



## **Aldeby Parish Council - DRAFT**

### **Persistent and Vexatious Complaints and Requests Policy**

This policy is written for Councillors and staff, to enable them to understand the Persistent and Vexatious Complaints Policy and procedures they should follow.

#### **1. Introduction**

- 1.1 Councillors and staff will inevitably come into contact with a small number of individuals who complain and who take up an unwarranted amount of council resources or impede the investigation of their complaint. The aim of this policy is to identify situations where the individual making the complaint could be considered vexatious or persistent and how to deal with such situations.
- 1.2 It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It must be recognised that individuals may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.
- 1.3 We do not expect Councillors or employees to tolerate unacceptable behaviour by individuals. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:
  - Using abusive or foul language on the telephone,
  - Using abusive or foul language face to face,
  - Sending multiple emails, and
  - Leaving multiple voicemails.
- 1.4 The aim of this policy is to contribute to Aldeby Parish Council's overall aim of dealing with all queries and complaints in ways which are demonstrably consistent, fair and reasonable.
- 1.5 This policy has been drafted with reference to the Local Government Ombudsman's Guidance note on 'unreasonably persistent complainants' and 'unreasonable complainant behaviour'. Aldeby Parish Council should also consider other contact with themselves, such as through the Freedom of Information Act requests, when considering whether to treat a complaint under the Persistent and Vexatious Complaints Policy.

#### **2. Definition of Persistent and Vexatious Individuals or Complainants**

- 2.1 We use the following terms in our policy:
  - Unreasonable individual or complainant behaviour
  - Unreasonably persistent individuals or complainants
  - Vexatious complaints – without sufficient grounds, especially so as to cause annoyance or disruption.
  - In this policy, the terms 'individual' and 'complainant' are interchangeable.



- 2.2 For Aldeby Parish Council, unreasonable individual behaviour and unreasonably persistent individuals are those individuals who, because of the frequency or nature of their contacts with Aldeby Parish Council, hinder the Council's consideration of their own, or other people's complaints.
- 2.3 Vexatious complaints are those complaints made without sufficient grounds, but made especially so as to cause annoyance or disruption.
- 2.4 Features of the types of complaint and of individual behaviour that this policy covers can include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):
- Refusing to specify the grounds of a complaint despite offers of assistance.
  - Insufficient grounds or no grounds for their complaint and following the complaint through only to annoy (or for reasons that they do not admit or make obvious).
  - Refusing to co-operate with the complaints investigating process whilst still wanting their complaint to be resolved.
  - Refusing to accept that issues are not within the remit of Aldeby Parish Council's Complaints Procedure despite having been provided with information about the procedure's scope.
  - Insisting on the complaint being dealt with in ways which are incompatible with the procedure or with good practice (for example, insisting that there should be no written record of the complaint).
  - Making what would appear to be a groundless complaint about the Councillors or staff dealing with their complaint and seeking to have them replaced.
  - Making an unreasonable number of contacts with Aldeby Parish Council, by any means, in relation to a specific complaint or complaints.
  - Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
  - Introducing trivial or irrelevant new information whilst the complaint is being investigated and expecting this to be taken into account and commented on.
  - Electronically recording meetings and conversations without the prior knowledge and consent of the other person involved.
  - Multiple lines of enquiry made regarding the same issue, for instance, pursuing a complaint or complaints not only with the council, but at the same time with a Member of Parliament, other councils, elected members of this and other councils, the council's independent auditor, the Standards Board, the police, solicitors, and the Local Government Ombudsman.
  - Submitting repeat complaints, after the complaints procedure has been completed, essentially about the same issues, with additions/variations which the individual then insists on being treated as new complaints and put through the full complaints procedure again.
  - Refusing to accept the outcome of the complaint procedure after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.



- Harassing or verbally abusing or otherwise seeking to intimidate Councillors or staff dealing with their complaint, in relation to their complaint by using foul or inappropriate language or by the use of offensive and racist language.
  - Making persistent and unreasonable demands or expectations of the Councillors or staff and/or the complaints procedure after the unreasonableness has been explained to the individual (an example of this could be an individual who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails).
- 2.5 If the Chairman feels that the inappropriate behaviour displayed is for a reason related to a disability, or because the person's first language is not English, the Monitoring Officer should be contacted for advice.

