

# Unreasonable and Unreasonably Persistent Complainants, Vexatious Complainants and Unacceptable Behaviour Policy 2019

## 1. Introduction

1. The Parish Council, its Councillors and the Parish Clerk work closely with residents of the Parish and they aim to provide a quality service whenever they are contacted by them. In doing this everyone is entitled to be treated respectfully, courteously and politely and any issue raised will be dealt with in an open, fair and proportionate manner.
2. The Council does not normally limit contact from residents. However, the Councillors and the Clerk should not be expected to tolerate abusive, offensive or threatening behaviour. Similarly, the Council and the Clerk should not be expected to deal continuously with someone who, because of the frequency of their contact, causes an unreasonable burden on the normal work.
3. If a resident wishes to complain to the Parish Council this should be done by telephone, email or letter to the Clerk. In order to deal with complaints efficiently and effectively the Parish Council has a Complaints Policy that sets out how these complaints are dealt with. The contact details for the Clerk are on the website at [www.dunchideock.org.uk](http://www.dunchideock.org.uk).
4. Only in a minority of cases do people pursue their complaints in a way that is unacceptable. If the nature and frequency of contact from the complainant is excessive, or the tone of their contact is inappropriate, the Parish Council's Policy for Dealing with Unreasonable and Unreasonably Persistent Complainants, Vexatious Complainants and Unacceptable Behaviour will be used. Frequent complaints of this nature disrupt the normal daily running of the Parish Council because dealing with these can be time consuming and could lead to unnecessary additional cost to the council tax payers or impact on the well being of the Councillors or the Clerk.
5. This policy sets out the actions that the Council can take with a proportionate approach when dealing with this type of contact or behaviour from complainants. Any action under this procedure will not prevent a potentially serious issue affecting public safety from being investigated. Behaviour that constitutes a criminal offence will be reported to the Police.

## 2. What is Unreasonable and Unreasonably Persistent?

1. Unreasonable and Unreasonably Persistent Complainants are those who, because of the frequency or nature of their contacts with the Council, can hinder the work of the Council or consideration of their or other people's, complaints. "Unreasonable" may include one or two isolated incidents. "Unreasonably Persistent" is usually a build up of incidents or behaviour over a longer period. Those who are unreasonable and persistent may have justified complaints or grievances, but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints or issues which appear to have no substance or which have already been investigated and determined.
2. In response the Council may have to restrict access to its Councillors or the Clerk with its own procedures. Examples of the types of actions or behaviour which may cause this policy to be used are noted below. These are not exhaustive but could include one or more of the following:
  - a. Making unnecessarily excessive demands on the time and resources of the Clerk with lengthy phone calls, complex emails and letters every few days and expecting immediate responses.
  - b. Submitting repeated complaints about the same issues, with additions or variations which the complainant insists make these 'new' complaints.
  - c. Refusing to accept a decision on a complaint repeatedly arguing the point and complaining about the decision.
  - d. Refusing to accept that issues are not the responsibility of the Council despite having been advised of this.

- e. Refusing to accept that some legislation does not apply to the Council.
- f. Refusing to accept or co-operate with the Complaints Policy.

### **3. What is Vexatious?**

1. Vexatious Complainants are those, who in a variety of circumstances make a request where the impact on the Council cannot be justified for several reasons. These requests may be clearly unreasonable, or objectionable amongst the reasons and are likely to cause a manifestly or unjustified level of disruption, irritation and distress.

