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## **SI005 Policy and Procedure for managing compliments and complaints from members of the public**

### **Policy Statement**

#### **1. Introduction**

1.1 Tyne and Wear Fire and Rescue Service (TWFRS) is committed to delivering the highest quality service to the communities of Tyne and Wear. In its pursuit of operational excellence, TWFRS recognises that there may be times when it does not meet the expected standards. Therefore, encourages feedback about its performance, whether it is positive or negative. Such feedback provides an opportunity to commend exceptional work, allowing employees to be recognised for their efforts or to learn from instances of underperformance, thereby enhancing the quality of the service provided.

#### **2. Aims and Outcomes**

2.1 TWFRS is committed to treating individuals who provide feedback fairly, reasonably and consistently. TWFRS promises to deliver a high standard of response to everyone, irrespective of the nature of their compliment or complaint or the way in which it was reported. The content of the feedback receive will not affect a service user's current or future service from TWFRS.

2.2 In accordance with our statutory duties and our commitment to equality, diversity and inclusion, TWFRS is dedicated to making this process accessible and straightforward for all individuals.

2.3 When handling compliments and complaints, TWFRS promises a customer-focussed process by:

- Listening to and treating individuals with courtesy, respect and fairness at all times.
- Explaining the next steps in the process.
- Taking ownership of the issue(s) raised.
- Keeping individuals informed throughout the process.
- Applying a fair, effective, transparent, helpful, timely and structured approach.
- Resolving complaints quickly.
- Making it easy for individuals to contact TWFRS during their complaint.
- Addressing all points raised in the complaint and providing clear reasoning for any decision made, referencing relevant policy, law and good practice.
- Sending a response within a reasonable timeframe.
- Using lessons identified from complaints to improve services and prevent similar issues in the future.
- Respecting confidentiality at all times.

### **Procedure for managing compliments and complaints.**

## 1. Introduction

1.1 This procedure outlines TWFRS's approach to managing compliments and complaints. It details how TWFRS will acknowledge, record, investigate, and respond to compliments and complaints to ensure that all compliments and complaints are properly handled from receipt to conclusion within specified timeframes.

## 2. Definitions

### 2.1 Compliment

2.1.1 A compliment is defined as praise given by an individual or business to appreciate a service provided or to thank an individual, team or department for their actions.

2.1.2 When contact details are provided, the recipient of the compliment will acknowledge receipt and pass this on to the Compliments and Complaints team for recording, as noted in section 5 of this procedure.

### 2.2 Service Request

2.2.1 The Local Government and Social Care Ombudsman (LGSCO) defines a service request as '*a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision. This provides organisations with opportunities to resolve matters to an individual's satisfaction before they become a complaint.*'

2.2.2 It is important to note that a service request is not the same as a complaint however, it may include elements of dissatisfaction. TWFRS is committed to resolving service requests promptly to prevent them from developing into complaints. Issues will be addressed through standard service delivery processes, and all service requests will be recorded and monitored by the relevant team or department.

2.2.3 If an individual expresses dissatisfaction with the response to their service request, even while it is still being addressed, a complaint may be filed. TWFRS will continue to respond to the service request, even if a complaint arises.

### 2.3 Complaint

2.3.1 The LGSCO defines a complaint as '*an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.*'

2.3.2 This definition encompasses a variety of issues, including but not limited to:

- Quality of the service.
- Delay in service.
- Non-provision of service.
- Refusal to provide a service.
- Communication related to the provision of a service.
- The behaviour and attitude of an employee involved in delivering a service.

2.3.3 Individuals do not have to use the word 'complaint' for it to be treated as such. TWFRS will allow individuals the option to formally complain.

2.3.4 Complaints can be raised through any method and with any TWFRS employee. Employees can record complaint information and forward it to the Compliments and Complaints team as outlined in section 9 of this procedure.

### 3. Exclusions from this procedure

3.1 A complaint should be raised within 3 months of the issue occurring, or from the time the individual became aware of the issue. TWFRS may exercise discretion to accept a complaint submitted after this timeframe.

3.2 Each complaint is considered on its merits, and TWFRS typically does not reject a complaint unless there is a valid reason to do so. If TWFRS decides not to accept a complaint, the complainant will be informed of the reasons for this decision and will be advised of their right to escalate the matter to the LGSCO.

3.3 The matters below are excluded from the complaint process:

- **Service requests.** If this is the first time an individual has expressed dissatisfaction, they should submit a service request for action to resolve the issue. This is the quickest way to address concerns. See section 2.2 of this procedure.
- **Complaints against Tyne and Wear Fire and Rescue Authority (the Authority) Members.** Any complaint about an Authority member must be reported to the Monitoring Officer at Sunderland City Council at [City.Solicitor@sunderland.gov.uk](mailto:City.Solicitor@sunderland.gov.uk).
- **Principal Officer complaints.** Complaints against a Principal Officer should be reported to the Chair of the Fire Authority and the Monitoring Officer should also be informed as mentioned above.
- **Employment matters.** Issues related to employee misconduct including applications, grievances, pensions and employer liability claims should be directed to Human Resources at [hr.helpdesk@twfire.gov.uk](mailto:hr.helpdesk@twfire.gov.uk). These matters are covered under separate procedures.
- **Survey responses.** Expression of dissatisfaction made through surveys are not classified as complaints. Individuals completing the survey should be informed about how to submit a service request or a complaint if they wish to do so.
- **Access to information.** Requests for information where procedures and remedies are set out in legislation (e.g. Data Protection 2018, Freedom of Information Act 2000) should be directed to the TWFRS website 'Access to Information' page.
- **Comments on policy.** Comments regarding TWFRS policy will be brought to the attention of the Executive Leadership team (ELT). Response will be limited to an explanation of the policy and may include insights into how the policy was reviewed. Comments will be considered but not investigated.
- If the issue relates to an **insurance claim** against TWFRS or if legal action has begun, or a complaint is **being or has been considered by a court or tribunal**.
- Issues that have already been considered under this procedure (e.g. an attempt to **reopen a concluded complaint or reconsidered a complaint** after final decision has been made by TWFRS or the LGSCO) are not eligible for further review.

## **4. Accessibility and awareness**

4.1 TWFRS is committed to ensuring that everyone has equal access to its services. The Service aims to make it easy individuals to give compliments or register complaints. TWFRS has taken into account its responsibilities under the Equality Act 2010 and has anticipated the needs individuals with protected characteristics who may require additional assistance. In support of this:

- Compliments and complaints can be submitted through various channels, including over the telephone, in person, in writing, by email, via the website or any other reasonable means. There is flexibility to respond to an individual in their preferred method, whether that be by telephone, face to face, via email, letter or another format if requested.
- This document is available on the TWFRS website in an electronic format, allowing font size adjustments using a screen reader. Additionally, it can be made available in a clear and accessible format upon request.
- We can provide this document and correspondence in alternative formats including Braille, large print, easy-read format and different languages as needed. Assistance and guidance also be obtained from the Service's Inclusion team.

4.2 If a complainant discloses information about their disability or requests reasonable adjustments, a record will be kept throughout the complaint handling process.

4.3 Complainants have the option to appoint a third-party representative act on their behalf such as a family member, friend, advice organisation or professional (e.g. social worker, doctor or solicitor). A representative can support a complainant throughout the process, including accompanying them to meetings related to the investigation.

4.4 TWFRS will make reasonable inquiries to verify the representative's standing by confirming with the complainant that they are aware and supportive of the representative pursuing a complaint. This may be done in person or in writing and will always be handled sensitively. This verification is not required when a Member of Parliament (MP) or local Councillor is assisting a constituent; information can be disclosed to them upon inquiry. Additionally, some lawyers may have the legal authority to act on behalf of a complainant under certain circumstances, without requiring consent to disclose information.

4.5 Complainants have the right to refer their complaint to the LGSCO at any point during the complaint process. The LGSCO may request that the Service's complaint process is fully exhausted before considering an investigation.

## **5. Accountability and responsibility**

5.1 The Principal Officers (Chief Fire Officer (CFO), Deputy Chief Fire Officer (DCFO) and Assistant Chief Fire Officer (ACFO)) are accountable for implementing this policy and procedure and overseeing the management of complaints. This responsibility also includes liaising with the Monitoring Officer, legal representatives and the LGSCO in relation to complaints, as well as escalating key issues when necessary.

5.2 The Executive Services Manager, Governance Advisor and the Executive Services Team are responsible for the day-to-day management of this policy and procedure. They will coordinate with the DCFO or a nominated member of the ELT to identify and assign an investigating officer to investigate a complaint.

