
Unreasonable Customer Behaviour and Persistent Complaints Policy

Where does this Policy sit?

This Policy sits above the General Complaints Policy and all other Council complaints policies. It applies whenever a customer's behaviour meets the definitions below, regardless of which complaints process they are using.

Where behaviour is aggressive or violent, the Zero Tolerance Policy – Protecting Employees and Councillors from Harm also applies.

This Policy has been prepared in accordance with the Local Government and Social Care Ombudsman's Complaint Handling Code (February 2024), which requires organisations to have policies for managing unacceptable behaviour and to ensure that any restrictions placed on a customer's contact are proportionate and compliant with the Equality Act 2010.



Elmbridge
Borough Council

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Introduction

This Policy identifies the types of customer behaviour the Council considers unreasonable and sets out the action that employees can take in response. Its purpose is to make clear what employees can do to deal with unreasonable behaviour, while ensuring customers always retain access to Council services and have a fair opportunity to resolve their concerns. Any restrictions placed on a customer's contact with the Council will be proportionate and will take into account the provisions of the Equality Act 2010. We will be able to evidence the reasons for any restrictions we put in place and will keep them under regular review.

Recognising unreasonable behaviour

We understand that people can act out of character when they are stressed, upset or unhappy. We will always try to offer the best service we can, even in difficult circumstances.

When people are angry, demanding or persistent, this can place unreasonable demands on a service or result in unacceptable behaviour towards employees. It is not always easy to define when behaviour becomes unreasonable, and it may only become apparent over time.

When assessing behaviour, we will take the following into account:

- It is reasonable for customers to raise legitimate queries or criticisms about how a request, enquiry or complaint has been handled.
- The same behaviour may be unreasonable in one set of circumstances but not in another. We will always consider the specific context.
- We will consider whether the customer has health issues, language or comprehension difficulties, or other circumstances that make it harder to engage with us.
- Appropriate adjustments for equality and diversity will be taken into account, in line with the Council's duties under the Equality Act 2010.
- Unreasonable behaviour does not necessarily mean the customer is wrong about the underlying issue.

We have defined two broad categories of unreasonable behaviour.

Category 1: Aggressive or abusive behaviour

This is the use of language (spoken or written) or behaviour that may cause an employee or councillor to feel afraid, threatened or abused. Examples include threats, physical aggression, verbal abuse, rudeness, insulting or offensive remarks, inflammatory statements and unsubstantiated allegations.

We expect our employees and contractors to treat everyone with respect. We also expect our employees, contractors and councillors to be treated with the same respect.

We understand people can be angry or upset in difficult situations. When this escalates into aggressive or abusive behaviour, it is unacceptable.

We have a zero-tolerance approach to racist, sexist, homophobic or other discriminatory behaviour directed at any employee, councillor or contractor.

Where behaviour threatens bodily harm, constitutes an unlawful act, or includes racist or homophobic conduct, the relevant manager or team leader will consider reporting it to the police and will take any further action they consider appropriate.

Where behaviour is unsafe for employees or councillors, we may activate our Zero Tolerance Policy. If we do this, we will tell you.

Category 2: Unreasonable persistence and demands

Some people cannot or will not accept a decision that has been taken or an explanation that has been given. Contact of this nature can place a disproportionate burden on the Council's resources. Examples may include:

- Making excessive demands on employees' time through lengthy calls, emails to numerous Council employees, or detailed correspondence sent very frequently, and expecting immediate responses.
 - Generating excessive correspondence using Artificial Intelligence (AI) tools (see below).
 - Using pseudo-legal arguments deliberately designed to avoid legal obligations (see below).
 - Submitting repeated contacts or complaints with only minor changes, claiming each one is 'new'.
 - Refusing to specify the grounds of a complaint, despite offers of help.
 - Refusing to cooperate with a complaint investigation – for example, failing to provide requested information.
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- Insisting a complaint is handled in a way incompatible with our complaints procedure or good practice.
- Making unjustified complaints about employees who are trying to help, and seeking to have them replaced.
- Frequently changing the basis of a complaint as the investigation proceeds.
- Raising many detailed but unimportant questions and insisting all must be answered.
- Providing false information or submitting falsified documents.
- Pursuing complaints or contacts about the same matter with multiple organisations at the same time.

We consider these actions unreasonable because they take up a disproportionate amount of time and resource, which affects the service we can offer to all customers.

Use of Artificial Intelligence tools

We recognise that AI tools can sometimes help customers explain their complaints more clearly. However, we want to hear from you in your own words: what went wrong and what you would like us to do about it.

Where AI tools have been used to generate excessive, repetitive or unnecessarily complicated correspondence, we may ask you to resubmit your complaint in your own words. Where this appears to be deliberate, we may decline to deal with the complaint until it is resubmitted, and will explain how to do so.

