

Chigwell Parish Council

Vexatious Behaviour Policy

Policy on dealing with abusive, persistent or vexatious complaints and behaviour

Reviewed by Finance & Governance January 2025

Adopted Date: Draft

Next Review due: January 2026

1. Introduction

1.1 Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Parish Council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.

1.2 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

1.3 We will not normally limit the contact which complainants have with Parish Council staff

1.4 We do not expect Parish Council staff to tolerate unacceptable behaviour by complainants, or any customer.

Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour
- Inappropriately discussing personal matters relating to Council staff, officers or Council practices
- Sending multiple emails
- Leaving multiple voicemails

1.5 We will take action to protect Parish Council staff and/or Councillors from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.

1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint

and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

2. Aim of this policy

2.1 The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.

2.2 It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of Parish Council staff and members of the Parish Council

3. Definitions

3.1 We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the council, hinder our consideration of their or other peoples' complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.

Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

3.2 We have adopted the Local Government Ombudsman's (LGO) definition of **"unreasonable complainant behaviour"**

There may be occasions when a complainant persists in trying to pursue a complaint either when it has not reasonable basis or when the council has already taken reasonable action in response or where alternative processes have already been pursued.

Features of unreasonable complaint behaviour may include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):

- the complaint is about issues not within the power of the Parish Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this
- there are no specified or substantiated grounds for the complaint despite offers of assistance
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Clerk or an individual member of the Parish Council)
- there are persistent and unreasonable demands or expectations of the Clerk and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)

- there is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- the complainant denies statements he or she made at an earlier stage in the complaint process
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- the complaint is submitted and persistently pursued through different council departments at the same time
- the complaint combines some or all of these features

3.3 We have adopted the Local Government Ombudsman's (LGO) definition of “**unreasonable persistent complaints**”

Features of an unreasonably persistent and/or vexatious complaint may include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):

- there are persistent and unreasonable demands or expectations of the Clerk and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
- there is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- the complaint is malicious in intent and is being used to harass the council and/or its members with no real purpose other than to cause disruption (or for reasons that the complainant does not admit or make obvious)
- the complainant makes a complaint, but then offers to withdraw it in return for some form of benefit from the council
- the complainant makes unsubstantiated accusations against the council, councillors and/or specific employees which are clearly prompted by malice
- the complainant states, in the complaint itself or in other communications, or it is judged that they have some personal grudge against the Council
- there appears to be groundless complaints about the Clerk or staff member when dealing with the complaints and an attempt to have them sanctioned, dismissed or replaced
- Unrelated to the complaints process, the complainant has previously been found to act in a way towards the Council and/or any staff that has been found to be potentially harmful, inappropriate or meriting of sanctions by the Council
- there appears to be a personal grudge against a member(s) of Council staff or a Councillor(s)
- attempts to harass, verbally abuse or otherwise seek to intimidate the Clerk or other members of the Parish Council by use of foul or inappropriate language or by the use of threatening, offensive or discriminatory language or behaviour
- the complainant electronically records private meetings and conversations without the prior knowledge and consent of the other person involved
- the complaint is the subject of an excessively “scattergun” approach; for instance, the complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the council's independent auditor, the

Monitoring Officer or Standards Committee, the police, solicitors and/or the Local Government Ombudsman

- the complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- the complaint remains “active” through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- documented evidence is not accepted as factual by the complainant
- the complaint relates to an issue based on a historic and irreversible decision or incident
- the complaint combines some or all of these features

4. Imposing restrictions

4.1 We will ensure that the complaint is being, or has been, investigated properly according to the Council’s complaints procedure. There may be occasions when a complainant persists in trying to pursue a complaint either when it has not reasonable basis or when the council has already taken reasonable action in response or where alternative processes have already been pursued.

In this event the matter will be referred to council with a full summary of the complaint and the attempts made to resolve the issue. The council may decide that no further action can be taken in response to the complaint and will advise the complainant so, making clear that only new and substantive issues will be responded to.

4.2 There may be occasions when a complaint may be manifestly unfounded. In the first instance the Clerk or other relevant senior officer will refer the matter to Full Council

In this event the matter will be referred to council (or it may be delegated to the Finance and Governance Committee) with a full summary of the complaint and a report of the circumstances by which it is considered unfounded drawn up by the Clerk (or the Chair of the Council or Finance and Governance Committee if the complaint is about the Clerk). The council may decide that no further action can be taken in response to the complaint and will advise the complainant so, making clear that the complaint is considered manifestly unfounded and will not be responded to.

Additionally it may be decided that a warning be issued to the complainant. The Clerk or other relevant senior officer will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Parish Council employee will explain the actions that the council may take if the behaviour does not change.

4.3 If the disruptive behaviour continues, the Clerk or other relevant senior officer will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the council in future will be restricted. The Clerk or other relevant senior officer will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter.

4.4 Any restriction that is imposed on the complainant’s contact with the council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended as the Parish Council see fit. In such cases the restrictions would be reviewed on a quarterly basis.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all council officers and insisting they only correspond by letter
- Banning the complainant from attending any Parish Council meeting unless agreed by prior appointment
- Requiring contact to take place with one named member of the Parish Council only
- Restricting telephone calls to specified days / times / 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 the Parish Council should be identified who will read future correspondence)
- Informing the complainant that any further complaints from him or her will only be considered if the Clerk or other appropriate senior officer agrees that it warrants investigation

4.6 When the decision has been taken to apply this policy to a complainant, the clerk will contact the complainant in writing to explain:

- why the council has taken the decision,
- what action the council is taking,
- the duration of that action,
- the review process of this policy, and
- the right of the complainant to contact the Local Government Ombudsman about the fact
- that their complaint has been treated as a vexatious/persistent.

4.7 The clerk will enclose a copy of this policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way which is unacceptable, the clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

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

5. New complaints from complainants whose previous behaviour has been found to be abusive, vexatious or persistent

5.1 New complaints from people who have come under this policy will be treated on their merits. The clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The council does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Parish Council.

6 Record keeping

6.1 Adequate records will be retained by the Parish Council recording details of the case and the action that has been taken and these will set out:

- The name and address of each customer who is treated as abusive, vexatious or persistent
- When the restriction comes into force and ends
- What the restrictions are
- When the customer and departments were advised