- 5.3 The Executive Services Manager, Governance Advisor and the Executive Services Team ensure that complaints are logged, assigned and investigated and that outcome letters are provided to the complainant. This team has access to employees at all levels within TWFRS to facilitate prompt resolution of complaints. They have the authority and autonomy to resolve complaints promptly and fairly.
- 5.4 The ELT are responsible for supporting the DCFO and ensuring that learning from complaints is acted upon promptly and effectively implemented within their departments and throughout the Service.
- 5.5 The Investigating Officer is responsible for ensuring that complaints are investigated fairly, thoroughly and within the required timeframes. When learning opportunities are identified, they must inform the DCFO and the relevant member of ELT about any proposed improvements.
- 5.6 This document is available on the internal policy directory and guidance is provided on the compliments and complaints intranet page. All employees are required to familiarise themselves with this process, and must be capable of recording complaint information, and passing it to the Complaints team. Additionally, employees are responsible for ensuring that individuals are informed about this process and provided with information in an appropriate format.
- 5.7 All employees at the level of Station Manager or corporate equivalent and above are required to participate in the LGSCO's 'Effective Complaint Handling' training. Internal training is also available through the Management Development Pathway programme.

## **6. The complaint handling process**

- 6.1 A visual representation of the two-stage complaint handling process is shown in **Appendix A**. Complaints will be escalated through all stages of the process unless there is a valid reason not to do so. Such reasons will be communicated to the complainant and will align with section 3 of this procedure.
- 6.2 Every effort is made to resolve a complaint as close to the point of service delivery as possible. For a complaint to be resolved by frontline resolution, it must be a straightforward matter that can be addressed immediately with an explanation, apology or an action that prevents any further escalation.
- 6.3 If a frontline resolution is unachievable due to the complexity or nature of the complaint, it will be referred for formal investigation.
- 6.4 As part of the complaint handling process, the investigating officer will:
  - Clarify any aspects of the complaint that they are unclear about with the individual.
  - Evaluate the complaint on its merits, act independently and maintain an open mind.
  - Allow the individual a fair opportunity to present their position.
  - Take measures to address any actual or perceived conflicts of interest.
  - Carefully consider all relevant information and evidence.
- 6.5 A complainant may withdraw their complaint at any time. The DCFO or a nominated member of the ELT will determine whether the matter raised needs further consideration under internal management review systems.

- 6.6 If an anonymous complaint is received, the wishes of the complainant will be respected. However, they should be encouraged to provide their name and contact details so they can be informed of the outcome. Anonymous complaints will be investigated to the extent possible, and the outcome will be recorded. If there is insufficient information to conduct an investigation, the DCFO, or a nominated member of the ELT may decide not to pursue the complaint.
- 6.7 A record of each complaint will be maintained, including details of the original complaint, the date received, all correspondence with the individual, correspondence with other parties and any relevant supporting documentation. This information is retained in line with TWFRS's information governance framework and data retention scheme, adhering to the UK General Data Protection Regulation, Data Protection Act 2018 and other related requirements.
- 6.8 While complainants have the right to voice their complaints, employees involved in the complaints process have the right to be treated courteously. **Appendix B** provides guidance for managing unacceptable behaviour. Any restrictions placed on an individual's contact due to unacceptable behaviour will be proportionate and will consider the provisions of the Equality Act 2010.

## 7. Complaint stages

### Stage 1 – Complaint

- 7.1 Complaints will be acknowledged and logged **within 7 days** of receipt.
- 7.2 The complainant will receive a full, objective and proportionate response. A Stage 1 frontline resolution response will be provided **within 14 days** of the complaint being received. For Stage 1 complaints requiring investigation, a response will be provided **within 28 days** of the complaint being received.
- 7.3 The Stage 1 response will be written in clear and plain language and will address all points raised in the complaint. It will include clear reasons for any decisions made and reference relevant policy, laws and good practice where appropriate. If something has gone wrong TWFRS will acknowledge it and detail the actions taken, or intends to take, to rectify the situation.
- 7.4 The Stage 1 response will be provided to the complainant as soon as an outcome is known. If there are outstanding actions, TWFRS will monitor these actions until they are resolved and keep the complainant informed where appropriate.
- 7.5 The Stage 1 response will include details on how to escalate the matter to Stage 2 if the complainant is not satisfied with the response.
- 7.6 If the Stage 1 investigation is expected to **exceed 28 days**, the complainant will be notified. An extension will not exceed an additional **14 days** without good reason and the reason will be clearly explained. In such cases, the complainant will be provided with the contacts details of the LGSCO.
- 7.7 If a complainant raises additional issues during the investigation, these will be incorporated into the Stage 1 response if they are related, and the Stage 1 response has not yet been issued. If the new issues are unrelated to those being investigated or would unreasonably delay the response, they will be logged as a new complaint.

## **Stage 2 – Appeal**

7.8 If the complainant is dissatisfied with the resolution provided in Stage 1, they have the right to appeal the decision to the CFO. The complainant should send their request for escalation to Stage 2 **within 28 days** of receiving the Stage 1 response.

