



# Persistent and Unreasonable Behaviour Policy

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## 1 Accessibility of Document

Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

Using larger print, or a specific colour contrast

- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the document

If you would like to contact us about reasonable adjustments or alternative formats, please email [edi@dacorum.gov.uk](mailto:edi@dacorum.gov.uk) or call us on **01442 228000**

If you prefer to write to us, send your letter to:

**Equality, Diversity and Inclusion Team  
Dacorum Borough Council  
The Forum, Marlowes, Hemel Hempstead  
Hertfordshire  
HP1 1DN**

You can find information on Advocacy support here:

<https://www.dacorum.gov.uk/home/do-it-online/contact-us/advocacy-support>

## **2 What is the goal of the policy?**

Dacorum Borough Council (DBC) seeks to provide high quality services to the community it serves. Whilst most enquiries and complaints in relation to the services we provide can be dealt with via our standard service processes, a minority of cases involve people who pursue their enquiry or complaint in a way which can either impede the enquiry or have significant resource issues for the Council. This may prevent us from dealing with the issue in question and providing a service to others and may cause unacceptable adverse impact on staff wellbeing. This Policy is designed to address issues arising when such instances occur.

## **3 Who and what does the policy impact?**

We welcome feedback from all customers and representatives and recognise that it is essential to our commitment to continuously improve the services we provide. We recognise we are likely to receive both positive and negative feedback and will consider all feedback equally. However, we do not expect our staff, or those who represent Dacorum Borough Council, to tolerate unacceptable behaviour by any customer.

## **4 How does the policy comply with the law and other requirements?**

If a resident or customer of DBC behaves in a way that is considered to be unacceptable, we will follow the Council's Violence and Aggression Policy and where appropriate invoke this policy.

## **5 Supporting Policies or Procedures**

**Dependent policies / strategies:** Violence & Aggression Policy

## **6 EDI Statement**

The Council is committed to promoting equality of opportunity. The Council has procedures in place to ensure that all individuals are treated fairly and without unlawful discrimination.

## 7 Policy Statement

### 7.1 Context

#### 7.1.1 Aim of the Policy

The aim of this policy is to contribute to our overall aim of dealing with all customers in ways which are demonstrably consistent, fair and reasonable.

It sets out how we will decide the action we will take if their behaviour is unacceptable, and what we will do in those circumstances. The policy is for the information of staff and customers.

### 7.2 Policy content

#### 7.2.1 Definitions

- An enquiry or complaint becomes unreasonable when it is **pursued, regardless of its merits, to harass, annoy or subdue somebody**. It is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.
- Abusive is defined as **verbally threatening, using foul language or personally or professionally insulting**.
- Physical abuse is a crime and will be reported to the Police. DBC will fully support action to the full extent of the law.
- We have adopted the Local Government and Social Care Ombudsman ([LGSCO](#)) definition of **"unreasonable or unreasonably persistent complainant"**. Unreasonable and unreasonably persistent customers are those customers who, because of the nature or frequency of their contacts with the organisation, hinder our consideration of their, or other people's, enquiries and complaints.
- There is a distinct difference between 'persistent' customers and 'unreasonably persistent' customers. We accept that some people may be persistent because they feel we have not dealt with their complaint or enquiry properly and are not prepared to leave the matter there. Our Complaints Policy allows for the escalation of complaints internally and through the relevant external bodies, should complainants wish to use these routes.
- The following list includes examples of some of the actions and behaviours we might consider unreasonable, it is not exhaustive.
  - Failure to comply with information requests reasonably required by the Council and efforts to aid the provision of this information.
  - Failing to co-operate with reasonable requests to the investigative process while still demanding a resolution.

- The customer uses a ‘scattergun’ approach to report their issue or complaint, including internal and external parties that are not directly involved in the resolution of the issue.
  - The customer sends an excessive number of letters or emails or an excessive frequency (and duration) or telephone calls.
  - The customer is unwilling to accept the issue they are raising is not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation).
  - The customer insists on a response which is incompatible with the Councils policy, procedure or with good practice.
  - Groundless enquiries or complaints are made against staff dealing with the request or complaint.
  - There is an unreasonable number of contacts with us, by any means, in relation to a specific issue or complaint.
  - A customer continues to make persistent and unreasonable demands on staff despite being made aware of this policy and having been provided with timelines for ongoing staff contact.
  - Harassing, intimidating, verbally or physically abusing, using foul, offensive or discriminatory language or attempting any of the aforementioned towards the staff member, dealing with their enquiry or complaint.
  - The customer changes the complaint and / or makes changes to statements they have previously made, without justification thereby hindering the investigation of the complaint.
  - The customer electronically records meetings and conversations without the prior knowledge and consent of the other person involved but does not maintain the confidentiality of that recording.
  - The customer continuously contacts the Council in relation to an issue based on a historic and irreversible decision or incident.
  - The customer seeks to make contact, through any means, with staff outside of the workplace.
- Single incidents of the above may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the customer or other duties of our staff.
  - All incidents of violence and aggression to staff must be reported in accordance with the Councils [Violence and Aggression at Work](#) Policy. Staff can access documents here: [DENNIS - Violence and Aggression at Work - All Documents \(sharepoint.com\)](#)

### **7.2.2 Our Response**

In making a fair judgement we will consider:

- That customers are entitled to raise legitimate queries or concerns about any aspect of our service.
- Whether the behaviour is reasonable in proportion to any loss or wrongdoing experienced.
- The circumstances of the customer. i.e. Any known health issues or language barriers making it difficult for them to request a service.
- That customers can act out of character due to upsetting circumstances prior to them contacting us.
- When it is necessary to designate the customer as behaving unreasonably, some of following steps will be considered.
  - Offering the customer, a meeting with an officer of appropriate seniority to explore scope for a resolution of the issue and explain why their current behaviour is seen as unreasonable etc.
  - Appointing a key officer to coordinate the organisation's response(s).
  - We will be mindful of any restrictions that we decide to put in place must be appropriate for that customer, recognising our responsibilities under the Equalities Act 2010.
  - We may consider mediation or involving an advocate or representative.

