

Policy On Dealing With Unreasonable And Unreasonably
Persistent Complainants.

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1. Policy Statement

- 1.1. Transport for London (TfL) is committed to providing a high quality service to everyone we deal with. We value all kinds of customer feedback, and expressions of dissatisfaction are treated seriously and recognised as a tool for us to identify and implement service improvements.
- 1.2. TfL are also accountable for the proper use of public funds and we must ensure that money is spent wisely and demonstrates value for all of our customers and the wider public.
- 1.3. We are committed to dealing with all customers fairly and impartially. As part of this service we do not normally limit the contact that our customers have with us. However, in a minority of cases, customers can pursue their complaints or queries in a way which can either impede the investigation of their issue or can create serious resource issues. These actions can occur either while their complaint is being investigated, or once we have concluded our investigations.
- 1.4. This policy aims to guide TfL staff in the management of unreasonable or unreasonably persistent customer complaints. It is based on what the Local Government Ombudsman would regard as good practice in dealing with such customers, and what the Information Commissioner would regard as good practice in relation to repeated or vexatious requests.
- 1.5. An unreasonable or unreasonably persistent customer can take up a disproportionate amount of time that can hinder the other work of staff. We must therefore ensure that we use our resources wisely and limit the amount of time spent on queries that we consider to be unreasonable or unreasonably persistent.
- 1.6. Complainants demonstrating unreasonable behaviour and unreasonably persistent complainants may have justified complaints or grievances but are pursuing them in inappropriate ways; or, they may be intent on pursuing complaints that appear to have no content or which have already been investigated and responded to.
- 1.7. The decision to restrict contact with our offices will be taken by the Contact Centre Performance Managers (or their equivalent in Business Units where appropriate) in consultation with the relevant senior management, and will normally follow a prior warning to the

complainant. Any restrictions imposed will be appropriate and proportionate. Amongst the options we may consider are:

- Requesting contact in a particular form (for example, written correspondence only);
- Requiring contact to take place with a named case manager;
- Restricting telephone calls to specified days and times; and/or
- Asking the customer to enter into an agreement about their future contact with us.

1.8. In all cases, where we decide to treat a customer as an unreasonable or unreasonably persistent complainant, we will write to tell the customer why we believe their behaviour falls into that category, what actions we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

1.9. If we decide to carry on treating someone as an unreasonable or unreasonably persistent complainant and we are still investigating their complaint three months later, we will carry out a review and decide if restrictions will continue.

1.10. Where a customer whose case is closed persists in communication with us about the same issue, we may decide to terminate contact with that customer about the matter. In such instances, we will read all correspondence from that customer, but unless there is fresh evidence which affects our decision on the complaint we will either acknowledge it without further comment, or place it on the file with no acknowledgement.

1.11. New complaints dealing with unrelated issues from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

2. Definitions

2.1. For the purposes of this policy unreasonable and unreasonably persistent complainants are defined as being those who, because of the frequency or nature of their contact with TfL, hinder TfL's consideration of their or other people's complaints, unduly impact on the conduct of TfL's business or require a disproportionate level of resource.

2.2. It is important to differentiate between "persistent" complainants and "unreasonably persistent" complainants. A persistent customer may submit a repeat complaint on the entirely reasonable basis that they feel

that TfL has not dealt with their complaint properly and are not prepared to leave the matter there.

