UFFCULME PARISH COUNCIL

POLICY FOR HANDLING UNREASONABLE AND UNREASONABLY PERSISTENT COMPLAINTS AND REQUESTS POLICY (VEXATIOUS COMPLAINTS POLICY)

1. Introduction

1.1 Uffculme Parish Council ('the Council') is a local authority that makes decisions on behalf of the people in its parish and is the local authority level closest to the community. As such, it is invariably the first place people will go to with concerns or ideas

1.2 The Council is committed to providing a high-quality service to the public and values all kinds of feedback. Expressions of dissatisfaction are treated seriously and recognised as a tool for it to identify and action service improvements.

1.3 The Council is also accountable for the proper use of public funds and must ensure that money is spent wisely and demonstrates value to the public.

1.4 In a minority of cases members of the public pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for the Council. These actions can occur either while their complaint is being investigated, or once the Council has finished the complaint investigation.

1.5 This Policy is based on what the Local Government Ombudsman would regard as good practice in relation to unreasonable requests.

2. Aim of this Policy

2.1 The 3 core aims of this Policy are to:

- Deal with complaints in an open, fair and proportionate way.
- Manage the complainant's behaviour and expectations, as far as possible, while the substance of their complaint is addressed.
- Empower Council members and staff by helping them understand what is expected of them, what options for action are available and who can authorise these actions.

3. Definitions

3.1 For the purposes of this policy, unreasonable and unreasonably persistent complainants are defined as being those who, because of the frequency and/or nature of their contact with the Council, hinder the Council's consideration of their or other people's complaints, unduly impact on the conduct of the Council's public tasks and require a disproportionate level of resource.

3.2 It is important to differentiate between "persistent" complaints and "unreasonably persistent" complaints. A persistent individual may submit a repeat complaint on the entirely reasonable basis that they feel that the Council has not dealt with their complaint properly and are not prepared to leave the matter there.

3.3 Unreasonable and unreasonably persistent complaints may have justified complaints or grievances but may be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined.

3.4 One or more of the following indicators can be characteristic of unreasonable or unreasonably persistent complaints. They may be complaints, requests, concerns or enquiries that:

- Clearly do not, or no longer have, any serious purpose or value;
- Are obviously vexatious in nature;
- Have the effect of causing disruption or annoyance;
- Have the effect of harassing Council members/staff;
- Can otherwise fairly be characterised as obsessive or unreasonable;
- Are progressed by the complainant in an unreasonable manner; and/or
- Take up an unreasonable amount of time and hinder the Council's other work.

3.5 Unacceptable behaviour, whether face-to-face, at public meetings and/or remotely can include:

- Abusive, offensive or threatening behaviour.
- Behaviour which amounts to bullying or harassment.
- Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language. This includes reference to where a Councillor/member of staff lives.

3.6 All such behaviour will be documented.

3.7 Complainants (and/or anyone acting on their behalf) may be deemed to be making unreasonable complaints and requests where previous or current contact with them shows that they meet one or more of the following criteria:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint investigation process.
- Refusing to accept that certain issues/concerns identified are not within the scope of the Council's remit.
- Refusing to accept that issues or requests are not within the remit of a 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 adopted complaints procedure or with good practice.
- Persistently changing the substance of a complaint or continually raising new issues or seeking to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed.
- Changing the basis of a complaint or request as it proceeds and/or denying statements made at an earlier stage.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Continuing to add new, or making trivial, complaints requests or enquiries.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- The complaint is submitted and persistently pursued through different Council departments or individuals at the same time.
- Regularly focusing on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
- Introducing trivial or irrelevant new information at a later stage.
- The complaint relates to an issue based on a historic and irreversible decision or incident.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Persisting in pursuing a complaint where the Council's Complaints or Freedom of Information Act procedure has been fully implemented and exhausted.
- The complaint remains "active" through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons.

- Persistently changing the name of the individual with whom the Council should be corresponding with about the complaint.
- Making unreasonable demands of the Council or its Council staff/members or setting unreasonable timescales for a response.
- Making unreasonable requests in relation to who should deal with their complaint, enquiry or request, or how it should be dealt with.
- Making unjustified complaints about Council members/staff who are trying to deal with the issues and seeking to have them replaced.
- Making excessive demands on the time and resources of Council members/staff.
- Impersonating any Council member/staff member with the objective of soliciting information for whatever purpose.
- Sending a high volume of letters, emails and/or phone calls (at times to multiple recipients).
- Repeatedly cancelling complaints hearing meetings at short notice.
- Recording meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- Denying or changing statements made at an earlier stage.
- Submitting falsified documents from themselves or others.
- Repeatedly refusing to accept documented evidence given as being factual or denying receipt of an adequate response in spite of correspondence specifically answering their questions
- Refusing to accept a final decision; repeatedly arguing points with no new evidence.

