

Persistent, Unreasonable and Vexatious Complaints Policy

1. Purpose

The Council is committed to dealing with all complaints fairly, consistently, impartially and within reasonable timescales.

The Council recognises that complainants may be frustrated, distressed or upset when raising concerns. However, there are occasions where the behaviour of a complainant, rather than the complaint itself, becomes unreasonable, persistent, abusive or vexatious and places an unacceptable burden on the Council's resources, staff, councillors or contractors.

This policy sets out how the Council will manage such situations while ensuring fairness, transparency and compliance with legal obligations.

2. Scope

This policy applies to:

- Complaints made under the Council's Complaints Procedure.
- Correspondence relating to service delivery.
- Repeated representations on the same matter.
- Communications with councillors and officers.
- Contact by letter, email, telephone, social media, online platforms or in person.

This policy applies to the conduct of individuals rather than the merits of any complaint.

3. Principles

The Council will:

- Treat all complainants with courtesy and respect.
- Consider all complaints on their merits.
- Ensure that restrictions are proportionate and evidence-based.
- Make reasonable adjustments where required under the Equality Act 2010.
- Not discriminate on the basis of disability, age, race, religion, sex, sexual orientation, gender reassignment, pregnancy or maternity, marriage or civil partnership.
- Review restrictions periodically.

The Council acknowledges that persistence alone is not sufficient reason to designate a complainant as unreasonable, persistent or vexatious. A complainant's behaviour must demonstrate unreasonable conduct.

4. Definitions

Persistent Complainant

A complainant whose frequency, volume or nature of contact continues despite the Council having responded fully to the issues raised.

Unreasonable Complainant Behaviour

Behaviour that hinders the Council's ability to investigate, resolve or respond to concerns effectively.

Vexatious Behaviour

Conduct intended to harass, annoy, disrupt, intimidate, consume disproportionate resources, or pursue a matter without reasonable grounds.

Abusive Behaviour

Any communication or conduct that is offensive, threatening, intimidating, discriminatory, aggressive or insulting towards councillors, officers, contractors or members of the public.

5. Examples of Behaviour That May Trigger This Policy

The following list is illustrative and not exhaustive.

A complainant may be considered unreasonable, persistent or vexatious where they:

Communication

- Refuse to clearly identify the grounds of a complaint.
- Repeatedly raise substantially the same issue after receiving a final response.
- Send excessive volumes of correspondence.
- Contact multiple councillors or officers simultaneously regarding the same matter.
- Make repeated telephone calls regarding issues already addressed.

Complaint Handling

- Refuse to cooperate with an investigation.
- Continuously change the substance of a complaint.
- Introduce irrelevant issues after a matter has been investigated.
- Refuse to accept documented evidence.

Demands on Resources

- Make unreasonable demands on officer or councillor time.
- Require immediate responses without justification.
- Submit repeated requests seeking information already provided.

Abusive Conduct

- Use offensive, threatening or discriminatory language.
- Make personal allegations without evidence.
- Intimidate councillors, staff or contractors.
- Publish knowingly false allegations.

Legal and Procedural Abuse

- Pursue multiple parallel complaints on the same issue.
- Repeatedly submit complaints solely to reopen concluded matters.
- Use complaints procedures for purposes other than resolving genuine concerns.

Examples similar to the above are frequently incorporated within local council persistent or vexatious complaint policies.

6. Behaviour That Will Not Normally Be Considered Unreasonable

The following will not, by themselves, justify restrictions:

- Making a complaint.
- Seeking a review of a decision.
- Expressing dissatisfaction.
- Criticising Council actions.
- Using legal representatives.
- Raising legitimate concerns about delays.
- Pursuing a matter through another lawful route.

7. Informal Resolution

Before applying restrictions, the Council will normally:

1. Explain the concerns regarding behaviour.
2. Ask the individual to modify their conduct.
3. Issue a written warning where appropriate.
4. Provide a reasonable opportunity for improvement.

Immediate action may be taken where behaviour involves threats, harassment, discrimination or safeguarding concerns.

8. Decision to Apply Restrictions

A decision to classify a complainant under this policy may only be made by:

- The Council;
- The Personnel Committee (if delegated); or
- The Clerk acting under delegated authority in urgent circumstances, subject to ratification by the Council.

The decision must be supported by documented evidence.

A written record shall be retained.

9. Available Restrictions

Where appropriate, the Council may impose one or more of the following measures:

Contact Management

- Requiring communication in writing only.
- Limiting communication to a single named officer.
- Limiting frequency of contact.
- Requiring appointments for meetings.

Complaint Management

- Refusing to consider repetitive complaints raising no new issues.
- Placing ongoing correspondence on file without response where the matter has been fully addressed.

Meeting Attendance

- Restricting attendance at Council offices where lawful and justified.
- Requiring meetings to be attended by two council representatives.

Safety Measures

- Referring threats or criminal behaviour to the police.
- Ending meetings or telephone calls where abuse occurs.

Restrictions must be proportionate and represent the least restrictive option available.

10. Notification

The complainant will be notified in writing of:

- The reasons for the decision.
- The evidence relied upon.
- Any restrictions being applied.
- The duration of the restrictions.
- The review process.

11. Review and Appeal

The complainant may request a review within 20 working days of notification.

The review shall be undertaken by:

- The Council Chair if the original decision was made by the Clerk; or
- A committee or panel not previously involved in the decision.

The review decision shall be final.

12. Duration of Restrictions

Restrictions will normally remain in place for:

- Six months; or
- Twelve months in serious cases.

The Council may extend or remove restrictions based upon subsequent conduct.

A formal review shall occur before any extension is imposed.

13. Equality and Reasonable Adjustments

Before imposing restrictions, the Council will consider whether:

- A disability, illness, neurodivergence or communication difficulty may be contributing to the behaviour.
- Reasonable adjustments are necessary.
- Alternative communication methods should be offered.

Nothing in this policy shall override the Council's obligations under the Equality Act 2010.

14. Data Protection

The Council will process personal data in accordance with:

- UK GDPR;
- Data Protection Act 2018; and
- The Council's Privacy Notice.

Records maintained under this policy shall be limited to what is necessary and proportionate.

15. Relationship with Other Policies

This policy should be read alongside:

- Complaints Procedure
- Code of Conduct Complaints Procedure
- Freedom of Information Policy
- Data Protection Policy
- Equality and Diversity Policy
- Dignity at Work Policy
- Social Media Policy
- Health and Safety Policy

16. Monitoring

The Clerk shall maintain a confidential register of cases managed under this policy, including:

- Name of complainant;
- Nature of behaviour;

- Restrictions applied;
- Review dates;
- Outcome of reviews.

The register shall be reported confidentially to Council where appropriate.