Chandler's Ford Parish Council

Vexatious Complaints Policy

This is our policy on dealing with abusive, persistent or vexatious complaints.

Introduction

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 Council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.

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

We will not normally limit the contact which complainants have with council staff or offices.

We do not expect staff to tolerate unacceptable behaviour by complainants, or any customer. Unacceptable behaviour includes that 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
- Sending multiple emails
- Leaving multiple voicemails

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

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.

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.

Aim of this policy

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.

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 staff and customers.

Definitions

In this policy the term HABITUAL means 'done repeatedly or as a habit'. The term VEXATIOUS is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant': in the Parish Council context it means acting to cause annoyance to the Council, individual members of the Council or members of staff.

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 people's, 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.

Features of an unreasonably persistent and/or vexatious complaint 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).

An unreasonably persistent and/or vexatious complaint may be one where:

- There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).
- There are no specified 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 complaint is about issues not within the power of the 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.
- 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 Chair).
- There appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced.
- There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints.
- There are persistent and unreasonable demands or expectations of staff 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).

- Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language.
- 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 be considered 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 they made at an earlier stage in the complaint process.
- The complainant electronically records 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 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 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.

Procedures for dealing with habitual or vexatious complainants

If a complainant has threatened or used physical violence towards staff or Council Members at any time, all personal contact with the complainant, and/or their representatives, will cease and the complaint will continue through written communication only.

Courses of action

1. The Parish Clerk will consult with the Chair and Vice Chair to determine if the complaint/request is classified as vexatious in accordance with the criteria set out above.

2. If the complaint/request is deemed vexatious then the complainant will be notified in writing of the reasons why their complaint/request has been classified as vexatious. The complainant will be advised of the Parish Council's normal Complaints Procedure and what steps to follow if that is appropriate.

3. The complainant will be notified, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

4. The Council will decline further contact for a period of 3-6 months (to be confirmed in writing) with the complainant, either in person, by telephone, by fax, by letter or by e-mail or by any other means.

5. The complainant will be informed that the Council may seek legal advice on unreasonable or vexatious complaints.

6. The Council will suspend all contact with the complainant about the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency.

7. The Clerk and the Chair of the Council may invite the complainant to meet with them to discuss the matter.

8. In cases where the complaint relates to a service the Council is performing on behalf of another council, i.e. Hampshire County Council, then the complainant can raise a complaint with the Local Government Ombudsman.

9. The Council will be notified of vexatious or habitual complainants.

10. The status of a vexatious complainant can be changed depending on their ongoing communication with the Council. There will be an opportunity if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.

11. The status of a vexatious complainant will be reviewed at the end of the period agreed in item 4.

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