7.9 Stage 2 complaints will be acknowledged and logged **within 7 days** of the escalation request being received.

7.10 At Stage 2, the investigating officer will be different from the Stage 1. The CFO will review or investigate the complaint themselves or decide to either:

- Forward the complaint and Stage 1 investigation report to the ACFO for their review, or
- Appoint a new investigating officer to conduct a secondary investigation.

7.11 The complainant will receive a full, objective and proportionate response **within 28 days** of the Stage 2 appeal being received. This response will be written in clear and plain language and will address all points raised in the complaint. It will include clear reasons for any decisions made and reference relevant policy, laws and good practice where appropriate. If something has gone wrong TWFRS will acknowledge it and detail the actions taken, or intends to take, to rectify the situation.

7.12 The Stage 2 response will include information on how to escalate the matter to the LGSCO if the complainant is not satisfied. The Stage 2 response will represent TWFRS' final position on the matter and will conclude the complaint process.

7.13 If the Stage 2 review or secondary investigation is expected to **exceed 28 days**, the complainant will be notified. An extension will not exceed an additional **28 days** without good reason, which will be clearly explained to the complainant. In such cases, the complainant will be provided with the contacts details of the LGSCO.

7.14 If a complainant contacts TWFRS after receiving a final decision on their complaint, TWFRS will not continue communication regarding a closed complaint.

## **8. Complaint solutions and remedies**

8.1 When something has gone wrong, TWFRS will acknowledge this and outline the actions taken or intends to take to put things right.

8.2 TWFRS will consider the impact on the complainant and remedies may include, but are not limited to one of the following:

- An apology.
- Acknowledgment of where things have gone wrong.
- An explanation, assistance or reasons.
- Taking action if there has been a delay.
- Reconsidering or changing a decision.
- Amending a record or adding a correction or addendum.
- Changing policies, procedures or practices.

8.3 TWFRS will take into account the guidance issued by the LGSCO when determining an appropriate remedy. The remedy will detail what will happen and by when. Any remedy proposed will be followed through to completion.

8.4 If the proposed remedy cannot be delivered, the complainant will be informed of the reason, provided with an alternative remedy and reminded of their right to raise their complaint with the LGSCO.

## **9. Local Government and Social Care Ombudsman**

9.1 Complainants have the right to refer their complaint to the LGSCO at any point during the complaint process; however, the LGSCO may request that the Service's complaint process be fully exhausted before they will consider investigating.

9.2 If a complainant has gone through all stages of the Service's complaints process, they can request the LGSCO to consider their complaint. The LGSCO investigates complaints in a fair and independent way - it does not take sides. It is a free service.

9.3 There are some [limits on what the LGSCO can look at](#). For example, the LGSCO may not consider a complaint if the complainant has not been significantly personally affected by the issue raised, or if they have a right of appeal to a court or tribunal.

9.4 If the LGSCO identifies a failure in duties, they will assess the impact and recommend remedies for the individual as well as others affected. If a systematic policy or procedural failure is found, the LGSCO can recommend improvements. In nearly all cases, the LGSCO's recommendations are complied with, without the need for further action.

9.5 If a complainant wishes to raise their complaint with the LGSCO, they can find more information on how to do so below:

- Website: <https://complaints.lgo.org.uk/complaint-form>
- Telephone: 0300 061 0614

9.6 The LGSCO Complaint Handling Code 2024 has been used to inform this document.

## **10. Performance reporting and self-assessment**

10.1 TWFRS produces an annual compliments and complaints report, which is scrutinised and challenged by the Internal Governance Board, the ELT, and the Authority's Governance Committee before being published on the TWFRS website.

10.2 Compliment and complaint performance information is reported monthly on the internal compliment and complaint intranet page and quarterly to the Internal Governance Board.

10.3 The LGSCO's annual letter and supporting data are also reviewed and scrutinised by the Internal Governance Board, the ELT and the Authority's Governance Committee and these are published on the TWFRS website.

## **11. Scrutiny and oversight: continuous learning and improvement**

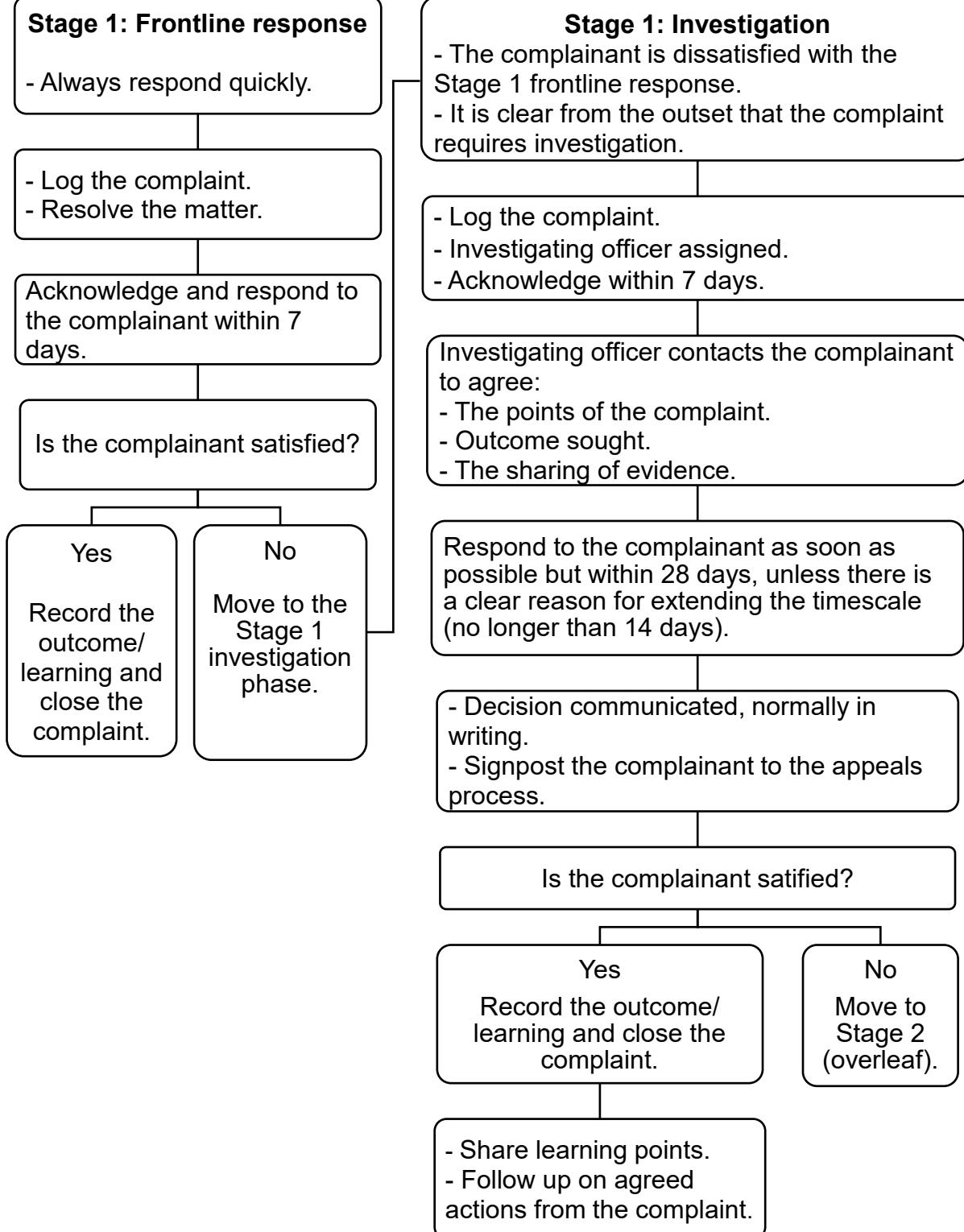
11.1 The DCFO has lead responsibility for complaint handling and ensures a positive complaint handling culture across TWFRS. With support from the Governance Advisor, they assess trends to identify any potential systematic issues, risks or policies and procedures that may require revision.

- 11.2 Compliment and complaint data is used to identify improvements that can be made to the Service. TWFRS look beyond individual complaints circumstances to consider whether service wide improvements can be implemented as a result of any findings.
- 11.3 The Authority is the public body responsible for managing TWFRS on behalf of the local community and holding TWFRS accountable for their performance.
- 11.4 The Governance Committee review TWFRS's complaint handling performance annually, considering feedback from service users and the public, as well as any improvements made to services which are detailed in the annual compliments and complaints report.

# Appendix A – The complaint handling process

## Stage 1 – Frontline response and/or investigation

A complaint can be accepted through a variety of channels, over the telephone, in person, in writing, by email, via the website or by any other reasonable means. First consideration is whether the complaint should be dealt with at Stage 1 as a frontline resolution or by investigation.



## Stage 2 – Appeal

If the complainant is dissatisfied with the Stage 1 resolution, they have the right to appeal this decision to the CFO.

