

# **FLEGGBURGH 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 considered to be habitual, 'done repeatedly or as habit' or vexatious 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. The following clauses form the Parish Council's policy for ways of responding to these situations.
- 1.2. 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.
- 1.3. 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. The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1988.
- 1.4. Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavors to respond with patience and sympathy the need of all complainants there are time when there is nothing further which can be reasonably done to assist or rectify a real or perceived problem.

### **2. Defining Vexatious or Habitual Complaints or Complainants**

- 2.1. For the purpose of this policy the following definitions of vexatious complainants will be used:
  - persists in pursuing a complaint where it has been fully investigated and full action has been taken within the Parish Council's procedures, but the complainant will not acknowledge or accept this;
  - displays unreasonable demands or expectations and fails to recognise that these are unreasonable;
  - have threatened a Councillor or the Clerk;
  - have harassed or been personally abusive or verbally aggressive towards Councillors or the Clerk dealing with the complaint; this includes the use of foul or inappropriate language;
  - refuses to accept that issues are not within the power of the Council to investigate, change or influence;
  - changes the main issue of the complaint or continually raise new issues, especially while the original complaint is being addressed;
  - are unwilling to accept documented evidence to support an adequate response;
  - have caused persistent offence to a Councillor or the Clerk;
  - raises repeat issues that have already been fully addressed;
  - persists in seeking an outcome which the Council has explained is unrealistic for legal or policy (or other valid) reasons;
  - continues to challenge the Council for alleged wrongdoing without any cogent basis to do so;
  - is pursuing a relatively trivial or highly personalised matter of little benefit to the residents of the Parish;
  - pursuing a personal grudge;
  - unreasonable persistence;
  - unfounded accusations;
  - intransigence;
  - frequent or overlapping complaints, requests or communications;
  - deliberate intention to cause annoyance;
  - disproportionate effort is required to deal with a matter;

- no obvious intent to obtain information;
- futile or frivolous requests;
- tone or content of the communication is objectionable, especially if relating to discrimination by race, ethnic origin, religion, gender, sexual orientation or disability.

2.1 Discretion will be used in applying the above criteria to identify persistent or vexatious complaints/complainants and in deciding the appropriate action to be taken.

### **3. Use of this Policy**

3.1. Where complainants have been identified as vexatious in accordance with the above criteria, the Clerk will consult with the Chair of the Council and/or Councillors to consider if they wish to suspend all contact with the complainant or impose an alternative restriction in communication.

Before doing so, the Parish Council may decide to deal with the complainant in one or more of the following ways, as it may be worth considering whether a conciliatory approach could help before determining a complaint as vexatious:

- 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.
- banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter.
- requiring contact to take place with one named member of staff only.
- 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.
- letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).

3.2. The complainant will be notified in writing by the Clerk that they have been considered vexatious and that one of the above restrictions have been invoked as a last resort in order to conclude the matter(s).

### **4. Review**

4.1. The status of a complainant judged to be unreasonably vexatious will be reviewed by the Clerk, the Chair of the Parish Council and/or Councillors 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 Full Council Meeting.

4.2. The complainant will be informed in writing of the result of this review if the decision to apply this policy has been changed or extended.

Adopted: September 2023

Review due: September 2024