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## **UNREASONABLY PERSISTENT AND VEXATIOUS COMPLAINTS AND COMPLAINANT BEHAVIOUR POLICY**

### **INTRODUCTION**

South Wonston Parish Council is committed to dealing with all questions, issues and complaints fairly and impartially and to providing a high-quality service to complainants in ways which are consistent and fair.

The majority of complaints are routine, and are dealt with according to the Complaints Policy, but occasionally the Parish Council is faced with unreasonable, persistent and vexatious complaints.

### **THE AIM OF THIS POLICY**

This policy is designed to enable the Parish Council to manage each case properly, consistently, fairly and respectfully and ensure the emphasis is always on the complaint during any procedure or decision-making. The policy establishes guidelines for identifying habitual or vexatious complaints and ensures that any decisions follow these guidelines and procedures. The rights of all concerned under the Human Rights Act 1998 will be honoured throughout the process.

### **DEFINITION**

Those complaints which make excessive demands on the time and resources of the Clerk and the Parish Council: raising numerous detailed questions demanding full answers or introducing trivial or irrelevant information, repeating questions and complaints about the same issue, refusing to accept a detailed response, repeating frequent and/or simultaneous requests for information, whether or not under the Freedom of Information Act 2000 and excessive telephone calls.

Those complaints which hinder the Parish Council from carrying out its regular business or achieving its yearly milestones in a timely manner and go beyond the Parish Council's remit.

Those complaints and behaviour which are offensive, obsessive, intimidating and causing distress to Parish Council staff and elected members and which contravenes the Protection from Harassment Act 1977

### **GUIDELINES**

## IDENTIFICATION OF UNREASONABLY PERSISTENT AND VEXATIOUS COMPLAINTS AND COMPLAINANT BEHAVIOUR

The Clerk will identify unreasonably persistent and vexatious complaints and complainant behaviour using the above definition and alert the Chair or Vice-Chair.

## ASSESSING WHETHER POLICY ACTIVATION IS PROPORTIONATE AND NECESSARY TO THE DEGREE OF ANNOYANCE AND AGGRAVATION

Have the provisions of the Complaints Policy been fully exercised and within the prescribed timescales?

Have communications with the complainant been ongoing, clear, adequate and inclusive according to the complainant's needs?

Have any meetings in which the complainant could be heard and confidentiality assured taken place and were they successful or unsuccessful? Was the complainant allowed an advocate?

Has the complainant provided any new information which might affect the Parish Council's view of their complaint?

Has the complainant been advised about other or more appropriate routes to follow if they are still dissatisfied?

Is the complainant still exhibiting the behaviours described in the Definition?

Has the complainant been warned that if their actions continue, the Parish Council will, according to this policy, treat them as a persistent and vexatious complainant, ask if they would voluntarily change their behaviour and indicate a range of options for restriction and prevention?

## DECISION

If the complainant continues to act in an unreasonably persistent and vexatious way, the Clerk will, after discussing the case with the Chair or Vice Chair, summon a meeting of the full council in closed session to debate and decide further action. This may take place before the regular monthly meeting. At the meeting, Clerk will explain why, according to this policy, a complainant should be designated persistent and vexatious and outline the effect on the Parish Council and set out the options, which are: inviting the complainant to enter into an agreement about contact by letter or email only, with one named councillor, via time-limited telephone calls or personal contact in the presence of a witness, terminating telephone calls if the complainant becomes abusive, unless they agree to cease such behaviour, reporting repeated abusive calls to the Police, with the Parish Council's agreement, or terminating all contact by the complainant and investigation of the same issue for six months, at the end of which the situation will be reviewed. The complainant has no right of appeal regarding the Parish Council's majority decision. The proceedings of the closed-session Parish Council meeting will be fully recorded and treated as confidential and all documents stored and redacted in accordance with the Data Protection Act 1998. The Clerk will send a Notification Letter to the complainant, explaining the process of arrival at the agreed decision, the option chosen and a list of independent bodies

from which advice may be sought. If cessation of correspondence from the complainant for six months has been the outcome, this period will begin from the date on the Notification Letter and end at the date of the review. The complainant will be notified about the findings of the review and advised accordingly.

## ESCALATION

If there is no improvement in complainant behaviour, all contact by the complainant and investigation of the same issue will be terminated for one year, after which there will be a further review. The complainant will be notified by letter of the results of the review. Should they persist with their complaint, a period of two years without contact by the complainant and investigation of the same issue will be imposed with another review at the end and the complainant duly notified by letter about the outcome. If unacceptable behaviour continues, the Parish Council will refuse to register and process further complaints about the same matter and the case will be closed. Clerk will issue a Notification Letter as above. If communications persist and the complainant's conduct becomes intolerable, the matter will be reported to the Police or legal action will be taken without prior warning.

## MONITORING

This policy will be reviewed annually.