A request for escalation to Stage 2 (appeal) should be sent to the CFO within 28 days of the complainant receiving the Stage 1 response.

### Stage 2: Appeal

If the complainant is dissatisfied with the Stage 1 resolution.

- Record the appeal.
- CFO, ACFO or another investigating officer assigned.
- Acknowledged within 7 days.

Respond to the appeal as soon as possible but within 28 days, unless there is a clear reason for extending the timescale (no longer than 28 days).

- Decision communicated, normally in writing.
- A Stage 2 response represents TWFRS' final position on the matter and concludes the complaint process.
- Signpost the complainant to the LGSCO.

Is the complainant satisfied?

Yes

Record the outcome/learning and close the complaint.

No

End of TWFRS complaint process and signpost to the LGSCO.

- Share learning points.
- Follow up on agreed actions from the complaint.

# **Appendix B – Guidance for managing unreasonable, persistent and vexatious complainant behaviour.**

## **1. Introduction**

- 1.1 TWFRS recognises that individuals may feel frustrated and upset when submitting a complaint. While they have the right to complain, employees involved in the complaint process also have the right to be treated courteously. TWFRS does not tolerate racist, sexist, homophobic or other discriminatory language or offensive, threatening aggressive or violent behaviour towards its employees. If an individual exhibits such language or behaviour, TWFRS will ask them to stop and may take further action to protect the wellbeing of its employees.
- 1.2 While most complaints are straightforward, there are instances where individuals pursue their complaints in a way that hinders TWFRS's ability to investigate the complaint effectively or creates significant resource issues. This can happen at any stage of the complaint process. TWFRS generally does not normally limit contact, however, it may impose conditions on how and when an individual may make contact. Direct contact with the individual may cease and appropriate action will be considered, including reporting the behaviour to the police if necessary.

## **2. Aims and Outcomes**

- 2.1 The purpose of this guidance is to help identify unreasonable behaviour and outline the actions to be taken while ensuring fair treatment for all involved. This guidance applies to complaints and should only be considered as a last resort after all reasonable measures to resolve an issue have been exhausted.
- 2.2 Raising legitimate queries or criticisms about the complaints procedure as it progresses, such as when timescales are not met, should not classify an individual as unreasonable, persistent or vexatious. Similarly, if the individual is dissatisfied with the outcome and wishes to escalate the complaint to Stage 2, they should not be considered as unreasonable, persistent or vexatious for doing so.

## **3. Principles**

- 3.1 The principles outlined in this guidance are based on the understanding that:
  - Unreasonable behaviour from an individual does not negate the existence of a legitimate issue. There may be a valid complaint expressed in an unreasonable manner.
  - Anger is natural reaction from frustration and is acceptable, provided it is not expressed through aggression, violence or discriminatory language.
  - The substance of a complaint - namely what went wrong and its impact – determines the level of resources allocated to it, not the demands or actions of the individual.
  - The safety and wellbeing of employees is paramount when dealing with unreasonable conduct from individuals.
  - Any decision to restrict contact with TWFRS will be proportionate to the impact of the unreasonable behaviours exhibited.
  - Restrictions imposed due to an individual's behaviour will still allow for access to the statutory services provided by TWFRS.

## **4. Definitions**

- 4.1 Each complaint and individual's circumstances will be taken into account; there is no universal measure to defining unreasonable actions. Careful consideration will first be given to the merits of the complaint before assessing the complainant's attitude, which may be influenced by anger, frustration, or other factors.
- 4.2 TWFRS will consider whether there is an explanation for any unreasonable behaviour. This may include unmet communication or support need. TWFRS is committed to making reasonable adjustments in line with the Equality Act 2010. If any offensive language is due to a medical condition, TWFRS will discuss this with the individual and apply reasonable adjustments where necessary. However, certain language and behaviours will always be deemed unacceptable, and appropriate actions will be taken accordingly.

#### 4.3 **Unreasonable behaviour**

- 4.3.1 Behaviour or language that may cause employees to feel afraid, intimidated, threatened or abused, e.g. the use of language that could be described as foul, offensive, inappropriate and/or racist, threats or physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

#### 4.4 **Unreasonably persistent**

- 4.4.1 Some unreasonable actions may emerge over time when an individual persists in pursuing their complaint. It is recognised that many individuals act in a legitimate but persistent manner to pursue their complaint. Those individuals who because of the frequency or nature of their contact, place a strain on time and resources may be categorised as exhibiting unreasonable behaviour. This includes pursuing complaints inappropriately, focusing on issues with no substance, or bringing up matters that have already been investigated and resolved.

