

HS2 Ltd Unreasonable, Disproportionate and Persistent Complaints Policy

Purpose:

We know that building HS2 will affect the lives of thousands of people. We need many other companies to do work on our behalf and we all aim to be good neighbours every day. Any expression of unhappiness about the service provided or construction works carried out by or on behalf of HS2 Ltd will be treated as a complaint. In most cases, complaints can be dealt with quickly and efficiently.

On occasions, the behaviour of some complainants can make investigating and resolving a complaint difficult, unnecessarily time consuming, distracting and wasting publicly funded resources.

We do not expect our staff to tolerate behaviour that is intimidating, abusive or offensive, or disproportionate to the point that contact hinders consideration of their, or other people's, complaints. If we feel any behaviour is unreasonable, we will take appropriate steps to address the situation. This policy explains how we will manage such behaviour.

Principles

HS2 Ltd considers the following behaviours constitute unreasonable, disproportionate or persistent behaviour, however this is not an exhaustive list:

1. Refusing to cooperate with the complaint investigation process including refusing to provide fundamental details of the nature of the complaint and insisting on the complaint being handled in ways which are incompatible with, or outside the scope of, the adopted complaints procedure.
2. Refusing to accept that the complaint in question concerns an historic irreversible decision or incident.
3. Changing the basis or aspects of the complaint as the investigation proceeds including raising detailed but irrelevant questions and insisting that all such questions are answered where they are not related to the original complaint.

4. Persistently failing to accept the outcome of a complaint despite having received a full response and explanation.
5. Making unfounded complaints about the investigating staff and continually seeking the removal of a named officer from their case.
6. Making excessive demands on the time and resources of staff by expecting an immediate response to frequent, detailed or lengthy enquiries via telephone or email whilst an existing complaint is being investigated.
7. Repeatedly making the same complaint without accepting the decision or refusing to accept that the matter is closed, and/or, submitting complaints through different routes about the same issue in the expectation of receiving a different response.
8. Unwilling to progress to the next stage of the complaints process.
9. Submitting falsified documents from themselves or others, and/or, denying or changing statements made at an earlier stage.
10. Causing distress to staff that undermines safety or wellbeing. This could include the use of intimidating, abusive or offensive language or unreasonably targeting an individual member of staff.

If we consider a person's behaviour is unreasonable, disproportionate or persistent we will tell them why and will ask them to change their behaviour. We will offer to make any necessary adjustments to our service, where practicable, to help them do this. In all cases we will write to tell the person why we believe their behaviour is unreasonable, disproportionate or persistent what action we are taking and how long that action will last.

Any decision made will be appropriate and proportionate and agreed by a HS2 Ltd panel led by the Head of Public Response, the panel's decision is final. The options the panel are most likely to consider are:

- Review of complaint case to see whether there is any reasonable prospect of resolution.
- A written warning that restriction to their contact with HS2 Ltd may be considered if they do not change their behaviour.

- HS2 Ltd may invite the complainant for a meeting or mediation if appropriate.
- Signposting complainant to an appropriate external body.
- Restricting access by specifying the channel they may use e.g. if there is a history of verbal intimidation/abuse, HS2 Ltd may specify that contact is by email or correspondence.
- HS2 Ltd may advise the complainant that where HS2 Ltd have already responded on more than three occasions on a particular matter where there is no material change, any future correspondence about that same matter will be filed and no response sent.
- Restricting frequency of contact where the complainant sends excessive numbers of complaint emails or correspondence or telephones persistently e.g. HS2 Ltd may specify one contact per week, detailing all complaints, on an agreed day/ time.
- Allocating a named official as the complainant's contact with HS2 Ltd (when dealing with complaints).
- Advising the complainant that they have exhausted the complaint process.

Where the person has amended their behaviour, the adjustments to our service may be removed and they will be thanked for their co-operation. If, despite any adjustments we have made, the person continues to behave in a way which is unreasonable, disproportionate or persistent we may decide to end contact with that person.

There will be occasions where we decide that a person's behaviour is so extreme that it threatens the immediate safety and welfare of our staff or others. In these instances we will consider stopping all contact immediately, reporting what has happened to the police or taking legal action. In such cases, we may not warn the person before we do this.

Applicability, implementation and resources

This policy applies to anyone using the formal HS2 Ltd complaints procedure. Implementation is managed through HS2 Ltd's Management System by the Public Response Team. HS2 Ltd will make available appropriate resources needed to support this Policy and take necessary steps so that it remains effective and relevant through regular reviews and updates.

Executive Owner:

The Strategic Director of Stakeholder Engagement is the Executive Owner of this policy and is responsible for maintaining the accuracy and relevance of its contents and for periodic review and update to reflect changing circumstances.

Approved on: Tuesday, 28 April 2020

Aileen Thompson
Strategic Director of
Stakeholder Engagement
HS2 Ltd