Freeman of the Land and other pseudo-legal arguments

The Council will not engage with customers who deliberately use artificial legal arguments to avoid their responsibilities, such as liability for Council Tax or parking fines.

Organisations such as the Freeman of the Land movement wrongly assert that people are only bound by laws to which they have personally consented. The Courts of England and Wales have repeatedly dismissed these arguments.

Liability for Council Tax is set by the Local Government Finance Act 1992. It does not depend on consent or a contractual relationship with the Council.

Examples of correspondence we will not engage with in detail include:

- Demands that the Council prove the customer has 'consented' to its procedures or legislation.
- Submissions of 'affidavits' or pseudo-legal declarations with artificial deadlines for a response.
- Use of pseudo-legal terminology, unusual name formatting, red ink

thumbprints or postage stamps as 'authentication'.

- References to Magna Carta, the Coronation Oath Act 1688, maritime law or similar inapplicable law.
- Claims of 'sovereign citizen' or 'Freeman on the Land' status as grounds for exemption from legal obligations.
- Claims that the Council is a 'limited company' or private corporation.
- Demands for 'VAT invoices', 'bonds' or 'proof of oath' from Council employees.

Where we identify correspondence of this kind, we will send a clear, firm letter explaining that these arguments have no legal merit and will not be accepted. We will enclose this Policy and will not engage further with the content.

The customer will be given one opportunity to correct their behaviour. The Council will not give repeated warnings and may proceed directly to enforcement action. The customer may be liable for the Council's legal and enforcement costs in full.

We will advise the customer to seek proper legal advice from a qualified solicitor. The Council may also apply any of the other measures in the Managing Contact section below.

Managing unreasonable behaviour

Customers must always be treated with respect and must always be able to access Council services and their democratically elected representatives.

If an employee considers a customer is behaving unreasonably, they should report it to their manager. The following steps apply.

Step 1 – Identify the behaviour and the right policy

Establish whether the behaviour falls within this Policy or requires action under the Zero Tolerance Policy. Where behaviour is aggressive or violent, the Zero Tolerance Policy takes precedence.

Step 2 – Give the customer an opportunity to change their behaviour

Employees are empowered to warn customers of the consequences of their actions. This gives the customer the opportunity to reflect and modify their behaviour. Employees may take immediate steps – such as ending a phone call, asking

someone to leave the premises, or pausing communications. Any immediate action should be followed by an informal warning, a written communication, or consideration of further action under this Policy or the Zero Tolerance Policy. If a customer has failed to respond to an informal warning, the service manager should consider issuing a formal written warning based on the evidence available.

Managing contact

If a customer continues to behave unreasonably after exhausting all internal review processes, the Council may manage future contact. This is a serious step but may be necessary to protect employees and councillors and to deliver services effectively to all customers.

Any decision to manage contact must be proportionate and must take into account the provisions of the Equality Act 2010. The Council must be able to evidence the reasons for the decision and will keep it under regular review. Managing contact could include:

- Refusing to acknowledge or respond to correspondence that raises no new issues or is abusive in tone.
- Identifying a Single Point of Contact within the Council – a specific phone number, named employee or email address. Contact from other accounts or numbers may be blocked.
- Only taking calls at set times on set days.
- Declining to take further telephone calls, but offering an alternative contact method.
- Requiring the customer to contact the Council only by a specific method, such as in writing.
- Placing time limits on calls and personal contacts.
- Requiring the customer to make an appointment to speak with an employee.
- Making clear which issues will and will not be considered, and asking the customer to be specific.
- Requiring the customer to make an appointment to see their councillor.
- Requiring the customer to sign an agreement about their future behaviour towards the Council.

Recording and communicating decisions

We will keep an official record of any decision to manage contact, including the reasons for it. Any such decision must be agreed by a member of the Corporate

Management Board.

We will write to the customer to explain:

- Why the decision has been taken.
- What action has been taken.
- How long the restrictions will be in place (with a review date, normally between three and six months).
- The review process.
- Their right to raise the matter with the Local Government and Social Care Ombudsman.

Where the customer has referred a complaint to the Local Government and Social Care Ombudsman or the Housing Ombudsman, we will inform the relevant Ombudsman of the steps we have taken.

Review of managed contact decisions

We will review any decision to manage contact at least every six months. This reflects guidance from the Local Government and Social Care Ombudsman. At each review we will consider whether the restrictions remain necessary and proportionate in light of the customer's behaviour since the decision was taken.

Review

This policy will be reviewed annually in accordance with guidance from the Local Government and Social Care Ombudsman, or sooner if there is a significant change in legislation or guidance.

Approved by Cabinet: March 2026 | Effective from: 1 April 2026