

Carham Parish Council

Persistent or Vexatious Complaints Policy and Procedure

1. Introduction

This policy is about the management of abusive, persistent and/or vexatious complainants. It sets out how Carham Parish Council will deal with complainants that fall within the scope of this definition and should be read in conjunction with the Council's separate Complaints Policy and Procedure.

2. Persistent or vexatious complaints

Although complainants have the right to be heard, to have their complaint thoroughly investigated and to receive a considered response, there are occasions when their behaviour can be deemed to be unacceptable or unreasonable.

Examples of unreasonably persistent or vexatious behaviour include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of the Council's jurisdiction or within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff or councillors who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff, councillors and/or organisations.
- Making excessive demands on the time and resources of staff or councillors with lengthy phone calls, emails to numerous council staff or councillors, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Repeated or unnecessary invoking of Freedom of Information requests for information which is already in the public arena.

Examples of unacceptable or abusive behaviour include:

- Speaking to the member of staff or councillors in a derogatory manner which causes offence.
- Swearing, either verbally or in writing, despite being asked to refrain from using such language.
- Using violence or threatening language which provokes fear.
- Repeatedly contacting a member of staff or councillor regarding the same matter which has already been addressed.
- Using social media to make unfounded allegations against the Council, its staff or councillors.

The lists of what constitutes unreasonable or unacceptable behaviour are not exhaustive and other, similar

behaviours may also fall within the definition of abusive, persistent or vexatious complaints.

3. Managing unreasonable or unacceptable complainant behaviour

This policy may be invoked if the Council considers that a complainant has behaved in a manner which is deemed unreasonable or unacceptable (see above).

The Council may take the following steps to deal with such complainants, bearing in mind that the response itself should be reasonable and proportionate in the circumstances:

- Where the complainant tries to reopen an issue that has already been considered through one of the Council's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- Where a decision on the complaint has been made, the complainant may be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.
- Limiting the complainant to one specific type of contact (for example telephone, letter, email, etc.).
- Placing limits on the number and duration of contacts with staff or councillors per week or month.
- Requiring contact to take place with a named person and informing the complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file.
- Assigning one person to read the complainant's correspondence, in order to ensure appropriate action is taken.
- Offering a restricted time slot for necessary calls to specified dates and times.
- Refusing direct contact with staff or councillors or requiring any face-to-face contact to take place in the presence of a witness and in a suitable location.

4. Procedures

In the first instance, the Parish Clerk in consultation with the Chair of Council will communicate with the complainant in writing to explain why their behaviour is causing concern, and asking them to change this behaviour. They will explain what actions the Council may take if the behaviour does not change.

If the complainant continues with the concerning behaviour the Parish Clerk will seek the support of the Council's Complaints Review Panel to invoke this policy and agree the appropriate response.

The Parish Clerk will contact the complainant in writing to explain:

- Why the decision has been taken, and;
- What action the Council will be taking, and;
- The time period at the end of which the matter will be reviewed, and;
- The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as an abusive, persistent or vexatious complainant.

If the complainant continues to behave in a way which is deemed unreasonable or unacceptable then the Parish Clerk, in consultation with the Chair of Council, may decide to refuse all contact with the complainant and cease any investigation into his or her complaint.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or councillors, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, it may not be possible to give the complainant prior warning.

Any new complaints received from complainants falling under this policy will be treated on their merits. The Council does not support a blanket ban on genuine complaints simply because restrictions may have been

imposed upon that complainant.

The Council’s Review Panel will consider any restrictions at the end of the notified review period. Should the decision be taken to extend the period of restriction, the complainant will be advised in writing by the Parish Clerk explaining why and giving a further review date.

If at the end of the restricted period it is considered that the complainant’s behaviour is no longer deemed to be unreasonable or unacceptable, the Parish Clerk will confirm this in writing advising that the restrictions have now been lifted.

5. Record Keeping

The Parish Clerk will keep a record of all complainants who have been treated as being abusive, unreasonably persistent and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.

The record will be destroyed 12 months after the lifting of any restrictions.

Where there has been a threat of, or actual, violence then the complainant’s name will be recorded on the Council’s list of potential violent customers to protect the future health and safety of staff and councillors.
Adopted by Carham Parish Council.

Date _____

Signed _____

Name _____

Position _____