3.8 These examples cover behaviour which may be considered unreasonable (depending on the circumstances of each case), which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

3.9 This list is not intended to be exhaustive; other behaviour of comparable seriousness may also be considered unreasonable.

4. Actions

4.1 In response to unreasonable complaints, the Council may have to restrict access to its premises or Council members/staff, in accordance with its own policies and procedures protecting their staff from harassment and harm. It may also have to restrict access because of the disproportionate amount of time and resources spent dealing with the complainant/the investigation.

<u>Step one: Identifying the complainant's behaviour as unreasonable and/or unreasonably persistent</u>

4.2 Where complaints have been identified by the Clerk as unreasonable and/or or unreasonably persistent in accordance with the criteria set out above a record will be kept, for future reference, of the reasons why.

<u>Step two: Considerations prior to imposing restrictions</u>

4.3 When the Clerk has determined that behaviour is unreasonable, the Clerk and Chairman of the Council will decide whether it is necessary to set up a strategy meeting to agree a cross-departmental approach and whether it can manage the complainant's behaviour.

4.4 Where the complainant has contacted more than one Council Member/staff, the Clerk and Chairman of the Council will coordinate who will send the response to the complainant for consistency.

4.5 It may be possible to manage the complainant's behaviour by providing them with a warning. The Clerk and Chairman of the Council will then consider the following options:

4.6 Offering the complainant a telephone meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable.

4.7 Sharing this Policy with the complainant and warning them by email or letter that restrictive actions may need to be applied if their behaviour continues.

4.8 If the complainant has additional needs, an advocate might be helpful to both parties. Consideration should be given to offering the complainant reasonable assistance to find an independent one.

4.9 The Council will keep a record of any telephone meeting and the outcome. If an early resolution is identified, this will be confirmed in writing to the complainant.

Step three: Imposing restrictions

4.10 Any restrictions will be appropriate and proportionate to the nature of the complainant's contacts with the Council at that time. In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the complainant with the need to ensure other residents and Council Members/staff do not suffer any disadvantage or undue stress and the resources of the Council are used as effectively as possible.

4.11 The following are examples of the types of restriction which may be implemented by the Clerk and Chairman of the Council:

- Placing limits on the number and duration of contacts with Council members/staff per week or month.
- Offering a restricted time slot for necessary calls.
- Requiring the complainant to communicate only with one named Council member/member of staff.
- Limiting the complainant to one medium of contact (telephone, letter, email etc). If limiting the contact to email only, the Clerk will specify an email address and inform the complainant that the mailbox will be reviewed from time to time.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Closing the investigation into a complaint.
- Refusing to register and process further complaints/requests about the same matter(s) and ending all communication on the issue with the complainant.
- Where a final decision on the complaint/request has been made, a restriction that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. The Clerk will specify an email address and the designated contact will read future correspondence from time to time.
- Banning a complainant from some or all of the Council's premises.

4.12 If Clerk and Chairman of the Council decide that a restriction is necessary because of the nature of their behaviour, the Clerk will implement such action and will notify the complainant(s), that:

- their complaint, enquiry or request is considered as unreasonable and/or unreasonably persistent and the reason(s) why;
- the restriction imposed;
- how long the restriction will last for;
- when the restriction will be reviewed (where applicable).

4.13 For completeness, this notification will be copied to all Council members and staff and may be copied to any others already involved.

4.14 There is no right to appeal a decision.

4.15 There should never be a blanket ban for an unspecified period of time.

4.16 Behaviour which threatens Council members/staff safety or welfare may lead to police involvement or legal action. In such cases, where there is a need or justification for protecting Council members/staff, the Council does not need to give the complainant prior warning of this action.

Step four: Reviewing the restrictions

4.17 When imposing a restriction on contact, the Council will have a specified review date.

4.18 Restrictions will be lifted unless there are good grounds to extend them. These grounds will be considered by the Clerk and Chairman of the Council.

4.19 The Clerk will tell the complainant of the outcome of the review. If restrictions are to continue, they will explain the reasons and state when they will next be reviewed.

4.20 If the restrictions are lifted, urgent consideration will be given to re-introducing the restrictions if the behaviour which led to the original decision re-commences.

4.21 Complainant records will be retained electronically by the Council for a period of no longer than 7 years, at which point they will be deleted.

5. Other policies

5.1 Under the Freedom of Information Act 2000 Section 14(1), the Council does not have to comply with vexatious requests. Vexatious requests made under the Freedom of Information Act 2000 are defined in the Council's Freedom of Information Act Policy.

Signature of Chair

Version control

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