#### 4.5 **Vexatious complaints**

- 4.5.1 A vexatious complaint is pursued solely to harass, annoy or undermine someone and is unreasonable, unfounded, frivolous, repetitive, burdensome or unwarranted. Examples include:
  - Deliberately seeking to defame an individual by raising a complaint with that intent.
  - Lying about an issue or incident knowing it will cause harm.
  - Basing a complaint on rumour and gossip with the intent to cause harm.
- 4.5.2 Identifying vexatious complaints can be challenging and requires careful judgement. Managers must be careful to distinguish between individuals who are raising genuine concerns; and those who are simply being difficult.
- 4.5.3 There is no exhaustive list of actions that may be classified as unreasonable, persistent, or vexatious. The following examples can be considered:
  - Using abusive, threatening language or acting in ways intended to intimidate employees, including the use of racist, sexist, homophobic or discriminatory language.
  - Making excessive demands on an employee's time and resource such as lengthy phone calls, frequently sending numerous emails or detailed correspondence while expecting immediate responses.
  - Submitting repeat complaints with minor additions or variations and insisting these are 'new' complaints.

- Refusing to specify the grounds of the complaint despite offers of assistance.
- Refusing to cooperate with the investigation process such as not providing requested information that is crucial for the investigation.
- Refusing to accept that certain issues are not within scope of TWFRS's jurisdiction or the scope of the policy and procedure.
- Insisting on the complaint being dealt with in ways, which are incompatible with the adopted complaints policy and procedure, or with good practice.
- Making unjustified complaints about employees who are trying to deal with the issue, and seeking to have them replaced.
- Frequently changing the basis of the complaint as the investigation proceeds.
- Denying or changing previously made statements during the investigation.
- Raising numerous detailed but trivial questions and insisting they all be answered.
- Providing false information or submitting falsified documents.
- Adopting a 'scatter gun' approach by pursuing parallel complaints or contacting various employees within TWFRS and other organisations simultaneously.
- Introducing trivial or irrelevant information at a later stage of the process.
- Refusing to accept a decision; repeatedly arguing points without presenting new evidence.
- Putting, or threatening to post information on social media or websites that includes personal information about an employee without consent or making defamatory statements about them online.

#### **4.6 Unreasonable actions by representatives**

4.6.1 Having a representative can be beneficial when pursuing a complaint. TWFRS does not typically restrict the use of a representative unless there is a valid reason. The aim is to ensure that the individual being represented is not disadvantaged by any decision made.

4.6.2 To prevent any disadvantage TWFRS would consider taking the following action:

- Offer to address the individual directly while considering any reasonable adjustments required under the Equality Act 2010.
- Request that the individual to nominate another representative.
- Provide assistance in finding a new representative (e.g. advocacy service).

#### **5. Actions prior to designating a complainant as unreasonable**

5.1 TWFRS will ensure that the details of a complaint are not overlooked due to how it was presented by an individual. Before imposing restrictions, TWFRS will:

- Confirm that the complaint is being, or has been addressed appropriately, and that reasonable actions will follow or have followed the final response.
- Ensure the individual has been kept informed and that communication was adequate before they became unreasonable or persistent.
- Check if new or significant concerns have been raised that warrant consideration as a separate complaint.
- Apply criteria with care, fairness and due consideration for the individual's circumstances, including any physical or mental health conditions that may explain difficult behaviour. This also includes the impact of bereavement, loss or significant change to the person's lifestyle, quality of life or life expectancy.
- Consider the proportionality and appropriateness of any proposed restrictions in relation to the behaviour exhibited and the impact.

- Ensure that the individual is made aware of the existence of this guidance and given a chance to amend their behaviour.

5.2 Before designating an individual's contact as unreasonable, TWFRS will explore further actions that can be taken. This may include:

- Discussing the issue with a senior manager who has not been involved in the complaint to obtain an independent perspective.
- Developing a strategy to agree on a cross-departmental approach if there are multiple contact points.

5.3 When dealing with an unreasonable individual TWFRS will consider how communication will be managed. This may involve:

- Informing the individual that TWFRS does not handle calls or correspondence that are abusive, threatening, offensive or discriminatory.
- Limiting the complainant to one form of contact (e.g. telephone, letter, email, etc.).
- Restricting the number of calls made or agreeing on a schedule for contact.
- Requiring contact with a designated employee and agreeing on when that contact should occur.
- Requiring contact to be made through a third party such as an advocate.
- Holding face to face meetings in the presence of a witness and at a suitable location.
- Informing the individual of a reasonable timeframe to respond to correspondence.
- Notifying the individual that future correspondence will be read, and placed on file, but not acknowledged.

