

POLICY ON HANDLING COMPLEX AND PROTRACTED COMMUNICATIONS AND COMPLAINTS

INTRODUCTION

This policy identifies situations where a complainant, either individually or as part of a group of complainants, might be considered to be habitual, complex or vexatious.

The following clauses form the Parish Council's policy for ways of responding to these situations.

- a. 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'
- b. 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
- c. The term 'complaint' in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts

CONTEXT

Habitual, complex or vexatious complaints can be a problem for Parish Council staff, i.e., the Parish Clerk, and members. The difficulty in handling frequent, complex or vexatious communications is that they are disproportionately time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Raising of legitimate queries or criticisms of Council actions should not in themselves lead to a parishioner being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more often, should not necessarily cause them to be labelled vexatious or unreasonably persistent

The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable. Prior to considering its implementation the Council will send a summary of this policy to the complainant to give them prior notification of its possible implementation.

HABITUAL, COMPLEX OR VEXATIOUS COMMUNICATIONS OR COMPLAINANTS

- a. For the purpose of this policy the following definitions of habitual, complex or vexatious communications/complainants will be used:

The repeated and/or obsessive pursuit of:

- unreasonable complaints and/or unrealistic outcomes; and/or
- reasonable complaints in an unreasonable manner

- b. Where communications/complaints continue and have been identified as habitual or vexatious in accordance with the criteria/definitions set out below, the Council will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken
- c. The Clerk, on behalf of the Parish Council, will notify complainants, in writing, of the reasons why their communication/complaint has been treated as habitual or vexatious and the action that will be taken
- d. 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

DEFINITIONS AND CRITERIA USED IN DETERMINING VEXATIOUS COMMUNICATION

- a. Colton Parish Council defines unreasonably 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 or have a negative impact on the time available for the Parish Clerk to undertake their duties effectively. Colton Parish Council employs a Parish Clerk for ten hours per week in which to undertake statutory duties and to deliver the requirements of the Parish Council and vexatious/frequent communications may take up a disproportionate amount of this time to deal with them
- b. Examples include the way in which, or frequency with which, complainants raise their complaints with the Parish Clerk or how complainants respond when informed of the Council's decision about their complaint
- c. Features of an unreasonably persistent and/or vexatious complainant include the following:
 - have insufficient or no grounds for their complaint and be making the complaint only to annoy or harass (or for reasons that they do not admit or make obvious)
 - refuse to specify the grounds of a complaint despite offers of assistance
 - refuse to co-operate with the informal and/or formal complaints investigation process while still wishing their complaint to be resolved
 - 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 person/people dealing with the complaints and seek to have them dismissed or replaced
 - that uses discriminatory, slanderous, libellous or otherwise threatening language towards the Council as a whole or individual members of the Council or the Clerk

IMPOSING RESTRICTIONS

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

- a. In the first instance the Clerk will consult with the Parish 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

- b. If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will make this decision in consultation with the Parish Council and inform the complainant in writing of what procedures have been put in place and for what period.
- c. 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 three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis
- d. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - i. Letting the complainant know that the Parish Council will not respond to, or acknowledge any further contact from them on the specific topic of that complaint or
 - ii. Reducing the frequency and number of responses by the Council to once in 20 working days, advising the correspondent of the PC agreed frequency
 - iii. Banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf
 - iv. Banning the complainant from sending emails to individuals and insisting they only correspond by postal letter
 - v. Requiring contact to take place with one named member of staff only
 - vi. Restricting telephone calls to specified days and/or times and/or duration requiring any personal contact to take place in the presence of an appropriate witness
- e. 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 and the duration of that action
- f. The Clerk will enclose a copy of this policy in the letter to the complainant
- g. Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Parish Council may decide to refuse all contact with the complainant and stop any investigation into their complaint
- h. Where the behaviour is so extreme or it threatens the immediate safety and welfare of individuals, 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

NEW COMPLAINTS FROM COMPLAINANTS WHO ARE TREATED AS ABUSIVE, VEXATIOUS OR PERSISTENT

- a. New complaints from people who have been "sanctioned" under this policy will be treated on their merits, the Clerk and the Chair of the Parish Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor is ignoring genuine information requests or complaints where they are founded
- b. The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those within the Council

REVIEW

- a. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and 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, or by the next Council Meeting
- b. The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended

RECORD KEEPING

- a. The Parish Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:
 - i. 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
 - ii. When the restrictions came into force and ends
 - iii. What the restrictions are
 - iv. When the person and Council were advised
- b. The Parish Council will be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy