

TENBURY TOWN COUNCIL

UNREASONABLY PERSISTENT OR VEXATIOUS CONTACTS/COMPLAINTS POLICY

1. What are unreasonably persistent or vexatious contacts / complaints?

Tenbury Town Council is committed to dealing with complaints and contacts from residents in an open and transparent way that is fair and equal to everyone.

Overall, dealing with complaints and contacts is a simple process but there are a small number of people who, because of the frequency, nature or tone of their contact with us, adversely affect our ability to do our job and provide a proper service to other residents. We will refer to these parties as 'unreasonably persistent or vexatious' and apply this policy.

For the purposes of this policy, unreasonable or unreasonably persistent parties are those who make contacts / complaints that:

- **clearly do not have any serious purpose or value**
- **are designed to cause disruption or annoyance**
- **have the effect of harassing the Council/Officers or can be easily seen as obsessive or unreasonable.**

There is a difference between 'persistent' complainants and 'unreasonably persistent' complainants. Examples include the way and frequency that complainants raise their complaint with staff or councillors, or how complainants respond when informed of the Council's decision about the complaint.

There is a difference between 'unreasonably persistent' and 'vexatious' complainants. A vexatious person in this context is not seeking to resolve a dispute between themselves and the Council but is seeking to cause unnecessary aggravation or annoyance to the Council.

Abusive, unreasonably persistent or vexatious members of the public can be a problem for the Town Council officers and councillors. The difficulty in handling such people is that they are time consuming and wasteful of resources (in terms of officer and member time). While the Town Council and officers endeavour to respond with patience and sympathy to the needs of all members of the public there are times when there is nothing further that can reasonably be done to assist or to rectify a real or perceived problem.

2. Actions and behaviours of unreasonably persistent or vexatious complaints

The descriptions abusive, unreasonably persistent and vexatious may apply separately or jointly to a particular individual or group of individuals.

Complainants or anyone acting on their behalf maybe deemed to be vexatious or unreasonably persistent if one or more of the following applies:

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- Refusing to specify the grounds of a complaint.
- Making what appear to be groundless complaints about the persons dealing with the contact /complaint.
- Taking an excessive 'scattergun' approach – complaining officially to the Council as well as raising the same complaint with other bodies such as District/County Councillor/MP/Police/solicitors/Local Government Ombudsman.
- Changing the basis of the query / complaint as the investigation moves forward and/or denying earlier statements.
- Raising trivial information and expecting this to be considered or raising lots of detailed but unimportant questions and insisting they are answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other people involved.
- Making excessive demands on the Council or its officers while a complaint is being dealt with.
- Sending a high volume of letters, emails and/or phone calls.
- Making repeat contacts / complaints after the matter has been fully investigated and completed.
- Refusing to accept the final decision on a matter.
- Refusing to accept a matter is outside the remit of the complaint's procedure.
- Persistently contact the Council through different routes about the same issue.
- Someone who is not looking to resolve a matter but is looking to cause unnecessary difficulties or problems to the Council and or Officers.
- Refusing to accept that matters are not within the Council's power to investigate if the matter is the responsibility of another organisation.

If a party is not happy with the outcome of their complaint and wishes to challenge it, this is not necessarily grounds to label them as 'unreasonably persistent'.

3. How we will decide to implement this policy

This policy will be used as a last resort once all measures have been taken to resolve issues under the Council's normal procedures. We will make sure we have communicated appropriately with the party and make sure no new information that will affect the decision has been put forward.

The party will receive one written warning confirming that if their actions/behaviour continues, it will result in the Council treating them as 'unreasonably persistent or vexatious' and future contact may be restricted.

This policy will not be implemented until approved by the Full Council.

4. Aggressive complaints

On occasions a complainant can go from being unreasonably persistent to offensive, abusive or threatening, none of which will be tolerated.

Complaints will be seen to be vexatious in any situation where violence or abusive language has been used or threatened towards Councillors, staff or their families at any time. This will mean personal contact with the

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complainant will be stopped and they will only be allowed to contact the Council in writing. All such incidents will be logged and reported to the Police.

5. Deciding to restrict contact

According to the level and nature of the party's contacts with us, the following actions may be taken:

- Requesting contact in a specific form (e.g. by letter only)
- Requesting contact be made with a named officer/councillor only.
- Setting the number of phone calls that will be accepted (e.g. one call a week).
- Refusing to deal with future correspondence on the same matter if a decision has already been reached.
- Banning the person(s) sending emails to individuals and or/all officers
- Requiring any personal contact to take place in the presence of an appropriate witness, usually a designated member of the Town Council.
- Limiting or preventing access to the Council office

The party will receive a copy of this policy with a covering letter explaining that the policy has been applied and how it will affect their contact with us. The letter will outline the length of time the restrictions will be in place and how they can ask for the restricted status to be reviewed at the end of this period.

6. Appealing a decision to restrict contact

A complainant can appeal the decision to place them on the 'unreasonably persistent or vexatious contact list' within 15 days of being notified of our decision. This should be done in writing with reasons why they want to appeal and sent to the Clerk.

7. Recording and reviewing restrictions

If a decision is made to apply the policy, this information will be recorded and shared with the Council (personal details will not normally be included).

Any further correspondence from the party will be read in the event of any further significant information.

Any new matters raised about new issues by people who have come under this policy will be treated on their merits.

A decision to restrict contact may be reconsidered if the party shows a more acceptable and consistent approach in their contact with the Council.