

Kings Hill Parish Council

Policy on Vexatious Complainant Behaviour

The Council will not tolerate violence or aggression in any form including the use of racial, verbal or physical harassment of its employees.

1 Introduction

1.1 Kings Hill Parish Council aims to provide good quality services on every occasion but sometimes things can go wrong. The purpose of our complaint's procedure is to find out what went wrong and try to put things right for the future. As part of this service the Council does not normally limit the contact that customers have with its staff.

1.2 This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be 'unreasonably persistent or vexatious' and proportionate ways of responding to these situations.

1.3 Unreasonably persistent and/or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such complainants can place a strain on time and resources. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

1.4 In this policy, the term unreasonably persistent complainants refer to complainants who, because of the nature or frequency of their contact with the Council, hinder the Council's consideration of their or other people's complaints. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive to the Council through pursuing unreasonable complaint behaviour.

1.5 This policy does not prevent an individual who is categorised as unreasonably persistent or vexatious under this policy from raising a legitimate complaint as outlined in the Council's Complaints Procedure. This will be considered and logged and where appropriate dealt with as a request to do something about the matter.

2 Scope of Policy

2.1 This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the Council's Complaints Procedure. Judgement, discretion, and proportionality must be used in applying the criteria to identify potential unreasonably persistent or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

2.2 When considering the application of this policy, Council staff must consider whether the Council's Complaints Procedure has been fully and properly implemented and that all material elements of the complaint(s) have been addressed and identify at what stage the complainant has become unreasonably persistent or vexatious.

2.3 The policy should only be invoked following careful consideration of all the issues by the Parish Council.

3 Definition of a vexatious complainant

3.1 Each case will be viewed individually and decided on its merits. A complainant (and/or anyone acting on their behalf) may be deemed to be unreasonably persistent or vexatious if previous or current contact with them shows that they meet any of the following criteria, dependent upon degree:

- a. Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted (e.g., where several responses have been provided).
- b. Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response. Care must be taken not to discard new issues which are significantly different from the original complaints. These might need to be addressed as separate complaints.
- c. Are unwilling to accept documented evidence of action.
- d. Are unwilling to accept that the Council has reached a final decision on a chosen course of action. e) Deny receiving an adequate response despite correspondence specifically answering their questions.
- e. Persist in pursuing a matter when they have already exhausted other statutory routes of appeal.
- f. Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- g. Continue to seek to pursue a complaint where the concerns identified are not within the remit of the Council to investigate.
- h. Focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a 'trivial' matter can be subjective and careful judgements must be used in applying this criterion.
- i. Have while addressing a complaint, had an excessive number of contacts with the Council placing unreasonable demands on staff time and resources. A contact may be in person or by telephone, letter, or e-mail. Discretion must be used in determining the precise number and length of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case.
- j. Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- k. Covertly recording meetings and conversations.
- l. Submitting falsified documents from themselves or others.
- m. Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of organisations.

4 Strategy for dealing with vexatious complainants

4.1 Where complainants have been identified as unreasonably persistent or vexatious under the scope of this policy, taking account of the above criteria, the Parish Council will determine what action to take. The Clerk will implement such action and will notify complainants, in writing, of the reasons why they have been classified as unreasonably persistent or vexatious and what action will be taken.

4.2 This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. Members, staff. A record must be kept for future reference of the reasons why a complainant has been classified as unreasonably persistent or vexatious.

4.3 The Clerk may decide to deal with complainants in one or more of the following ways.

- a. Withdraw contact with the complainant either in person, by telephone, by e-mail, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.
- b. Placing limits on the number and duration of contacts with staff per week or month.
- c. Offering a restricted time slot for necessary calls.
- d. To restrict contact to liaison through a designated officer.
- e. Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- f. Notify the complainant in writing that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should be notified that any written form of contact (email or letter), in relation to their complaint or any further complaints relative to the same period or the same or similar issues as an earlier complaint is at an end, and that further contact received will be read and placed on file but not acknowledged, unless it contains material new information.

5 Review decisions and withdrawing 'vexatious' status

5.1 Once a complainant has been determined as being an unreasonably persistent or vexatious complainant, such status must be reviewed and, where appropriate, withdrawn later. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

5.2 Complainants also have an opportunity to apply to have their unreasonably persistent or vexatious status withdrawn. The review process will be outlined in the notice.

5.3 The Parish Council will review their decisions to categorise a complainant as unreasonably persistent or vexatious initially after six months. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided such a request has not been received in the preceding six months or period as notified.

5.4 If the person categorised as unreasonably persistent or vexatious is not satisfied with the decision reached by the Council, they may request that the decision is reviewed. Such a request for a review may only be received once in any six-month period or longer as notified in the review letter. Upon receipt of such a request, the Parish Council will review the decision. Notice of that decision will be given, as far as is practical, within two weeks of receipt of the request.

5.5 On review, the Parish Council may either withdraw the categorisation of a person as unreasonably persistent or vexatious if a more reasonable approach is being used by the complainant or amend the strategy being applied to that person. This may include extending the date of the review to 12 months if no improvement is identified and or the introduction of additional restriction(s). The review date may be extended

further to 18 months if the review identifies a marked increase in nature and or frequency of their contact with the Council,

5.6 If the Parish Council considers it appropriate to withdraw the status of unreasonably persistent or vexatious complainant, normal contact with the complainant and application of the Council's complaints procedure will be resumed. Notice of that decision will be supplied to the person or persons forthwith.