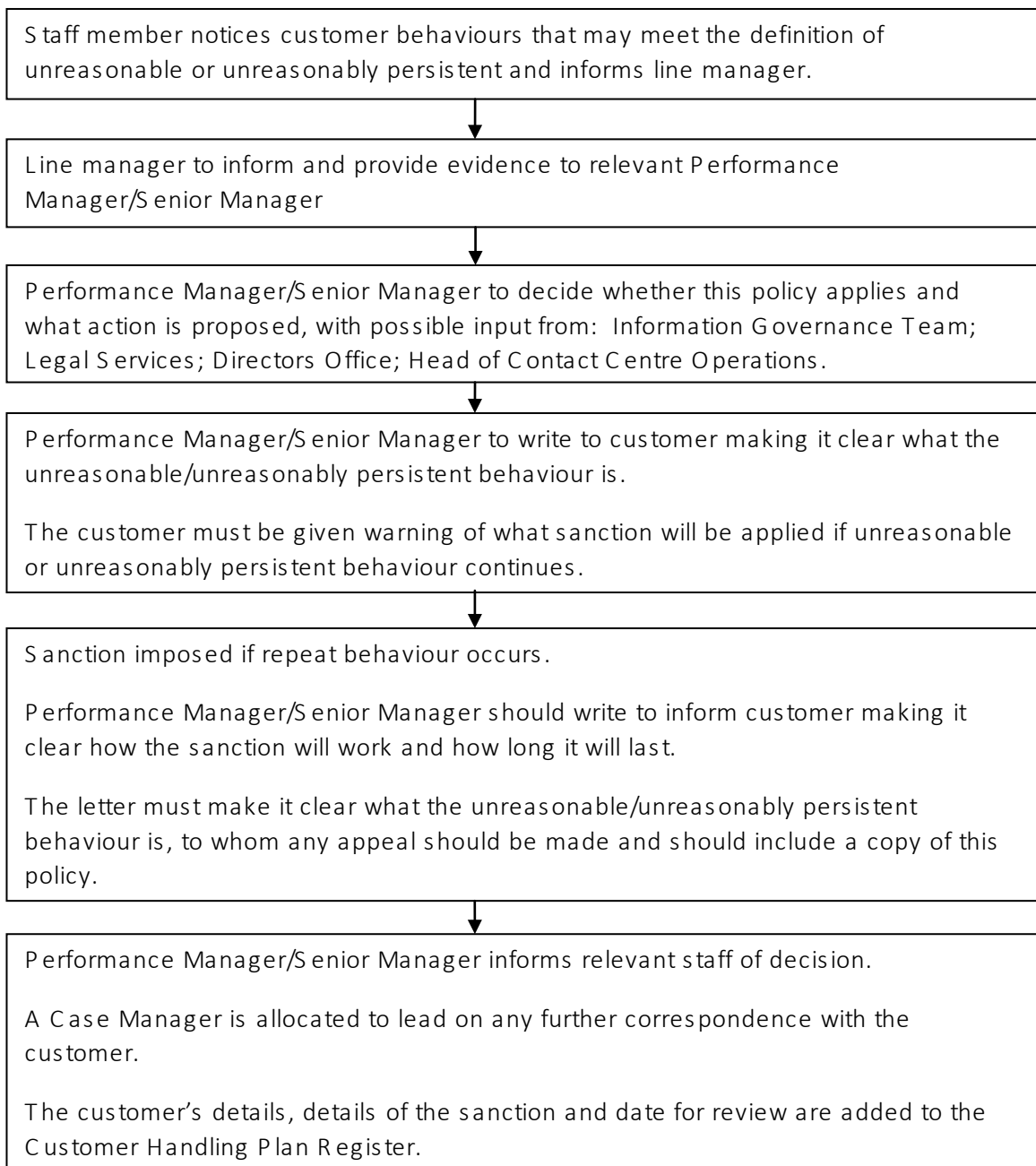
- 2.3. Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but may be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined.
- 2.4. Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent complainant. Similarly, the fact that a customer is unhappy with the outcome of a complaint and challenges it once, or more than once, should not necessarily cause them to be labelled unreasonably persistent. TfL has a well-established complaints procedure which allows people to pursue their complaint through three stages, and on to the Ombudsman or London TravelWatch, if they remain dissatisfied with the outcome.
- 2.5. One or more of the following indicators can be characteristic of unreasonable or unreasonably persistent complainants. They make complaints, requests, concerns or enquiries that:
 - Clearly do not, or no longer have, any serious purpose or value
 - Are obviously vexatious in nature
 - Have the effect of causing disruption or annoyance
 - Have the effect of harassing TfL or its staff or,
 - Can otherwise fairly be characterised as obsessive or unreasonable
 - Take up an unreasonable amount of time and hinder the other work of TfL.
- 2.6. Unacceptable behaviour can include
 - Abusive, offensive or threatening behaviour
 - Behaviour which amounts to bullying or harassment
- 2.7. The following are examples of customer actions/behaviours which may cause this policy to be invoked:
 - Unwillingness to comply with TfL's procedures

