

Abusive, Persistent and Vexatious Complaints Policy

Introduction

Haughton Parish Council does not tolerate bullying, harassment or intimidation, in any form, of any of their employees or Councillors. This applies to such behaviour from members of the public and Parish Council employees/Councillors alike.

A small percentage of people may correspond with, or complain to, Haughton Parish Council in a way that could reasonably be described as obsessive, harassing, bullying, intimidating, abusive.

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1.1 Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.

1.2 Haughton Parish Council is committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

1.3 We will not normally limit the contact which complainants have with council staff.

1.4 We do not expect Councillors or staff to tolerate unacceptable behaviour by complainants, or any member of the public. Unacceptable behaviour includes behaviour which is abusive, offensive, vexatious or threatening and may include:

- Behaviour which is obsessive, persistent, harassing, prolific, repetitious and/or
- Behaviour which is designed to cause distress, bully, humiliate and intimidate specific individuals and the Corporate Body and/or
- Frequent correspondence, telephone calls or emails timed to cause the council maximum disruption and workload and/or
- Behaviour which displays an insistence on pursuing unmeritorious issues, trivial points and/or unrealistic outcomes and/or
- Displays an insistence upon pursuing complaints or issues in an unreasonable and abusive manner and/or
- Repeated and/or frequent and/or simultaneous requests for information, whether or not those requests are made under the access to information legislation, and/or
- Behaviour where ex-employees are contacted to try to undermine councillors or clerk and/or
- Behaviour which has the effect of hindering the council's ability to go about its democratic business due to the extreme workload generated – for example repeated and vexatious Freedom of Information requests

1.5 We will take action to protect staff and Councillors from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

1.6 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 the complaint being regarded as vexatious.

1.7 Similarly, the fact that a complainant is unhappy with the outcome of a single complaint and seeks to challenge it should not necessarily cause him or her to be labelled unreasonably persistent.

2. Aim of this policy

2.1 The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.

2.2 It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, Councillors and the public.

3. Definitions

3.1 We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"

3.2 We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the council, hinder our consideration of their or other people's complaints and/or hinder the work of the Parish Council. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.

3.3 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

3.4 Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):

- there are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
- there are no specified grounds for the complaint
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- the complaint is about issues not within the power of the Parish Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chair)
- there appear to be groundless complaints about the staff or Councillors dealing with the complaints, and an attempt to have them dismissed or replaced
- there is an unreasonable number of contacts with the Parish Council, by any means, in relation to a specific complaint or complaints
- there are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls, texts, emails, etc)

the complaint uses up a disproportionate and unreasonable amount of the Council's resources, for example the Clerk's time

- attempts to harass, verbally abuse or otherwise seek to intimidate staff or Councillors dealing with their complaint by use of foul or inappropriate language, by the use of offensive or discriminatory language or by making false accusations relating to the character or integrity of Councillors or staff
- subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process

- trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- the complaint is the subject of an excessively "scattergun" approach; for instance, the complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, the Monitoring Officer or Standards Committee, the police, solicitors, and/or the Local Government Ombudsman
- the complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- the complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- documented evidence is not accepted as factual by the complainant
- the complaint relates to an issue based on a historic and irreversible decision or incident
- the complaint combines some or all of these features

4. Imposing restrictions

4.1 The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the councils complaints procedure.

4.2 In the first instance the Clerk investigating the complaint will consult with their Chair, or the Vice Chair in their absence, prior to issuing a warning to the complainant. The Clerk will contact the complainant either in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Clerk will explain the actions that the Parish Council may take if the behaviour does not change.

4.3 If the disruptive behaviour continues, the Clerk will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The Clerk can consult with the Monitoring Officer if they so wish.

4.4 Any restriction that is imposed on the complainant's contact with the Parish Council will be appropriate and proportionate, and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor
- Banning the complainant from sending emails to individual Councillors
- Requiring contact to take place with the Clerk only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness

- Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence)
- Informing the complainant that any further complaints from him or her will only be considered if a Clerk in consultation with the Council agrees that it warrants investigation

4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- why the Parish Council has taken the decision,
- what action the Parish Council is taking,
- the duration of that action,
- the review process of this policy, and the right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.

4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

4.9 Where the behaviour is so extreme, or it threatens the immediate safety and welfare of staff or Councillors, the Parish Council will take other actions, for example reporting the matter to the police or taking legal action. In such cases, the Parish Council may not give the complainant prior warning of that action.

5. New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk in consultation with the Chairman will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Parish Council does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Parish Council.

6 Record keeping

6.1 Adequate records will be retained by the Clerk along with the details of the case and the action that has been taken. This will include:

- The name and address of each person who is treated as abusive, vexatious or persistent
- When the restriction comes into force and ends
- What the restrictions are
- When the individual and Stafford Borough Council were advised

6.2 The complainant will be advised in the communication of the intention to keep the information as per GDPR Regulations

Defining complaints and/or correspondence as vexatious is a very serious step and only undertaken as a last resort.

For that reason, the decision to define correspondence or complaints vexatious is evidence-based and the determination for local residents is reviewed at the intervals stated in section 3, above

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