

ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL

POLICY FOR DEALING WITH UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

1. Introduction

- 1.1. This policy identifies situations where a complainant, either individually or as part of a group, might as a result of his/her actions be considered to be unreasonably persistent, habitual, vexatious or otherwise unreasonable and ways of responding to these situations.
- 1.2. 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
- 1.3. The policy intends to assist in identifying cases where people appear to be seeking to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 1.4. The term “complaint” in this policy includes requests made under the Freedom of Information Act (FOIA) 2000 and the Data Protection Acts. It also includes any other requests or forms of contact, whether received verbally, by letter, by email or by any other means. The term “complainant” in this policy refers to anyone making a complaint or any other form of request.
- 1.5. Habitual, vexatious and unreasonably persistent complaints and unreasonable behaviour by complainants are time consuming and wasteful of resources. Under this policy, restrictions can be placed on unreasonably persistent or unreasonably behaved complainants where there is evidence to justify them.

2. Habitual or Vexatious or Unreasonably Persistent Complainants

- 2.1. For the purposes of this policy the following definition of habitual or vexatious or unreasonably persistent complaints and complainants will be used:

The repeated and/or obsessive pursuit of:

- a. unreasonable complaints and/or unrealistic outcomes; and/or
- b. reasonable complaints in an unreasonable manner.

- 2.2 Where complaints or requests continue over a protracted period or they or the complainant is persistently unreasonable, in accordance with the criteria set out in Section 3, the Clerk will consult with the members of the Human Resources Committee and seek agreement to treat the complaint or complainant as a habitual, vexatious or unreasonably persistent complaint or complainant under this policy. The Clerk in consultation with the members of the Human Resources Committee will decide on the appropriate course of action to be taken. The Clerk may also consult other relevant councillors (including but not limited to the Chairman or Vice-Chairman of the Council and/or members of a relevant committee and/or members of a Complaints Committee, if that Committee has previously dealt with a relevant complaint or complainant).
- 2.3 Section 4 details the options for dealing with habitual or vexatious complaints.

- 2.4 The Clerk on behalf of Council will notify complainants, in writing, of the reason why their complaint has been treated as habitually or vexatious and the actions that is being undertaken.

3. Definitions

- 3.1 Abertillery and Llanhilleth Community Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints or requests, or the Council's consideration of other matters. The descriptions 'unreasonably persistent' and 'vexatious' may apply to an individual complaint or request or the number of complaints or requests that an individual has made.
- 3.2 Where there is evidence of people working together (e.g. emails copied in to each other or similar content or patterns of contact), a group of individuals may also be considered to be unreasonably persistent or vexatious.
- 3.3 Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category).

An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint or request and may appear to be making the complaint or request only to annoy, disrupt or frustrate (or for reasons that they do not make obvious or admit)
- Refuse to co-operate with the Council's formal complaints process whilst still wishing their complaint to be resolved.
- Make what appears to be groundless complaints about the staff dealing with the complaint and seeking to have them dismissed or replaced
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure.
- Refuse to accept that issues are not within the remit of the complaints policy and procedure.
- Refuse to accept that issues are not within the power of the Community Council to investigate, change or influence.
- Make an unreasonable number of contacts with the Council, by any means in relation to a specific request or complaint(s).
- Make persistent and unreasonable demands of staff and/or the complaints procedure after the unreasonableness has been explained to the complainant.
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their request or complaint.
- Use foul, inappropriate, offensive, defamatory or racist language.
- Publish their complaint in other forms of media.
- Raise subsidiary or new issues whilst a request or complaint is being addressed, which were not part of the request or complaint when it was originally made.
- Refuse to accept the reply given or the outcome of the complaints process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

- Make the same requests or complaints repeatedly, perhaps with minor differences, after the requests or complaints have been concluded and insist that the minor differences make these 'new' requests or complaints which should be dealt with again or through the full complaints procedure.
- Persistently approach the Council through different routes about the same issue.
- Complain about an issue based on an historic and/or irreversible decision or incident.
- Deny statements that they have made at an earlier stage of the complaint process.
- Are known to have electronically recorded meetings and conversations without the prior knowledge and consent of other person involved.
- Adopts a scattergun approach by pursuing a complaint not only with the Council but with external bodies

4. Imposing restrictions

- 4.1. In the first instance the Clerk will consult with the Chair and Vice Chair of the Council prior to issuing a warning to the complainant, that will explain why the behaviors are causing concern and asking them to change their behavior.
- 4.2. The precise nature of the action that the Community Council takes should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the authority. The action will be decided by the Clerk in consultation with the members of the Human Resources Committee and other members whom the Clerk considers appropriate and may include (this list is not exhaustive):
 - limiting the complainant to one medium of contact (e.g. by letter only)
 - limiting the complainant to one point of contact only (e.g. a named member of staff)
 - limiting the complainant to contact only at certain times of the day
 - refusing to register any further complaints or requests regarding the same matter
 - refusing to deal with any further requests on the same matter or
 - informing the complainant that the Community Council will not reply to or acknowledge any further contact with them on specific topics.
- 4.3. The Clerk on behalf of the Council will notify the complainant in writing of the reasons why their complaint/s or requests have been treated as habitual, vexatious or unreasonably persistent and the action that will be taken. The Clerk will explain that the complainant may appeal the decision through the Council's complaints process, except where the complaints process has already been exhausted.
- 4.4. Where a complainant continues to behave in a way that is unacceptable the Clerk, in consultation with the members of the Human Resources Committee and other members whom the Clerk considers appropriate may refuse all future contact with the complainant and stop any investigations into their behaviour. This may be for a specified period of time (e.g. six months).
- 4.5. Where the behaviour is so extreme or it threatens the immediate safety of staff, other options will be considered, e.g. reporting the matter to the Police.
- 4.6. A review of a decision to restrict a complainant's contact or the Council's response to them should be undertaken every 6 months, in light of the circumstances prevailing

during that 6 months. The review will be conducted by the original decision maker(s) (i.e. the Clerk in consultation with the members of the Human Resources Committee and any other members consulted on the matter or by the Complaints Committee if it has previously considered a complaint on the matter).

- 4.7. Where a complainant continues to behave in a way that is still unacceptable, the Clerk, in consultation with the Chairman may decide to refuse all contact with the complainant.
- 4.8. Where the behaviour is so extreme or it threatens the safety, welfare or wellbeing of staff other options may be considered. In such cases the complainant may not be given prior warning of that action.
- 4.9. The results of any action under this policy will be reviewed every three months that the action is in place by the Clerk in conjunction with the Chair and Vice-Chair of Council and any recommendations taken back to the appropriate Committee or Full Council
- 4.10. The Clerk will retain adequate records of the details of the case and the action that has been taken.
- 4.11. A report will be made to the next Full Council meeting of any actions and decisions that have been made under this policy.