

BRETtenham and KILVERSTONE PARISH COUNCIL

VEXATIOUS COMPLAINTS POLICY and PROCEDURE

Introduction

1. This policy identifies situations where a complainant, either individually or as part of a group, might be considered to be habitual or vexatious. The following clauses form the Parish Council's policy for ways of responding to these situations by assisting in identifying and managing persons who seek to be disruptive to the Parish Council through pursuing an unreasonable course of conduct.
2. The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are consistent, fair and reasonable.
3. Whilst the Parish Council will endeavour 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.

Procedure

4. The Parish Council will ensure that any complaint is being, or has been, investigated properly. However, where the Parish Council considers the complaint is habitual or vexatious, taking into account the examples outlined in the Annex to this policy, the complainant will be notified in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. Breckland District Council will also be informed that a constituent has been designated as a habitual or vexatious complainant.
5. The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Definitions

6. For the purpose of this policy the following definitions of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of either:

unreasonable complaints and/or unrealistic outcomes; and/or
reasonable complaints in an unreasonable manner.

7. Brettenham and Kilverstone Parish Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Parish Council, hinder the Parish Council's consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant. Examples of an unreasonably persistent and/or vexatious complainant are outlined at the Annex.

Imposing Restrictions

8. In the first instance, the Parish Council will consider the situation prior to contacting the complainant to explain why this behaviour is causing concern, and ask for it to change and outline the actions that the Parish Council may take if there is no improvement.

9. If the disruptive behaviour continues, the Parish Council will issue a reminder to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted for a specified period.
10. 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 over which the restriction will be in place. In most cases restrictions will apply for between 3 to 6 months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed at the next Parish Council Meeting.
11. When the decision has been taken to apply this policy to a complainant, the Parish Clerk will contact the complainant in writing, enclosing a copy of this policy in the letter to explain:
 - a. Why the decision has been taken.
 - b. What action has been taken, which may include:
 - (1) Banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf.
 - (2) Banning the complainant from sending emails to individuals and/or all councillors and staff and insisting they only correspond by postal letter.
 - (3) Requiring contact to take place with one named parish councillor or member of staff only.
 - (4) Restricting telephone calls to specified days and/or times and/or duration requiring any personal contact to take place in the presence of an appropriate witness.
 - (5) Informing the complainant that the Parish Council will not respond to, or acknowledge, any further contact from them on the specific topic of that complaint (in this case, a designated member of the Parish Council or staff will be identified who will read future correspondence).
 - c. The duration of that action.
12. Where the behaviour is so extreme or it threatens the immediate safety and welfare of a parish councillor or member of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

New complaints from complainants who are treated as abusive, vexatious or persistent

13. New complaints from people who have come under this policy will be treated on their merits. The Parish Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is neither supported, nor ignoring genuine service requests or complaints where they are founded.
14. The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on the Parish Council's contact with him or her, will be recorded.

Review

14. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Parish Council after 3 months and at the end of every subsequent 3 months within the period during which this policy is to apply.
16. The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

Record Keeping

17. The Parish Clerk will retain adequate records of the details of the case and the action that has been taken and provide the Parish Council with regular reports. Records will be kept of:
 - a. The name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant.
 - b. When the restrictions came into force and ends.
 - c. What the restrictions are.
 - d. When the person and Parish Council were advised.

Procedure adopted: 20 May 15

VEXATIOUS COMPLAINT EXAMPLES AND POSSIBLE RESTRICTIONS

1. Examples of an unreasonably persistent and/or vexatious complainant
 - a. Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious).
 - b. Refuse to specify the grounds of a complaint despite offers of assistance
 - c. Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - d. Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
 - e. Refuse to accept that issues are not within the power of the Parish Council to investigate, change or influence.
 - f. Repeatedly does not identify the precise issues they wish to be investigated
 - g. Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint).
 - h. Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced.
 - i. Make an unreasonable number of contacts with the Parish Council, by any means in relation to a specific complaint or complaints.
 - j. Make persistent and unreasonable demands or expectations of the Parish Council 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 questions, frequent and/or complex letters, faxes telephone calls or e-mails).
 - k. Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of inappropriate language or by the use of offensive language or publish their complaints in other forms of media.
 - l. Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
 - m. Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
 - n. Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
 - o. Deny statements he or she made at an earlier stage in the complaint process.
 - p. Refuse 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.
 - q. Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
 - r. Persistently approach the Parish Council through different routes or other persons about the same issue.
 - s. Persist in seeking an outcome which the Parish Council has explained is unrealistic for legal or policy (or other valid) reasons.
 - t. Refuse to accept documented evidence as factual.
 - u. Complain about or challenge an issue based on an historic and/or an irreversible decision or incident.
 - v. Combine some or all of these features.