### 3. Managing contact

- 3.1 **Investigate the complaint:** Aldeby Parish Council must ensure that the complaint is being, or has been, investigated properly in accordance with the Aldeby Parish Council's Complaints Procedure.
- 3.2 **Issue a warning:** The Chairman of Aldeby Parish Council, (or in their absence, the Vice Chair), will consult with the other Parish Councillors before instructing the Parish Clerk to issue a warning to the individual. The Parish Clerk if so instructed will contact the individual by phone, in writing or by email to explain why this behaviour is causing concern, and to ask them to change this behaviour; also explaining the actions that Aldeby Parish Council may take if the behaviour does not change. The following considerations need to be taken into account:
- Warning the individual about what their behaviour may lead to;
  - Explanation of any restrictions that may be applied by Aldeby Parish Council;
  - Application of appropriate restrictions in a way that will allow completion of a complaints procedure;
  - Any time limits imposed upon restrictions;
  - Informing the individual of the decision; and
  - Right of appeal.
- 3.3 If the disruptive behaviour continues, The Parish Clerk (on behalf of Aldeby Parish Council) will issue a reminder letter to the individual advising them that the way in which they will be allowed to contact us in future will be restricted. The Chairman (or Vice Chair in their absence) will make this decision and instruct the Parish Clerk to inform the individual in writing of what procedures have been put in place and for what period.
- 3.4 Where the behaviour is so extreme or it threatens the immediate safety and welfare of Councillors or staff, Aldeby Parish Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, Aldeby Parish Council may not give the individual prior warning of that action.



## ALDEBY PARISH COUNCIL

- 3.5 **Apply an appropriate restriction:** Any restriction that is imposed on the individual's contact with us will be appropriate and proportionate and the individual will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.
- 3.6 Restrictions will be tailored to deal with the individual circumstances of the individual and may include :
- why the decision was taken;
  - what action has been is being taken;
  - the duration of that action;
  - the review process of this policy; and
  - the right of the individual to contact the Monitoring Officer at South Norfolk District Council about the fact that they have been treated as a vexatious/persistent individual whilst making complaints.
- 3.7 **Where a breakdown in communications occurs:** In some cases, relations between Aldeby Parish Council and unreasonably persistent or vexatious individuals might break down completely while complaints are under investigation with a remote prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the South Norfolk District Council Monitoring Officer may be prepared to consider a complaint before the procedure has run its course.
- #### 4. Recording & Reviewing Decisions
- 4.1 Adequate records will be retained by the Parish Clerk and be shared with the Councillors. Records must include the details of the case and the action that has been taken. The Parish Clerk will retain a record of:
- The name and address of each individual who is treated as abusive, vexatious or persistent;
  - The period that the restriction covers, or is in force for;
  - What the restrictions are; and
  - When the individual and appropriate departments were advised.
- 4.2 The Chairman of Aldeby Parish Council will be provided with an annual report by the Parish Clerk giving information about individuals who have been treated as vexatious/persistent under this policy.
- 4.3 The status of an individual judged to be unreasonably persistent or vexatious will be reviewed by the Chairman of Aldeby Parish Council after three months and at the end of every subsequent three months within the period during which the policy is to apply.
- 4.4 The individual will be informed of the result of this review if the decision to apply this policy them has been changed or extended.



**4.5 Re-occurrence of the same issue or concerns**

After a period of restriction has expired, Aldeby Parish Council would hope that people's habit of continually complaining about the same issue or concern has been broken. However, it is possible that the individual may raise the same issue or concern again, as they may still be unhappy with our decision.

**4.6** If this happens, each case should be reviewed on its own merits by the Chairman. Factors to be taken into consideration are:

- Whether there has been a new or recent event or repeat occurrence that might change how we view things now, and perhaps a new investigation is necessary.
- Whether the time that has elapsed since making the original complaint is sufficient to warrant a new investigation taking place.
- Whether Aldeby Parish Council policy or procedure has changed since the last complaint investigation and decision.

Whether it is appropriate to stand by the original restriction applied by Aldeby Parish Council, and to re-invoke the restriction with the aim of breaking the individual's habit once more. If this course of action is decided, there is no further need for a warning letter to be sent as this was done when initially applying the Persistent and Vexatious Complaints Policy. An appropriate restriction period will be determined by the Chairman who will instruct the Parish Clerk to advise the individual directly.

Dated March 2021  
To be reviewed by March 2023