



Vexatious or Persistent Complaints Policy

1. Introduction

West Mersea Town Council is committed to dealing with all complaints fairly and impartially in accordance with its complaints procedure. However, some individuals who are either communicating with the Council or pursuing a complaint against the Council can take up a disproportionate amount of staff time which can impact upon the works of the Council generally and result in unnecessary costs for tax payers. In addition, the Council is aware of its obligations towards staff to protect them from harassment and abuse.

2. Purpose

The policy provides a framework on how the Council will manage vexatious and persistent complainants in a consistent and professional manner.

3. Definition of vexatious and persistent complaints

Persistent: The frequency or nature of their contacts with the Council is unreasonable and hinders the Council's consideration or their or other people's complaints or interferes with the work of the Council generally.

Vexatious: A vexatious person in this context is someone who is not seeking to effectively communicate with the Council or to resolve a dispute between themselves and the Council but rather is seeking to cause unnecessary and unjustifiable aggravation or annoyance to the Council or is causing distress to staff and/or Councillors.

4. Behaviour that may be deemed to be vexatious

Some examples of behaviours that may be considered to be unacceptable are set out below. This list is not exhaustive but shows behaviours that are likely to be considered vexatious by the Council:

- Communicating with the Town Council, its staff and/or Councillors in a highly offensive, rude or aggressive manner
- Making discriminatory, defamatory or malicious allegations against the Council, its staff and/or Councillors
- Refusing to specify the grounds of a complaint
- Refusing to co-operate with a complaint investigation while still wishing the complaint to be resolved



- Refusing to accept that an issue is not within the remit of the complaints procedure or within the power of the Council to investigate, change or influence, i.e. something that is the responsibility of another organisation
- Making unnecessary and excessive demands on the time and resources of staff, for example, excessive telephone calls or writing of long complex letters and/or emails every few days with the expectation of an immediate response
- Electronically recording a meeting or conversation without the prior knowledge or consent of the other person/s involved
- Submitting false documents
- Refusing to accept documented evidence as factual
- Insisting on a complaint being dealt with in a manner inconsistent with the Council's complaints procedure
- Making the same complaint repeatedly perhaps with minor differences to try and justify it as new, or persistently approaching the Council through different routes on the same issue
- Adopting an excessively 'scattergun' approach, for instance, pursuing the same complaint or complaints with the Council, but also at the same time with a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's independent auditor

It should be noted that raising legitimate queries or criticisms of the Council or pursuing the Complaints Procedure in itself should not lead to someone being regarded as unreasonably persistent.

5. How will a decision be made?

The actions, communications and behaviour of an individual will be considered by the **Council at a meeting/Town Clerk and the Mayor[confirm which option]** and based on the available evidence a decision will be made as to whether the person shall be considered a vexatious or persistent complainant and what actions should be taken under the terms of this policy.

6. What actions can be taken?

In the event the **Council/Town Clerk and Mayor[confirm which option]** decide to treat an individual as a vexatious or persistent complainant they may decide to take one or more of the following actions;

- Placing time limits on the number and/or duration of contacts with staff per week or month
- Offering a restricted time slot for necessary calls
- Limiting the complainant to one medium of contact (letter, email etc) and/or requiring contact to take place with one named person from the Council



- Requiring any personal contact to take place in the presence of a witness
- To inform the complainant that future correspondence will be read and placed on file but not acknowledged
- Refusing to engage in any communication for a set period of time
- Refusing to process further complaints about the same matter

A decision will be made as to how long the restriction shall remain in place pending a review under the terms of this policy. These options are not exhaustive and other factors may be considered and a decision will take into account the complainants individual circumstance including age, disability, gender, race, religion or belief.

7. How will a decision be implemented?

Once a decision has been made a communication will be sent to the individual and will advise as follows;

- A decision has been taken to deal with the individual under the terms of this policy
- Why the decision has been taken
- What it means to their contact with the Council
- How long any restrictions will last

A copy of this policy will be included with the letter.

The complainant should be made aware of their right to refer the complaint to the Local Government Ombudsman.

The procedure should only be invoked and implemented in exceptional circumstance and where other avenues have been explored and resolution cannot be reached.

8. Review of status

A review of the status of the individual will be undertaken by **the Council at a meeting/Town Clerk and Mayor [confirm which option]** before the expiry date.

Adopted:
Minute reference: