

OLD BOLSOVER TOWN COUNCIL

Vexatious Complaints Policy

Scope

The Vexatious Complaints Policy covers the management of abusive, persistent and/or vexatious complainants. It sets out how Old Bolsover Town Council will deal with complainants that fall within the scope of this definition and should be read in conjunction with the Council's Complaints Policy. Those identified will be treated consistently, honestly and proportionately while ensuring that other service users, officers and the Council suffer no detriment.

All complainants have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process; however, in a minority of cases, the complainant may act in a manner that is deemed unacceptable. They may act in a way that is considered abusive, unreasonably persistent, or vexatious and by doing so it may hinder the Council's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.

Definition

It should be noted that raising a complaint about a Council service does not in itself constitute unreasonably persistent behaviour and neither do complainants who escalate through all stages of the relevant complaints procedure or those who express criticism about the complaints process itself.

The Council has adopted the Local Government Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent complainants *"For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints."*

Persistent or vexatious complaints

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

Examples of unreasonably persistent or vexatious behaviour include:

- Refusing to accept that certain issues are not within the scope of the Council's jurisdiction or complaints procedure.
- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- 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 employees 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 made at an earlier stage.
- Introducing trivial or irrelevant additional information at a later stage.
- Raising numerous 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 employees, councillors and/or organisations.
- Making excessive demands on the time and resources of employees or councillors with lengthy phone calls, emails, detailed correspondence on a regular basis, and expecting immediate responses.

- Submitting repeat complaints with minor additions/variations.
- 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 employees or councillors in a derogatory manner which causes offence.
- The use of inappropriate language, either verbally or in writing, despite being asked to refrain.
- The use or threat of violence or threatening language provoking fear.
- Repeatedly contacting employees or councillors regarding the same matter which has already been addressed.
- Using social media to make unfounded allegations against the Council, its employees, or councillors.

This list is not exhaustive; other similar behaviours may also fall within the definition of abusive, persistent, or vexatious complaints.

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. The Council may take the following steps to deal with such complainants, this will be proportionate to 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 employees 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 employees or councillors or requiring any face-to-face contact to take place in the presence of a witness and in a suitable location.

Procedures

In the first instance, the Clerk 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 Clerk will seek the support of the Council to invoke this policy and agree to the appropriate response.

The Clerk will contact the complainant in writing to explain:

- Why the decision has been taken,
- What action the Council will be taking,
- The time period at the end of which the matter will be reviewed,
- The right of the complainant to contact the Local Government Ombudsman.

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

Where the behaviour is so extreme that it threatens the immediate safety and welfare of employees 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 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 writing to explain why and providing 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, this will be confirmed in writing.

Records of all complainants who have been treated as being abusive, unreasonably persistent and/or vexatious will be retained 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. 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 employees and councillors.

Date of policy: March 2024
Policy effective from: March 2024
Date for next review: March 2026