Risby Parish Council

Persistent and vexatious complaints and correspondence policy

1.0 INTRODUCTION

1.1 This policy identifies situations where a complainant or correspondent, either individually or as part of a group of complainants or correspondents, might be considered to be habitual, vexatious, aggressive, abusive, persistent or unreasonable, and the action to be taken by the Parish Council in these circumstances. The policy is not restricted to complaints, it covers the full range of any contact including correspondence, requests for information and FOI requests.

2.0 AIMS OF THE POLICY

2.1 This policy aims to provide guidance on how to identify and manage persistent, vexatious, aggressive, abusive, or unreasonable complaints, correspondence and all forms of communication.

3.0 RECOGNISING UNACCEPTABLE BEHAVIOUR

3.1 Habitual or vexatious complaints or correspondence can be a problem for both the Parish Council and the clerk. The difficulty in handling such matters is that they are time consuming and wasteful of resources in terms of the clerk and councillors' time. There are times when despite having tried to respond to complaints or correspondence there is nothing further which can be reasonably done to assist or to rectify a real or perceived problem. This includes the repeated and/or obsessive pursuit of any matter where lengthy explanations of the Parish Council's actions or stance have already been provided.

3.2 The following list follows the guidance of the Local Government Ombudsman and provides examples of behaviour that may be considered to be persistent, vexatious or unreasonable.

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to co-operate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of a complaint's 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 members 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 they made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising detailed unimportant questions, 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 organisations.
- Making excessive demands on the Parish Council's time and resources with lengthy phone calls, emails to councillors or the clerk, or detailed frequent letters and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, the complainant insisting that this makes these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

3.3 The above is not exhaustive, merely explanatory of examples of unreasonable behaviour.

3.4 Where a request is considered to be vexatious or persistent, Risby Parish Council may make the decision not to provide the information requested, informing the complainant that further contact on the matter will not be acknowledged or replied to.

4.0 AGGRESSIVE OR ABUSIVE BEHAVIOUR

4.1 Violence is not restricted to behaviour that may result in physical harm but also includes behaviour or language (oral or written) that may cause any councillor, Council employees or anyone working on their behalf to feel afraid, threatened or abused. This may include (but is not limited to) the following: -

- Threats
- Physical violence
- Personal verbal abuse
- Personal written, texted or social media abuse
- Derogatory comments
- Rudeness
- Inflammatory statements and unsubstantiated allegations

5.0 ACTION TO BE TAKEN BY THE COUNCIL

5.1 Risby Parish Council will meet in private at the end of the next available Full Council meeting to discuss any complaints/complainant's behaviour that are considered by the clerk or any councillor to come under the above definitions. Private meetings are allowed when information relating to an individual is discussed or where it might reveal an individual's identity.

5.2 **STAGE 1**

If a Parish Council resolution confirms that the complainant's actions (including correspondence) fall under the required definition, the rationale for this will be recorded and the clerk will be asked to write to the individual/group to say that their behaviour is considered to be unreasonable and unacceptable and to request a change of approach. A copy of this policy document will be sent.

5.3 **STAGE 2**

If there is no improvement in behaviour, then this matter will again be referred to a private meeting of the Parish Council who will consider whether this constitutes continued unacceptable behaviour and inform the complainant(s) in writing that their behaviour is not acceptable and why.

5.4 Each case will be reviewed individually, and sanctions may include:

Restrictions on contact with the Council for example:

- A total ban on all communication for a set period.
- Banning the complainant from making contact by telephone
- Banning the individual from sending e-mails and insisting on correspondence by letter.
- Banning the individual/group from raising questions or queries at Parish Council meetings.
- Banning the individual/group from attending Parish Council meetings for a prescribed period, (not longer than 12 months).
- Requiring personal contact to take place only in the presence of a witness.

- Any other sanctions considered necessary by the Parish Council pertaining to the circumstances of the case.

All sanctions will be reviewed at six monthly intervals.

5.5 When behaviour is so extreme that it threatens the immediate health or safety of the Clerk, councillors or anyone acting on their behalf, then the Parish Council will cease all contact at once and will pursue such action that is commensurate and proportionate to the behaviour through the initiation of criminal prosecution or civil proceedings. The Parish Council may not give prior warning of this action.

This document was approved by Risby Parish Council at the meeting on 2nd July 2020.