



Persistent or Vexatious Complaints Policy

1. Introduction

- 1.1 This policy is about the management of abusive, persistent, frivolous and/or vexatious complainants. It sets out how Credition Town Council (CTC) will deal with complainants that fall within the scope of this definition. Those identified will be treated consistently, honestly and proportionately while ensuring that other service users, officers and CTC suffer no detriment.
- 1.2 It is considered that all complainants have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process. However, in a minority of cases the complainant may act in a manner that is deemed unacceptable.
- 1.3 They may act in a way that is considered abusive, unreasonably persistent or vexatious and by doing so it may hinder the Council's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.
- 1.4 The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.
- 1.5 The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.
- 1.6 The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.
- 1.7 This policy is not exhaustive and does not cover all forms of behaviour that may be considered unreasonable.

2. How is unreasonable complaint behaviour defined?

- 2.1 For the purpose of this policy the following definitions of persistent or vexatious complainants will be used:
- 2.2 It should be noted that raising a complaint about a service provided by CTC does not in itself constitute unreasonably persistent behaviour and neither do complainants who escalate through all stages of the relevant complaints procedure or those who express criticism about the complaints process itself.
- 2.3 Examples of unreasonably persistent behaviour:
 - Refusing to specify the grounds of a complaint, despite offers of help
 - Refusing to cooperate with the complaints investigation process
 - Refusing to accept that certain issues are not within the scope of the Council's jurisdiction or within the scope of a complaints procedure
 - Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
 - Making unjustified complaints about officers who are trying to deal with the issues, and seeking to have them replaced
 - Changing the basis of the complaint as the investigation proceeds

- Denying or changing statements made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions, and insisting they are all answered
- Submitting falsified documents from themselves or others
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various officers and/or organisations
- Making excessive demands on the time and resources of officers with lengthy phone calls, numerous emails to one or many council officers, or detailed letters every few days, and expecting immediate responses
- persistently approaching CTC through different routes or other persons about the same issue
- persist in seeking an outcome which CTC has explained is unrealistic for legal or policy (or other valid) reasons
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

(this list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

Furthermore, CTC will take steps to protect its elected members and officers from members of the public who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following:

- Speaking to elected members and officers in a derogatory manner which causes offence
- Swearing, either verbally or in writing despite being asked to refrain from using such language
- Using threatening language towards elected members and officers which provokes fear
- Repeatedly contacting elected members and officers regarding the same matter which has already been addressed.

(this list is not exhaustive)

3. Managing unreasonable complainant behaviour

3.1 This policy may be invoked if CTC considers that a complainant has behaved in a manner which is deemed unreasonable (see above). The Council may take any actions against a complainant that it considers to be reasonable and proportionate in the circumstances.

3.2 Types of actions CTC may take:

- Where the complainant tries to reopen an issue that has already been considered through one of CTC's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed
- Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information
- Limiting the complainant to one type of contact (for example telephone, letter, email, etc.)
- Placing limits on the number and duration of contacts with officers per week or month

- Requiring contact to take place with a named officer or two council members and informing the complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file
- Assigning one officer or two council members to read the complainant's correspondence, in order to ensure appropriate action is taken
- Offering a restricted time slot for necessary calls to specified dates and times
- Requiring any face-to-face contacts to take place in the presence of a witness and in a suitable location.

4. Ceasing Contact with a Complainant

4.1 There may be occasions where the relationship between CTC and unreasonably persistent or vexatious complainants breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome.

4.2 Should a decision be made to cease contact with a complainant, the steps in section 6 will be used.

5. Matters to consider before acting

5.1 Before taking a decision to invoke this policy consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the complainant and the Town Clerk to seek a mutually agreeable resolution
- If it is known or suspected that the complainant has any type of disability, then consider how CTC may support them in being assisted to support their communication (for example, invite them to a meeting where they bring a family member/ friend/support worker)
- Where more than one organisation is being contacted by the complainant, attempt to agree a cross organisational approach; and designate a lead officer to co-ordinate responses.

5.2 Officers must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been considered including such issues as age, disability, gender, race and religion or belief.

6. Imposing restrictions

6.1 In the first instance the Town Clerk, in consultation with the Mayor and Chair of HR, will communicate to the complainant either by phone or in writing to explain why this behaviour is causing concern, and ask them to change this behaviour. The Town Clerk will explain what actions CTC may take if the behaviour does not change.

6.2 If the complainant continues with the unreasonable behaviour the Town Clerk will consult with the HR Committee about whether it is necessary to take appropriate action by invoking this policy.

6.3 When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken
- what action the Council will be taking
- the duration of that action
- the review process of this policy.

- 6.4 Any restriction that is imposed on the complainant's contact with the 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.
- 6.5 If the complainant continues to behave in a way which is deemed unacceptable then the Town Clerk, in consultation with the HR Committee, may decide to refuse all contact with the complainant and cease any investigation into his or her complaint.
- 6.6 Where the behaviour is so extreme or it threatens the immediate safety and welfare of officers, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

7. New complaints from those who have been treated as persistent/vexatious

- 7.1 Any new complaints received from complainants who have come under this policy will be treated on their merits. CTC does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant.

8. Review

- 8.1 The Town Clerk, in consultation with the Mayor and Chair of HR will review any restrictions which are imposed upon the complainant after three months and at the end of every subsequent three months within the period during which the policy is to apply.
- 8.2 Should the decision be taken to extend the period of restriction, the complainant will be advised in writing how CTC plans to go about this and that the decision to restrict contact will be put in place for a further specified period (for example six months). The outcome of any subsequent review will be communicated to the complainant, outlining if the restrictions will continue to apply and if so why.
- 8.3 If at the end of the restricted period it is considered that the complainant's behaviour is no longer deemed to be unreasonable, the Council will confirm this in writing advising that the restrictions have now been lifted.

9. Record Keeping

- 9.1 CTC will keep a record of all complainants who have been treated as being unreasonably abusive, persistent, frivolous and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.