



Procedure for Managing Vexatious Customers

1. Introduction

1.1 Wherever possible, Leicester City Council ('the Council') takes all appropriate action to investigate complaints fully and resolve our customers' issues. However, there are occasions where customer behaviour prevents this from happening.

2. Inappropriate Complainant Behaviour and Persistent Complaints

2.1 This guidance is to be used on occasions when a complainant's actions are manifestly unjustified, inappropriate, represent an improper use of a formal procedure and/or when persistent complaints are made, or a combination of the two in such a way that they impede the complaint investigation or other Council duties. This behaviour can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.

3. Examples of Inappropriate Behaviour

3.1 Examples of what we might consider to be inappropriate behaviour are shown below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:

- Using abusive or foul language via any medium;
- Any form of intimidating or threatening behaviour;
- Attempting to communicate in an inappropriate, time-consuming way such as by leaving multiple emails or calling many times in relation to the same issues already responded to by service departments;
- Complaints made that are groundless;
- Making repeated complaints about the same topic despite exhausting the complaints procedure previously.

4. Before Categorising a Customer as Vexatious

4.1 Before a complainant can be categorised as vexatious, the following process must be followed:

4.2 The relevant service must gather data on an individual that explains why they are acting in an inappropriate manner and provide a timeline of events to be given to the Complaints team. Following this, the service should send out a warning letter to the complainant which explains why their behaviour is inappropriate and that they are at risk of being categorised as vexatious.

4.3 On taking any of the above actions, the service should also create a record using the template below to be logged with the Complaints team. From the service a timeline of the number of contacts needs to be created with the following:

Date	Time	Officer time taken on matter	Outcome to date

As well as the data recorded in this template, the service should also collect details of previous correspondence for all dates recorded.

4.4 Should the complainant continue to demonstrate inappropriate behaviour or persistence, then they should be categorised as **pre-vexatious**. At this point the customer will be sent a final warning in relation to their behaviour that will outline the restrictions they could potentially face, should they continue. In addition, the letter will notify the customer that they may now only contact the Council through a single point of contact – either the Complaints Manager or another officer delegated on their behalf.

4.5 Should the complainant continue to demonstrate inappropriate behaviour or persistence subsequent to the above action being taken, then the Complaints Manager may categorise the individual as **vexatious**. The relevant individual will be notified as such and appropriate contact restrictions may be put in place as outlined below.

4.6 Every 4 months pre-vexatious and vexatious customers will have their situation reviewed by the complaints manager to determine if they are categorised appropriately. At this point, the complaints manager will evaluate their complaint and behaviour and either maintain their current categorisation, re-categorise them or remove any vexatious or pre-vexatious status.

5. Imposing Restrictions

5.1 It is the role of the Complaints Manager to determine whether a complainant is acting inappropriate and/or persistent manner. If the Complaints Manager deems that the complaint is inappropriate or persistent in nature they will review the entire details of the customer record and correspond with the customer as to why the complaint was deemed to be inappropriate or persistent. Following this, the Manager will inform the complainant of the action the Council has chosen to take against them. In such exceptional circumstances, the Council has the right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted.

5.2 These actions may include:

- Refusing to accept any further phone calls from the complainant or anyone calling on the complainants behalf
- Terminating any calls made to the Council by the complainant
- Refusal to grant any further meetings with the complainant
- Allowing limited contact with the Complaints Manager or a nominated person
- Limiting the type of correspondence the complainant can make.

5.3 All future correspondence that the complainant makes to the Council must be retained on record in line with s13.06-13.10 in the retention schedule here: <https://www.leicester.gov.uk/media/180081/retention-schedule-2018.pdf> .

Furthermore, the Complaints Team must continually review all future correspondences with the complainant to ensure limited contact is still necessary. A review is likely to happen if:

- The complainant provides new, important information of the complaint to require it to be reassessed.
- The complainant has a wholly separate complaint which warrants the use of the general complaints procedure.
- The complainant shows a change of attitude and behaviour when dealing with the Council.

5.4 Once a complainant has been categorised as ‘inappropriate and/or persistent,’ their access will be limited in some way. This will be reviewed and customers will be advised accordingly.

6. Assessing new complaints from vexatious customers

6.1 New complaints from people who have acted unreasonably before will be treated on their merits on a case by case basis. The Complaints Manager will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The council does not support a blanket policy of ignoring genuine service requests or complaints where they are well founded.

7. Record Keeping

7.1 It is the Council’s policy to keep relevant personal data collected from complainants for a maximum of 18 months **after a complaint has been resolved**, as deemed by the council. If a complainant is ever categorised as a vexatious customer, then this will be recorded as such until this 18 month period has passed. Interaction between the council and such an individual will, in this period, be informed by section 4 of this guidance.