- Insisting on issues or requests being dealt with in ways which are incompatible with TfL's procedures or with good practice.
- Making unreasonable demands of TfL staff or setting unreasonable timescales for response.
- Making unreasonable requests in relation to who should deal with their complaint, enquiry or request, or how it should be dealt with.
- Repeatedly being unwilling to accept documented evidence.
- Insisting incorrectly that no response has been received or that the response is unacceptable.
- Sending a high volume of letters, emails and/or phone calls (at times to multiple recipients).
- Continuing to add new, or making trivial, complaints, requests or enquiries.
- Repeatedly complaining or making repeat requests about similar issues after they have already been dealt with.
- Making many complaints, requests or enquiries about different issues in succession.
- Refusing to specify the grounds of a complaint, despite offers of assistance with this from TfL's staff.
- Making groundless complaints about the staff dealing with the complaint or request, and seeking to have the staff replaced.
- Refusing to accept that issues or requests are not within the remit of a procedure despite having been provided with information about the procedure's scope. For instance if the customer has been advised that a complaint or request is within the remit of another authority, yet refuses to accept this.
- Changing the basis of a complaint or request as it proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information which the customer expects to be taken into account, or raising large numbers of detailed but unimportant questions and insisting that they are fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

- Adopting a “scattergun” approach; pursuing complaints or requests with TfL and, at the same time, with a Member of Parliament/a Councillor/legal services/local police/solicitors/the Ombudsman.
- Submitting repeat complaints or requests, with minor variations, after the processes have been completed.
- Refusing to accept a decision and/or repeatedly arguing points with no new evidence.
- Combinations of some or all of the above.

3. The Process.

3.1. If any member of TfL staff experiences one, or a number of, the examples given in the definitions section then they may be dealing with an unreasonable or unreasonably persistent customer. In this instance they are advised to follow the process below:



Deciding when to apply the policy

- 3.2. No action under this policy should be taken until the customer has received a written warning. This warning should advise what action and sanction Tfl proposes to take if the unreasonable or unreasonably persistent behaviour continues. This offers the customer the opportunity to amend their behaviour prior to any sanction being imposed. The warning letter must make it clear what the unreasonable or unreasonably persistent behaviour is and should quote dates and times of its occurrence.
- 3.3. It is important to remember that an unreasonable or unreasonably persistent customer may have a valid complaint, concern or request. Before deciding whether the policy should be applied the Performance Manager/Senior Manager should always be satisfied that:
- The complaint, enquiry or request has been dealt with properly.
 - Any decision reached is the right one
 - Communications with the customer have been adequate and appropriate and,
 - The customer is not providing any significant new information that might affect Tfl's view.
- 3.4. Once satisfied with the above points the Performance Manager/Senior Manager should then consider whether further action is necessary prior to making the decision to designate the customer as unreasonable or unreasonably persistent. Examples might be:
- If no meeting has taken place between the customer and an appropriate Tfl representative then this should be considered. The aim of the meeting should be to move matters towards a resolution.
 - If one or more team or directorates are being contacted by an unreasonably persistent customer, consideration should be given to meeting to agree a cross-directorate case handling strategy, with responses to the customer coordinated by a key case manager.
 - If the customer has special needs, an advocate might be helpful to both parties. Consideration should be given to offering the customer assistance to find an independent one.
 - Before applying any restrictions, the customer should be given a warning that if his/her actions continue Tfl may decide to treat him/her as an unreasonably persistent customer, and an explanation why.

