

Policy: Unreasonably persistent and/or vexatious contact or complaints/complainants

Introduction

1. The majority of complaints will be resolved through our complaints policy and all efforts should be made to do so. However, in a small number of cases people pursue complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the council. This policy has been formulated to deal with the small number of complaints which make it necessary for special arrangements to be taken.
2. Before implementing the provisions in this policy, officers must consider whether the council's procedures have been followed correctly, make sure full and reasonable responses have already been given and decide if the complainant is now unreasonable.
3. The council has a duty to provide a safe working environment and system of work for its officers. Regardless of this policy, abusive, offensive or threatening conduct may be referred to the police to take action as appropriate in addition to any action the council may decide to take.
4. The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and GDPR/Data Protection Act 2018 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

Unreasonable complaints

5. We define unreasonable complaints as contact from persons who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints.
6. Examples include the way, or frequency, in which complainants raise their complaint with staff or how complainants respond to officers dealing with the complaint.
7. Features of an unreasonable complaint include the following examples (the list is not exhaustive, nor does one single feature on its own imply that the complaint will be considered as being unreasonable).

The following are non-exhaustive descriptions of the behaviour of an unreasonable complainant who may:

- Have insufficient grounds for their complaint and be making the complaint only to inconvenience the council, or for reasons that he or she does not admit or make obvious.
- Refuse to specify the grounds of a complaint despite offers of assistance from council staff.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the remit of the complaints policy, despite having been provided with information to this effect.
- Refuse to accept that issues are not within the power of the council to investigate, change or influence.
- Insist on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice (e.g. insisting that there must not be any written record of the complaint or that a certain officer shall or shall not deal with the matter).
- Make groundless complaints about staff dealing with complaints and seek to have them dismissed or displaced.

- Make an unreasonable number of contacts with the council in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands of staff and/or the complaints process after the unreasonableness has been explained (e.g. a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails or demands to be seen immediately when coming to the council offices).
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language or publish their complaints in other forms of media.
- Raise new or secondary issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statements he or she made at an earlier stage in the complaint process.
- Are known to have electronically recorded conversations without the prior knowledge and consent of the other person(s) involved.
- Adopt an excessively scattergun approach, by pursuing a complaint with the council and at the same time with a member of parliament, other councils, members of the council, the police, solicitors and the Local Government Ombudsman.
- 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.
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has concluded, and insist that the minor differences make it a new complaint to be dealt with.
- Persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on an historic and/or an irreversible decision or incident.
- Combine some or all of these features.

Classification

8. The proposal to classify a complainant as unreasonably persistent or as behaving unreasonably should be made by the Clerk in conjunction with the Chairman and this should then be ratified and decided by the Council see points 11 and 15 below.
9. A written record shall be kept of why the complainant is believed to be unreasonable, what information has been considered and the decision made by the Council. The Council shall act in a proportionate, fair and objective way.
10. If more than one member or officer is being contacted by the complainant, perhaps with different complaints, a nominated officer will co-ordinate the response.

Initial notification

11. When an unreasonably persistent complaint / complainant has been identified, a final offer to meet face to face should be made by the Clerk and/or Chairman to explain to the complainant that the council may consider applying this policy due to the unacceptable behaviours. These should be explained along with the content of this policy. After the meeting or if the meeting is declined a letter or email will be sent to the complainant - see point 15 and the template letter for persistent complainants 'Important information regarding future correspondence', which will explain the action the council is taking.

Options for dealing with an unreasonable complainant

12. The options which the council may consider include:
 - Refusing to accept a complaint or to amend the terms of the complaint

- Requesting contact to be in a particular format (e.g. letters only)
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified times/ days / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that the council will not reply or acknowledge any further contact with them on the specific topic of that complaint or at all

In deciding on an appropriate option, care will be taken:

- Not to interfere with a complainant's statutory rights e.g. to attend council meetings or view papers, when making such restrictions
- To make sure that the council takes appropriate action in response to a matter included in a complaint where necessary

13. These options are not exhaustive and other factors individual to the case or service may be relevant in deciding an appropriate course of action. For example, any arrangements for restricting a complainant's contacts must consider the complainant's circumstances such as age, disability, literacy levels, race, vulnerability and additional needs.
14. If none of the options listed above offer the protection that staff are entitled to, other options may be available, such as taking out an injunction against a complainant or involving the police. These will be considered on a case-by-case basis, in consultation with legal services as necessary.
15. When a decision has been made as to the appropriate restrictions to be used, the Clerk/Nominated officer and/or Chairman will write (email) the complainant explaining the council's decision and the nature of restrictions being made. (Refer to the template letter as mentioned in point 11).
16. All staff who may be involved in implementing the restrictions should be notified of the decision.

Reviewing decisions

17. All restrictions will be subject to review, at least once every six months.

Record Keeping

18. 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 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
 - when the restrictions came into force and ends
 - what the restrictions are
 - when the person and Council were advised
 - Date of when the Council made this decision
19. Council be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy.

This policy was adopted by Loddon Parish Council at its meeting held on 10 November 2021.

Signed:

Dated:

Date for next review: November 2024 (reviewed every three years)