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independence together

Internal Guidance for Staff on managing unreasonable complainant/service user behaviour

Reviewed annually

Non-statutory

Signed:  (Chair of the Trust)

Date of last review: February 2026

Date of next review: February 2027

1. Introduction

In a minority of cases complainant's/service users may behave in a way that is unacceptable and/or pursue complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can have a negative impact on staff well-being and/or impede either investigating their complaint (or complaints by others) or have significant resource issues for organisations, as staff are unable to complete their wider duties in relation to providing a service to all service users. These actions can occur from complainants while their complaint is; being investigated, once it has been concluded and/or as part of every day to day contact with organisation.

This guidance adapted from the LGO's (Local Government & Social Care Ombudsman) view of good practice aims to help Rivermead Inclusive Trust staff develop a proportionate and consistent approach when responding to unreasonable service user or complainant behaviour.

2. Definition

This guidance covers 'unreasonable complainant or service user behaviour', which may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period.

The Rivermead Inclusive Trust defines unreasonable and unreasonably persistent complainants or service users as those who because of the nature or frequency of their contacts with an organisation hinder the organisation's consideration of their or other people's complaints and/or hinder the organisations ability to complete their work duties in relation to general parent complaints or more specific SEN issues.

Rivermead Inclusive Trust staff need to be aware there is a difference between 'persistent' complainants and 'unreasonably persistent' complainants. People can be justifiably persistent when their complaint has not been dealt with properly for example. The LGO upholds around 46% of complaints nationally so many are justified. In addition, almost all complainants see themselves as pursuing justified complaints.

Unacceptable behaviour from parents or service users does not always relate to a specific complaint, they can relate to the behaviours a parent or service user displays when interacting with Rivermead Inclusive Trust staff which could include bullying, offensive, threatening or unreasonable demands, expectations or unreasonably persistent communication.

Some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Rivermead Inclusive Trust staff may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved.

Situations can escalate and sometimes parents or complainants become abusive, offensive, threatening or otherwise behave unacceptably.

ACAS defines bullying and harassment as “any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others, and may happen in the workplace without an employer's awareness. Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email, not just face-to-face”.

The Rivermead Inclusive Trust has a duty to protect all its employees from unacceptable behaviour and to ensure it is able to carry out its functions for all service users and will not tolerate abuse of any kind to its staff. Complaints from parents or service users who display such behaviours will be considered to be unreasonable. Staff should record all abusive calls after discussing this with their Line Manager.

In response to unreasonably persistent or abusive complainants or service users, we may have to restrict access to premises or staff, or restrict their contact in order to ensure staff are able to provide a service to all parents and in rare cases to protect staff from harassment and harm.

3. Why have guidance?

Organisations want to deal with complainants in ways that are open, fair and proportionate. A considered, approach helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. This can also be shared with complainants and service users if they start to behave unreasonably and can help to manage their expectations and their behaviour, as far as possible.

4. Examples of unreasonable actions and behaviours

These are some of the actions and behaviours which organisations often find problematic. Single incidents 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 complaint and or our ability to provide a service to all of our service users.

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate 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 or which are not in keeping with the ethos of the organisation.
- Making unjustified complaints about staff who are trying to deal with the issues, such as seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days, and or expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Refusing to use routes for redress
- Abusive or threatening communication.

The Rivermead Inclusive Trust would expect that it would not restrict contact for any of these issues in isolation unless the risk/impact was significant. Any restrictions would need to be discussed with the CEO or Chair of the Trust. No communication protocol can be put in place without the express agreement of the CEO. The nature of the restriction must be proportionate and it must specify how long the restriction will be in place for. It must also specify a date for review.

The complainant or service user must be notified in writing about the restrictions and as well as the above, it must also make clear that the person has a right to ask the CEO to right of review about the restrictions.

