A: Single Point of Contact (SPOC) guidance

Where the issuing of informal or written warnings have not led to the desired change in complainant behaviour, it may be appropriate to appoint a Single Point of Contact (SPOC) to manage all contact and communication with the complainant.

A SPOC will usually be an appropriate Manager in the affected service, but this may be delegated to another appropriate senior officer at their discretion. Where cross-service impacts have been identified it may be appropriate for the SPOC to be within the Service Recovery Team.

The SPOC arrangements will be as follows:

- The Council will nominate one officer to be the SPOC for the complainant
- The Council will ensure that a deputy is also identified for when the SPOC is absent for leave, sickness, training, etc.
- The Council will provide the complainant with the SPOC's name and nominated contact details. This may include restricting the complainant to use of a generic email address or a specified telephone number only
- It may also be necessary for the Council to divert any other emails received from the complainant's known email address(es) to the SPOC, and / or any telephone calls received from the complainant's known number(s).
- The SPOC will review all such contacts received from the complainant to identify those which require action or a response. They will forward these to the relevant service or officer to action or to draft a response for the SPOC to issue on their behalf
- The normal timescales for responding to individual enquiries and service requests will apply to responses to be issued by the SPOC
- Where other officers receive any emails or physical mail from the complainant (in breach of the restrictions) these must be forwarded to the SPOC. This is to cover any cases of technical or administrative error, or the use of a different / previously unidentified email address by the complainant, so that further measures may be taken to manage future contact