

BOXTED PARISH COUNCIL

PERSISTENT AND VEXATIOUS COMPLAINTS AND CORRESPONDENCE POLICY

A policy for dealing with abusive, persistent and vexatious complaints and communication.

Adopted at the Full Council meeting June 2017 Min No: 029/17

This policy will be reviewed annually.

This policy identifies situations where a complainant or correspondent, either individually or as part of a group of complainants or correspondents might be considered to be habitual, vexatious, aggressive, abusive or unreasonable and the action to be taken by the Council in these circumstances.

AIMS OF THE POLICY

This policy is designed to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct as detailed below.

The aim of this policy is to provide guidance to staff and members on how to identify and manage persistent, vexatious, aggressive, abusive or unreasonable complaints and correspondence.

The policy relates to all forms of communication.

The policy sets out clear 'sanctions' for the small minority of complainants who are unable to pursue their queries or complaints with the Council in a reasonable and acceptable manner.

DEFINITIONS

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 merely to cause annoyance to the defendant'.

Aggressive or Abusive Behaviour is not restricted to acts of aggression that may result in physical harm. Violence also includes behaviour or language (whether oral or written) that may cause anyone working with/for us to feel afraid, threatened or abused.

RECOGNISING UNACCEPTABLE BEHAVIOUR

Habitual or Vexatious Complaints and Behaviour

Habitual or vexatious complaints or correspondence can be a problem for Council staff and members. The difficulty in handling such matters is that they are time consuming and wasteful of resources in terms of Officers' and Members' time. There are times when despite having tried to respond to complaints or correspondence

there is nothing further which can be reasonably done to assist or to rectify a real or perceived problem. This includes the repeated and/or obsessive pursuit of any matter where lengthy explanations of the Council's actions or stance have already been provided and the complaints procedure has been exhausted.

The following list follows the guidance of the Local Government Ombudsman and provides examples of behaviour that may be considered to be persistent, vexatious or unreasonable.

- 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 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 staff 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 he or she 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.
- Covertly recording meetings and conversations
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organizations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff or members, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Using abusive threatening or offensive language

Aggressive or abusive behaviour

Violence is not restricted to behaviour that may result in physical harm but also includes behaviour or language (oral or written) that may cause any staff and/or members to feel afraid, threatened or abused. This may include (but is not limited to) the following:-

- Threats

- Physical violence
- Personal verbal abuse
- Personal written or texted abuse
- Derogatory comments
- Rudeness
- Inflammatory statements and unsubstantiated allegations.

In the case of aggressive or abusive and threatening behaviour staff and members are advised to cease all contact at once and the Police may be informed.

ACTION TO BE TAKEN BY THE COUNCIL

Boxted Parish Council will meet in private at the end of the next available Full Council meeting to discuss any complaints/ complainants/behaviour that are considered by the Clerk to the Council or any member to come under the above definitions.

STAGE 1

If a Council resolution confirms that the complainants/correspondents fall under the required definition, the rationale for this will be recorded and the Clerk will be asked to write to the individual/group to say that their behaviour is considered to be unreasonable and unacceptable and to request a change of approach. A copy of this policy document will be sent.

STAGE 2

If there is no improvement in behaviour (this may apply to behaviour within the next six months of Stage 1) then this matter will again be referred to a private meeting of the Full Council who will consider whether this constitutes continued unacceptable behaviour and inform the complainant (s) in writing that their behaviour is not acceptable and why.

Each case will be reviewed individually and sanctions may include:

Restrictions on contact with the Council for example:

- A total ban on all communication for a set period of time.
- Banning the complainant from making contact by telephone;
- Banning the individual from sending e-mails and insisting on correspondence by letter;
- Banning the individual from raising questions or queries at Council meetings.
- Requiring personal contact to take place only in the presence of a witness
- Any other sanctions considered necessary by the Council pertaining to the circumstances of the case.

All sanctions will be reviewed at six monthly intervals.

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