5. Considerations prior to taking action

The decision to designate someone's behaviour as unreasonable, and restrict their access, could have serious consequences for the individual. So, we must be satisfied that:

- the complaint is being or has been investigated properly
- communications with the complainant or service user have been adequate, and
- the restrictions are necessary and proportionate
- When it is necessary to designate the complainant parent or service user as behaving unreasonably, consider the following
- Offering a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable.
- Sharing the guidance and warn them that restrictive actions may need to be applied if their behaviour continues.
- Setting up a meeting to agree an appropriate approach.
- Appointing a named person to coordinate and or respond
- Consider Disagreement Resolution if the complainant/service user continues to be unreasonable over a long period of time – only with the explicit agreement of the HSO/HT/CEO

6. Options for action

The following restrictions are examples; each case will need to be considered on its own merits and in line with the needs of the complainant or service user.

Any actions taken should be proportionate to the nature and frequency of the complainant's or service user's current contacts. The following options may be suitable, taking the complainant's/service user's behaviour and circumstances into account. The objective is to manage the unreasonable behaviour in such a way that their leads to resolution and means communication can be continued in a controlled and manageable manner for all. Options include:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc.).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.
- Setting up a single inbox for the complainant

Where a decision on the complaint/service user has been made, but they continue to complain you can tell them that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated person should be identified who will read future correspondence.

7. Operating the protocol

If a decision is taken to apply restricted access, write to the complainant/service user to explain:

- why the decision has been taken
- what it means for his or her contacts with the organisation
- how long any limits will last,
- what the complainant can do to have the decision reviewed, and explain that their name will be held on a central list within the organisation of unreasonable or persistent complainants

Keep adequate records to show:

- *when a decision is taken not to apply the protocol following a request for this, or*
- when a decision is taken to make an exception to the protocol once it has been applied, or
- when a decision is taken not to put a further complaint from this complainant through your complaints procedure for any reason, and
- when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.

Please remember, that when complaints about new issues are made, each case should be treated on its own merits.

8. Reviewing decisions to restrict access

When imposing a restriction on access, you should have a specified review date. Limits should be lifted and relationships returned to normal unless there are good grounds to extend them. You should tell the complainant of the outcome of your review. If limits are to continue, explain your reasons and state when the limits will next be reviewed.

9. Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

APPENDIX 1

Management of Unreasonable or Persistent Complainants/ Parent & Service Users

- 1. Staff monitors and alerts their immediate line manager explaining the nature of the incidents(s) and any impact.**
- 2. Situation is monitored and strategies put in place for example**
 - Communication expectations shared with complainant –3-day turn around for calls/emails.
 - Offer ‘a way forward’ meeting
 - Designated person to offer to make contact on a regular basis for anxious parents (e.g.1 x per week, reducing to 1 x per 2 weeks and so on)
 - Analyse situation – is the cause of the frustration (not the behaviour) justified?
- 3. Review situation every term and ensure staff are supported to manage level of calls /emails.**
- 4. Where calls /emails are abusive earlier review booked with HOS/HT/CEO**
- 5. Request restrictions are put in place**
 - Where nature of contact continues to be unreasonable discuss with HOS/HT/CEO and ask for restriction to be put in place – explain why. Provide evidence. Confirm that regular contact has taken place and any other actions the staff have taken to try and address/resolve. Confirm a response has been provided to the complainant and any concerns addressed.
- 6. Decision**
 - HOS/HT/CEO to confirm their decision in writing – to agree or not restrictions. Reasons must be provided. Review date to be agreed. Where restrictions are agreed the HOS/HT/CEO must write to the complainant and set out the nature of the restrictions, the reason for these and the review date. Senior Manager to add the complainant to a central list of persistent or unreasonable complainants.
- 7. Review**
 - HOS/HT/CEO to review with the relevant staff on or before the review date and write to the complainant with the outcome of that review
 - Where it is to end restrictions remind them that these restrictions will be put back in place if a repeat of the behaviours occurs
 - If restrictions continue it must say why and when this will be reviewed next. It should also say what behaviours would need to be seen which would change the decision