



# HANDLING VEXATIOUS COMPLAINTS POLICY AND PROCEDURES

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Spaldington Parish Council will hereinto be known in this policy as *'the Council'*

## 1. INTRODUCTION

- i. The Council is committed to dealing with all complaints and other issues or concerns raised by members of the public fairly, comprehensively and as efficiently as possible. The Council recognizes that dealing with complaints/Freedom of Information (FOI) or similar requests is generally a straightforward matter. However, in a small number of cases, people pursue complaints and FOI/other requests in ways which can become unacceptably problematic for Council staff or members.
- ii. In accordance with Local Government Ombudsman guidance the Council defines vexatious behaviour as that which is *'unreasonably persistent'* or *'unreasonable'*.
- iii. Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants/requesters is that they can become time consuming and wasteful of resources in terms of the Clerk's and members' time. In a small number of cases, people pursue complaints/FOI requests in a way which can impede the investigation of their complaint or can have significant resource issues for the Council.
- iv. The Council does not expect its staff or Members to tolerate unacceptable behaviour by complainants/requesters or any other persons.
- v. The purpose of this policy is to support the Council's overall aim of dealing with all complaints, complainants and requests for information in ways that are demonstrably consistent, constructive, fair and reasonable. The policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct. It identifies where a complainant/requester, either individually or as a member of a group or a group of complainants/requesters might be considered to be habitual or vexatious and outlines procedures for responding to such situations.
- vi. This Policy links with the Council's other Policies.

## 2. IDENTIFYING A 'VEXATIOUS' COMPLAINANT OR REQUESTER

- i. Raising of legitimate queries or criticisms of a complaints procedure as it progresses (for example if agreed time scales are not met) should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant/requester.
- ii. Similarly, the fact that a complainant/requester is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him/her to be labelled vexatious or unreasonably persistent



- iii. The Council define an unreasonable and vexatious complainant/requester as those complainants/requesters who because of the frequency or nature of their contacts with the Council, hinder consideration of their, or other peoples, complaints. The term 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint. Vexatious behaviour can also include complaints, actions or FOI requests that are made with the purpose of disrupting Council business or of undermining the Council or individual members.
- iv. In this Policy the term habitual means 'done repeatedly or as a habit'. The term vexatious is recognized in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, and to cause annoyance to the defendant'.
- v. Examples include the way in which, or frequency with which, complainants/requesters raises their complaint with the Clerk or how complainants/requesters respond when informed of the Council's decision about the complaint.
- vi. Features of an unreasonably persistent and/or vexatious complaint include the following, although the list is not exhaustive.
- Having insufficient grounds for their complaint or making the complaint only to annoy.
  - Failing to specify the grounds of the complaint.
  - Refusing to co-operate with the complaint investigation process.
  - Insisting that the complaint is dealt with in ways that are incompatible with the complaints procedure or good practice.
  - Denying statements he/she made at an earlier stage of the complaints procedure.
  - Electronically recording meetings and conversations without the prior knowledge and consent of the other person(s) involved.
  - Making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded
  - Refusing to accept the decision of the Complaints Committee and repeatedly arguing the point.
  - Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being investigated.
  - Adopting a 'scattergun' approach, for instance, pursuing a complaint or complaints with the Council and at the same time with, for example, other Councils, elected Councillors/members of Parliament



- Persistently approaching the Council about the same issue but through different routes
  - Refusing to accept that the issues are not within the remit of the Council to investigate.
  - Alleging that the complainant is being discriminated against on the grounds of disability, race, age, gender, sexual orientation or religion without good reason or evidence.
  - Using bullying, physical or psychological threats as a means to gain leverage with the Clerk or a member of the Parish Council
  - Being part of a campaigning group, whose articles and activities have already caused distress and harassment to the Clerk and members of the Parish Council.
- vii. The complainant/requester does not have to have either used or be in the process of pursuing a complaint through the Council's Complaints Policy to be considered to be behaving in an unreasonably persistent or unreasonable manner.

### **3. HANDLING VEXATIOUS COMPLAINTS / REQUESTS**

- i. The Council will first determine whether the persistent behaviour can reasonably be considered vexatious.
- ii. Where the persistent behaviour relates to a complaint, the Parish Council will first ensure that the complaint is being or has been investigated properly according to the adopted complaints procedure. This will involve checking that:
- the investigation was properly conducted, using an appropriate evidence-base
  - any decision reached is the right one based on the evidence available
  - communications with the complainant/requester have been appropriate
  - the complainant is not now providing any significant new information that might affect the Council's view of the complaint.
- iii. Where the persistent behaviour relates to correspondence or requests for information, the Council will consider the following.
- Can the requests be fairly seen as obsessive?
  - Is the request harassing the Council?
  - Would complying with the request impose a significant burden?
  - Is the request/complaint designed to cause disruption or annoyance
  - Does the request lack serious purpose or value?
  - Is the request/complaint being made with the purpose of following a personal agenda against the Council or its members/past members?



- iv. Where the communication of the complainant/requester is considered unreasonably persistent, s/he will be informed and given the grounds for such a decision. This will include a warning that if his/her actions continue, the Council may decide to treat him/her as a 'vexatious' complainer/requester. The Council will provide a copy of this policy and explain that continuation of the behaviour may result in the Council's imposing restrictions on further correspondence
- v. If the vexatious conduct or correspondence of the requester/complainant or group of persons acting together continues, the Council may refuse to respond to communications from that person or group of persons for a specified period of time or may limit the amount of correspondence from them which will be dealt with.
- vi. The complainant/requester will be advised in writing that:
  - their access to the Clerk and Members of Spaldington Parish Council will be suitably restricted
  - what those restrictions will be and for how long
  - that any decision to impose restrictions will be reviewed after 6 months
  - that any decision to designate a complainant as unreasonable or unreasonably persistent would be shared with all members of Spaldington Parish Council
- vii. Restrictions on access to the Clerk and Members of the Parish Council will be agreed at the discretion of the Council or Clerk to the Council after consultation with the Chair or Vice Chair and would normally be for 1, 3, or 6 months.
- viii. Where behaviour is so extreme that it threatens the immediate safety and welfare of staff or individual members of the Council, other options will be considered e.g. the reporting of the matter to the police and taking legal action. In such cases, the complainant/requester will not be given prior notice of that action.

#### **4. REVIEWING THE STATUS OF RESTRICTIONS**

- i. The status of the complainant/requester, who has been judged to be unreasonably persistent or vexatious, will be reviewed by the Clerk and the Chairman (or in his/her absence the Vice Chairman) quarterly.
- ii. The Complainant/requester will be informed of the result of this review if the decision to apply this policy has been changed or extended.



## 5. RECORD KEEPING

- i. 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, address or contact details of each member of the public who is treated as abusive, vexatious or persistent
  - Details of the restrictions imposed
  - The dates on which restrictions were imposed and lifted
  - The date on which the complainant and Council were advised.
- ii. The Chair will be provided with an annual report giving information about members of the public who have been treated as vexatious/persistent as per this policy

## 6. POLICY REVIEW

- i. This Policy will be reviewed at the Council's Annual meeting
- ii. The policy will be updated in response to relevant changes in legislation or advice provided by YLCA, or the Local Government Ombudsman or similar authority
- iii. Policy review will consider the frequency of implementation and its effectiveness in achieving positive outcomes.