



KINGSMEAD

PARISH COUNCIL

Vexatious Policy

Adopted at the Parish Council Meeting held: 16th October 2017

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1. Document details

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Distribution

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2. Introduction

- 2.1. Kingsmead Parish Council recognises that dealing with complaints is generally a straight-forward matter but in a small number of cases people pursue complaints in a way which can impede the investigation of their complaint or can have significant resource issues for the Council.
- 2.2. This policy identifies where a complainant, either individually or as a member of a group or a group of complainant might be considered to be habitual or vexatious and ways of responding to these situations.
- 2.3. In this policy the term habitual means 'done repeatedly or as a habit'. 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'. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 2.4. 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 these Acts.
- 2.5. Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of officer and member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further that can reasonably be done to assist or to rectify a real or perceived problem.
- 2.6. Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed time scales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.
- 2.7. 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.

3. Habitual or Vexatious Complainants.

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

The repeatedly and/or obsessive pursuit of:

- (a) Unreasonable complaints and/or unrealistic outcomes; and/or*
- (b) Reasonable complaints in an unreasonable manner.*

- 3.2. Prior to considering its implementation the Council will send a summary of this policy to the complainant to give them prior notification of its possible implementations.
- 3.3. Where complaints continue or have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the clerk and Complaints Committee will seek agreement to treat the complainant as a habitual or vexatious complainant for the

appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complainants.

- 3.4. The Clerk, on behalf of the Parish Council, will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action to be taken.
- 3.5. The status of the complainant will be kept under review. If the complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

4. Definitions

- 4.1. Kingsmead Parish Council define unreasonable and vexatious complainant as those complainants who because of the frequency or nature of their contacts with the Council, hinder consideration of their, or other peoples, complaints. The term 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint.
- 4.2. Examples include the way in which, or frequency with which, complainants raise their complaint with the clerk or how complainants respond when informed of the Councils decision about the complaint.
- 4.3. Features of an unreasonably persistent and/or vexatious complaint include the following, though the list is not exhaustive:
 - Have insufficient grounds for their complaint or make the complaint only to annoy.
 - Failure to specify the grounds for the complaint.
 - Refusal to co-operate with the complaint investigation procedure.
 - Insist that the complaint is dealt with in ways which are incompatible with the complaints procedure or good practise.
 - Deny statements he/she made at an earlier stage of the complaints procedure.
 - Electronically record meetings and conversations without the prior knowledge and consent of the other person(s) involved.
 - Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded.
 - Refusing to accept the decision of the Complaints Committee and repeatedly arguing the point.
 - Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated.
 - Adopting a 'scattergun' approach, for instance, pursuing a complaint or complaints with the Council and at the same time with, for example, other Councils, elected Councillors or Members of Parliament.
 - Persistently approaching the Council about the same issue but through different routes.
 - Refuse to accept that the issues are not within the remit of the Council to investigate.
 - Alleging that the complainant is being discriminated against on the grounds of disability, race, age, gender, sexual orientation or religion without good reason or evidence.
 - Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint.
 - Make what appear to be groundless complaints about the staff dealing with the complaint.
 - Introducing irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.

5. Imposing Restrictions,

- 5.1. The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.
- 5.2. In the first instance, the Clerk will consult with the Chairman (or in his absence, the Vice Chairman) and the Chairman of the Complaints Committee prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by email, to explain why this behaviour is causing concern and ask them to change their behaviour and outline actions that the council may take if they do not comply.
- 5.3. If the disruptive behaviour continues, the Clerk will send a reminder letter to the complainant advising them that the way in which they contact the Parish Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman (or in his absence, the Vice Chairman) and the Chairman of the Complaints Committee.
- 5.4. Any restriction will be imposed on the complainants contact with the council will be appropriate and proportionate and the complainant will be advised of the period of time that the restriction will be in force. In most cases restrictions will apply for 3 – 6 months, but in exceptional cases, this may be extended and reviewed quarterly.
- 5.5. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - Requiring personal contact to take place in the presence of an appropriate witness.
 - Restricting telephone calls to specific days/times.
 - Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact with him/her on the specific topic of the complaint.
 - Banning the complainant from sending emails to individuals Officers/Members and insist that they only correspond by letter.
- 5.6. When the decision has been taken to apply this policy to a complainant, the clerk will contact the complainant in writing to explain:
- 5.7. Why the decision has been taken.
- 5.8. What action has been taken
- 5.9. The duration of the action.
- 5.10. The Clerk will enclose a copy of this policy in the letter to the complainant.
- 5.11. Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman (or in his absence, the Vice Chairman) and the Chairman of the Complaints Committee may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 5.12. Where behaviour is so extreme it threatens the immediate safety and welfare of staff, other options will be considered e.g. the reporting of the matter to the police and taking legal action. In such cases, the complainant will not be given prior notice of that action.

6. Review

- 6.1. The status of the complainant judges to be unreasonably persistent or vexatious will be reviewed by the Clerk, the Chairman (or in his absence the Vice Chairman) and the Chairman of the Complaints Committee quarterly.

6.2. The Complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

7. Record Keeping.

7.1. The Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name, address of each member of the public who is treated as abusive, vexatious or persistent.
- When the restrictions came into force and ends.
- What the restrictions are.
- When the person and Council were advised.

7.2. The Chairman of the Complaints Committee will be provided with an annual report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

7.3. This policy will be reviewed annually.

End of document