4. What action to take

4.1. The precise nature of the action that TfL takes must be appropriate and proportionate to the nature and frequency of the complainants' contacts with TfL at that time. The performance Manager/Senior Manager could employ one or a mix of the following possible options:

- Placing time limits on telephone conversations and personal contacts
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week).
- Limiting the customer to one medium of contact (telephone, letter, email etc) and/or requiring the customer to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness
- Refusing to log and process further complaints or correspondence about the same matter
- Restrict the customer's contact and/or access to TfL offices

5. Where the behaviour is considered to be harassment/aggressive

5.1. Behaviour which threatens staff safety and welfare may lead to police involvement or legal action. In such cases, where there is a need or justification for protecting staff, TfL may not need to give the customer prior warning of this action.

6. Where this policy is instigated

6.1. If TfL decides to designate a customer as unreasonable or unreasonably persistent then this will be communicated to the customer, in accordance with their needs, in the following ways:

- Sending the customer a copy of this policy
- Explaining why the policy is being applied to the customer
- Detailing what it means for their future contact with TfL and how long any restrictions will last
- Explaining how the customer may challenge this if they disagree with the course of action by means of an appeal to a more senior named manager.
- The relevant Performance Manager/Senior Manager will then inform the appropriate staff and managers that this action has been taken.

- 6.2. The customer can challenge the action taken by appealing to the named Senior Manager within 10 working days of the initial notification being sent. The named Senior Manager will review the case to determine whether:
- The correct decision was made to invoke the policy and/or
 - Any particular restrictions applied are justified.
- 6.3. The named Senior Manager will aim to complete the review within 20 working days and will write to advise the customer of
- The outcome of the review
 - If restrictions are to continue to be applied
 - If so, when these will next be reviewed.
- 6.4. The Performance Manager/Senior Manager will review any restrictions that have been placed on a customer in six months, or when there has been any further contact from the customer, if sooner.
- 6.5. If a customer to whom the policy has been applied has no contact with TFL within the six month period, the Performance Manager/Senior Manager will review the position and take a decision whether the sanctions in place should be cancelled. The outcome of the review will be noted on the Customer Handling Plan Register and within the Contact Centre Operations complaints management system.
- 6.6. If the sanctions are cancelled, urgent consideration will be given to re-introducing the sanctions if the behaviour which led to the original decision re-commences.
- 6.7. In relation to complaints, if the customer has exhausted TFL's complaints procedure, they are able to request an independent investigation via London TravelWatch or the Local Government Ombudsman.

7. Information and record keeping

- 7.1. Whenever this policy is applied, TFL will record:
- Any correspondence or interaction with the customer whether written or verbal, (to be documented) on the Contact Centre Operations (CCO) complaints management system.
 - Where this decision is made outside of the Contact Centre Operations department, the information about the complainant and the case/s will

be forwarded to CCO and included within the Customer Handling Plan Register.

- Full details of the complaint or enquiry, including the complainants contact details.

7.2. Adequate records will also be kept to show:

- When a decision has been taken not to apply the policy when a member of staff asks for this to be done, or
- When a decision is taken to make an exception to the policy once it has been applied, or
- When a decision is taken not to put a further complaint from the customer through the complaints procedure for any reason, and
- When a decision is taken not to respond to further correspondence, that any further letter, faxes or emails from the customer are checked to pick up any significant new information.

8.3 Customer records will be retained electronically by TfL for a period of no longer than 5 years, at which point they will be deleted.

8. Referring Complainants to the LGO

8.1. Relations between organisations and customers sometimes break down badly while complaints are under investigation, leaving little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the organisation's complaints procedure. In these circumstances, the LGO may, exceptionally, be prepared to consider complaints before the complaints procedure has been exhausted, if the request is made by both sides to the dispute.

8.2. A complainant who has been treated as behaving unreasonably may make a complaint to the LGO about it. The LGO is unlikely to be critical of the organisation's action if it can show that it acted proportionately and in accordance with its adopted policy.

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Policy Status: Draft version 3

Date: 23.01.2013