### **7.2.3 Imposing restrictions**

- The relevant Head of Service will review the case and determine the action to be taken in line with the policy.
- The Head of Service will contact the customer to explain why their behaviour is causing concern. They will explain that the Council expects that staff are treated with respect and does not tolerate unreasonable behaviour towards them. The Head of Service will explain the actions that the council may take, in accordance with this policy if their behaviour does not change immediately. A copy of this policy will be provided to the customer. An update of the discussion with the customer will be updated on their record on the cautionary database or relevant system.
- If the disruptive behaviour continues, the Head of Service will consider what restrictions should apply, and the length of time they should be in place. This period could be indefinite, dependant on individual circumstances.
- The customer will be notified in writing of the details of restrictions applied and an update of the decision will be updated on their record on our cautionary database or relevant system.
- We recognise that the decision to designate someone's behaviour as unreasonable, and restrict their access to the Council, could have serious consequences for the individual and their Tenancy if a Dacorum Borough Council tenant. We will ensure that we have considered the following before imposing restrictions:
  - Communications with the customer have been appropriate.

- The customer is not providing any significant new information that may impact on the original service request and/or complaint.
  - There is evidence of sound decision making regarding the service request and/or complaint.
  - That any decision does not restrict the customer accessing statutory services.
  - Restrictions will be tailored to deal with the individual circumstances of the customer and must be relevant and proportionate to their behaviour. Restrictions may include:
    - Notifying the customer that Council representative will not reply to or acknowledge any further contact from them on that specific issue. In this case a record will be entered on to the relevant Council system used to manage customer enquiries by that team.
    - Restricting the customer's ability to send email to Council email accounts.
    - Restricting the customer from accessing direct telephone numbers of some staff
    - Restricting the customer from accessing any Council building except by pre-arranged appointment. Reception and Facility Management staff must be notified of the commencement and conclusion of any ban.
    - Requiring contact to take place with one named member of staff only, a Single Point of Contact (SPOC). The SPOC will be assigned depending on the needs of the customer.
  - Restricting telephone contact to a schedule defined by the Manager, other than reporting of emergency repairs.
  - Restricting contact to a generic email address in general or for new issues only.
    - Requiring any face-to-face contact to take place in The Forum. If this is agreed, reception staff will be notified.
  - Prior to any restrictions being imposed under this Policy guidance should be sought from the Assistance Director, Legal and Democratic Services or their nominated deputy.
  - Any application of a restriction will be entered on to the council's cautionary database or relevant system. The Customer Services & Complaints Team will manage all entries and write to the customer to advise;
    - Why the council has taken the decision
    - What action the council is taking.
    - The duration of that action. In most cases restrictions will apply for six months.
    - The review process.
- A copy of this policy will be included with the letter.
- All customers that are Council tenants will be advised that they retain the ability to report emergency repairs on 08000 18 60 50.



- Customers will be advised that they can still contact the Council for purposes such as updating their records by hard copy letter being delivered to The Forum, Marlowes, Hemel Hempstead, HP1 1DN, or via self-service channels where possible.
- Ward Councillors of the area in which the customer lives and where any issue/complaint has been raised should be notified of any restrictions placed on a resident. Customers may still contact their Ward Councillors directly; their contacts details can be found on our website: [Your Councillors \(dacorum.gov.uk\)](http://www.dacorum.gov.uk)
- Customers should be advised that they can access free advocacy using the following link, <https://www.dacorum.gov.uk/home/do-it-online/contact-us/advocacy-support>. They may also access support from Community Action Dacorum, 01442 253 935, or Dacorum Citizens Advice Bureau, 0800 144 8848 should they require assistance.

### **7.3 Appeals**

There is no Appeal process to the implementation of this Policy.

Any person aggrieved at any restriction or termination of access may make a complaint to the Local Government and Social Care Ombudsman or the Housing Ombudsman.

### **7.4 Review Process**

At the end of the designated period the Head of Service for the relevant service will review whether the restrictions should be removed or extended.

Reviews should consider how the customer has complied with the restrictions and unless there is reasonable evidence to support that the inappropriate behaviour will continue or resume if the restrictions are lifted, the restrictions should be removed.

The Head of Service should confirm the outcome of their review in writing with the customer. The Council's database will be updated.

### **7.5 New requests or complaints**

New requests or complaints from people who have come under this policy will be treated on their own merits.

The Council does not support a "blanket policy" which prevent customers raising genuine service requests or complaints. The Head of Service for the area will decide whether any restrictions which are currently in place remain appropriate and necessary in relation to the new request or complaint.

## 8 Appendices

### 8.1 Appendix 1

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