## 6. Process for managing unreasonable behaviour

6.1 Once a decision has been made that an individual is behaving unreasonably, TWFRS will take appropriate and proportionate action. The DCFO or a nominated member of the ELT will write to the individual informing them of one or more of the following options:

- Their complaint is being investigated and a response will be prepared and issued as soon as possible within the agreed timeframe.
- Their complaint has been thoroughly addressed and there is nothing further to add.
- Repeated contact regarding the complaint is unacceptable, and further calls will be terminated, and further correspondence will not be acknowledged.

6.2 Employees involved in the process should be informed of the decision to ensure a consistent and coordinated approach across TWFRS. However, only information pertaining to the restriction will be shared, not the details relating to the subject of the complaint.

## 7. Matters to take into account before taking action

7.1 Before invoking this guidance, TWFRS will assess whether further action is necessary. This may include:

- Convening a meeting between the individual and the DCFO or a nominated member of the ELT to seek a mutually agreeable resolution.
- If the individual has contacted more than one department, a cross-departmental approach will be established with a designated officer appointed to coordinate TWFRS' response.

7.2 The DCFO or a nominated member of the ELT will ensure that the individual's circumstances, including factors such as age, disability, gender, race, religion or belief are taken into account before any action is taken in this guidance.

## **8. Imposing restrictions**

8.1 The DCFO or a nominated member of the ELT will communicate with the individual to explain concerns about their behaviour and request that they change it. They will also outline the possible actions TWFRS may take if the behaviour does not change.

8.2 If the individual persists in their unreasonable behaviour, the DCFO or a nominated member of the ELT will consult with the Monitoring Officer to consider appropriate action. This may include restricting the individual's access to employees by appointing a liaison officer as a contact or requiring written communication with TWFRS.

8.3 Upon deciding whether to apply this guidance, the DCFO or a nominated member of the ELT in conjunction with the Monitoring Officer will inform the individual in writing:

- Why their behaviour is unacceptable.
- The planned action that TWFRS will take.
- The duration of those actions and how, and when they will be reviewed.
- How to challenge the decision if they disagree with it.
- In instances of extreme behaviour that poses a threat to the safety and welfare of employees, TWFRS will consider reporting the matter to the police or taking legal action – this may occur without prior warning.
- They have the right to contact the LGSCO if they believe they have been treated as an unreasonably persistent complainant.

8.4 Any restriction imposed on the individual's contact with TWFRS will be appropriate and proportionate. The individual will be informed of the duration of the restriction, which ranges from three to six months but may be extended in exceptional cases.

8.5 If the complainant continues to behave unacceptably, the DCFO or a nominated member of the ELT in consultation with the Monitoring Officer may decide to refuse all contact with the complainant and cease any investigation into their complaint.

## **9. Review**

9.1 The DCFO or a nominated member of the ELT will review any imposed restrictions after three months and then every three months thereafter.

9.2 If a decision is made to extend the restriction, the individual will be notified in writing and the outcome of the review will be communicated to them. If after the restricted period, the individual's behaviour is no longer considered unreasonable, TWFRS will confirm in writing that the restrictions have been lifted.

## **10. Ceasing contact with a complainant**

10.1 If a relationship between TWFRS and the individual completely breaks down, TWFRS will notify the them that they may approach the LGSCO even before the procedure has concluded.

10.2 Consideration will also be given as to whether TWFRS should take further action, such as involving the police, legal action or health and safety procedures.

## 11. Record keeping

11.1 A record will be maintained for all individuals identified as unreasonably persistent in accordance with this guidance. The record will include details of why the guidance was applied, the imposed restrictions and the duration of the restrictions. Anonymised information about the application of this guidance will be reported in the compliments and complaints annual report.

## 12. Authority for Issue

<b>Policy</b>	SI005 Policy and Procedure for managing compliments and complaints from members of the public		
<b>Classification:</b>	Official		
<b>Version Number:</b>	4.0		
<b>Version Date:</b>	October 2025		
<b>Author:</b>	Governance Advisor		
<b>EIA Completed:</b>	Yes	Date:	30/10/2025
<b>Consultation:</b>	Staff	Date:	
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	SLT	Date:	18/11/2024
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<b>Authorisation:</b>			
<b>Implementation:</b>	Published online	Date:	
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<b>Link to Strategy:</b>			
<b>Links to other policies:</b>	IG005 Data and Record Retention Policy. IG006 Data Protection and General Data Protection Regulations Policy.		