HAMBLEDON PARISH COUNCIL

VEXATIOUS COMPLAINTS POLICY

1. Introduction

1.1 This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be 'habitual or vexatious' and ways of responding to these situations. The Council will take action to protect staff, councillors and/or volunteers from any such vexatious behaviour. Dealing with a complaint is usually straightforward, but in the minority of cases, people pursue their complaints in a way which can either impede the investigation or can have significant resource issues for the Council.
1.2 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'.
1.3 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. Implementation of policy

For the purpose of this policy the following definitions of habitual or vexatious complainants will be used:
The repeated and/or obsessive pursuit of:
a) unreasonable complaints and/or unrealistic outcomes; and/or
b) reasonable complaints in an unreasonable manner.
2.1 Prior to considering its implementation the Council will send a copy of this policy to the complainant to give them prior notification of its possible implementation.
2.2 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Council will together agree to treat the complainant as a habitual or vexatious complainant and the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.
2.3 The Clerk on behalf of the Parish Council will notify complainants, in writing, of the reasons why their complaint letter has been treated as habitual or vexatious and the action that will be taken.
2.4 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.

3. Definitions

3.1 Hambledon Parish Council defines unreasonable persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the 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.

3.2 Features of an unreasonably persistent and/or vexatious complainant 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.

An unreasonably persistent and/or vexatious complainant may:

- 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).
- Refuse to specify the grounds of a complaint despite offers of assistance
- 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 and procedure despite having been provided with information about the scope of the procedure.
- 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 complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint).
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced.
- Make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff 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, telephone calls or e-mails).
- 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 subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.

- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- 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.
- Be known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- Adopt a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors.
- 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 been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure.
- Persistently approach the Council through different routes or other persons about the same issues.
- 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.

4. Imposing Restrictions

4.1 The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

4.2 In the first instance the Clerk will consult with the Chair of the Council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.
4.3 If the disruptive behaviour continues, the complainant will be notified, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4.4 . The Council will decline further contact with the complainant, either in person, by telephone, by letter or by e-mail or by any other means.
4.5 The complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.
4.6. The Clerk and the Chair of the Council may invite the complainant to meet with them to discuss the matter.
4.7 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Full Council Meeting.
4.8 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- Why the decision has been taken.
- What action has been taken.
- The duration of that action.

4.9 The Clerk will enclose a copy of this policy in the letter to the complainant.
4.10 Where the behaviour is so extreme or it threatens the immediate safety and welfare 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.

5. Review

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

6. Record Keeping

6.1 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 and address of each member of the public who is treated as an abusive, vexatious or persistent complainant, or any other person who so aids the complainant.
- When the restrictions came into force and ended
- What the restrictions are
- When the person and Council were advised.

6.2 Full Council will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent complainants as per this policy.