### **4. What is Unacceptable Behaviour?**

1. The Council expects the Councillors and the Clerk to be treated with courtesy and respect. Unacceptable Behaviour is defined as: behaviour or language (whether oral or written) that may cause a person to feel afraid, intimidated, threatened or abused. This may include occasions where situations escalate and/or complainants become abusive, threatening or otherwise behave unacceptably, with threats of physical violence, derogatory remarks, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

### **5. How will the Parish Council deal with the Complainants and Unacceptable Behaviour?**

1. In determining when and how this policy should be activated, the Clerk will liaise with the Chairman of the Council and one other nominated Councillor. If the complainant challenges the Council's decision and provides proof that the complaint has not been sufficiently dealt with, a review will be undertaken by the Vice Chairman of the Council and one other Councillor who was not involved in the initial stage of the complaint.
2. If complaints are received as above or unacceptable behaviour occurs by any method of communication, an explanation will be given to the complainant why their actions are unacceptable. The complainant will be given the opportunity to restrict their complaints or stop their behaviour and advised that if either continues the handling of the complaint will be ended.
  - a. A note will be made by the Parish Clerk with the details of the complaints received from or the unacceptable behaviour of the complainant and the explanation and reasons given to them.
  - b. This note should be saved by the Parish Clerk. This note would be disclosable under the Data Protection Act 2018.
3. If the complainant continues their course of action they will be advised that the Procedure for Dealing with Unreasonable and Unreasonably Persistent Complainants, Vexatious Complainants and Unacceptable Behaviour will be implemented.

## **Procedure for Dealing with Unreasonable and Unreasonably Persistent Complainants, Vexatious Complainants and Unacceptable Behaviour**

1. An Unreasonable and Unreasonably Persistent Complainant or Vexatious Complainant or complainant who has demonstrated Unacceptable Behaviour will be notified that the Council's Policy for dealing with their complaints or behaviour is to be enforced, together with the reason why.
2. The complainant will then be asked to adopt one or all of the following procedures:
  - a. Restrict contact to one method or particular form (for example, letters only)
  - b. Restrict contact to a specified number and frequency of occasions
  - c. Restrict telephone calls to specified days and times

3. The Clerk will consider:
  - a. Only acknowledging or dealing with correspondence if new information is presented
  - b. Refusing to accept further telephone calls or other methods of contact
  - c. Restricting the matters that will be dealt with
4. Councillors may block the email address of an unreasonable, unreasonably persistent or vexatious complainant following receipt of this type of email or if they have any experience of unacceptable behaviour from the complainant.
5. Any action taken will be reasonable, proportionate and balance the interests of the complainant with a duty to protect the health, safety and well-being of the Councillors and the Clerk.
6. The Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with.
7. Where a complainant is deemed to be unreasonable and unreasonably persistent or vexatious or having caused unacceptable behaviour, the Council will write to the complainant to justify its course of action and explain for how long the course of action will be operative.
8. The action taken will be reviewed at least once every six months by the Council and the complainant advised should this action be changed.
9. The complainant may challenge the Council's decision although proof that the complaint has not been sufficiently dealt with will be required.
10. If deemed to be a fair challenge the Council will conduct a review of the complaint and will re-consider whether the complainant should still be treated as unreasonable or unreasonably persistent or vexatious or having caused unacceptable behaviour.
11. If a complainant persists in communicating with the Council once their case has been closed, the Council reserves the right to terminate all further communication with the complainant.
12. The case will only be re-visited if the complainant can provide fresh evidence that affects the Council's previous decision concerning the original complaint.
13. If the Council feels that re-opening the complaint cannot be justified, the complainant will be notified in writing that the case has been closed and there will be no further communication on the matter.
14. New complaints from complainants previously deemed to be unreasonable, unreasonably persistent or vexatious or causing unacceptable behaviour will be treated on their merits.
15. Complaints will be kept on file for no more than six years.

## PROCEDURE FOR DEALING WITH VEXATIOUS REQUESTS

1. This type of request is dealt with by the Freedom of Information Act 2000. The Act was designed to give individuals a greater right of access to official information with the intention of making public bodies more transparent and accountable. Whilst most people exercise this right responsibly, a few may misuse or abuse the Act by submitting requests which are intended to be annoying or disruptive or which have a disproportionate impact or cost on the Council.
2. Under the above Act, the Parish Council can refuse to deal with requests that are considered to be vexatious, repeated or similar, or are accessible by other means for numerous reasons.
3. This procedure is expected to apply to very few people. The full details for refusal of these requests will be found in Sections 14, 14(1), 14(2) and 21 of the above Act.

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