

Canvey Island Town Council

Vexatious or Persistent Complainants Policy

Introduction

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

Purpose

The Purpose of this policy is to provide a framework on how the Council will manage vexatious and persistent complainants in a consistent and professional manner.

Definition of vexatious and persistent complainants

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.

Behaviour that may be deemed to be persistent

Some examples of behaviours that may be considered as unacceptably persistent are set out below. The list is not exhaustive but shows behaviours that are likely to be considered persistent by the Council –

- Making unnecessary and excessive demands on the time and resources of staff for example excessive telephone calls or writing long complex letters every few days with no specific complaint or request for information.
- Making unnecessary and excessive demands on the time and resources of staff for example excessive telephone calls or writing long complex letters every few days venting frustrations regarding actions of the Council.
- Making excessive demands on the time and resources of staff through making excessive requests to post on the Town Council Facebook group.

Staff will not be expected to respond to any correspondence that does not express a specific complaint.

Behaviour that may be deemed to be vexatious.

Some examples of behaviours that may be considered to be unacceptable are set out below. The 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 Town 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 policy 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 long complex letters every few days with the expectation of an immediate response.
- Making excessive demands on the time and resources of staff through making excessive requests to post on the Town Council Facebook group.
- Electronically recording a meeting or conversation without the prior knowledge or consent of the other person involved.
- Submitting falsified documents.
- Refusing to accept documented evidence as factual.
- Insisting on a complaint being dealt with in a manner inconsistent with the Council's complaints policy e.g., refusing to accept that there should be a record of the meeting.
- 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.

Raising legitimate queries or criticisms of a complaint as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent complainant. 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.

Considerations prior to taking action.

- Staff should use considerable judgement and discretion based on the evidence available before recommending or confirming persistent or vexatious status and in deciding the action to be taken.
- Records should be maintained to support and justify the decision to register a person as a persistent and/or vexatious complainant. This may include recording the hours or time spent dealing with the individual and the attempts made to resolve the matter with the complainant.
- If the complaint is on-going: maintain contact with the complainant and decide whether to nominate a key officer as a single point of contact.
- If the complaint is concluded: if the complainant is refusing to accept that either the investigation into their complaint is concluded, or that the matter does not fall under the jurisdiction of the Town Council, consider the option of ceasing communication with the complainant on the matter unless new information is made available.

Note: 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 circumstances. It should be initiated only after it has been confirmed that all other avenues have been explored and an amicable resolution between the Complainant and the Council cannot be reached.
- If the complainant has not already had a meeting about the complaint with staff and provided that the Council knows nothing about the complainant which would make this inadvisable, the Council could consider offering the complainant a meeting with a member of staff or appropriate seniority. This guidance does not compel the Council to hold such a meeting, although it is recognised that on occasions such meetings can help clarify the situation and help resolve a complaint.

Who can decide to implement action?

- The Town Clerk will liaise with the Town Mayor to consider the matter.
- There is a need to carry out an assessment process balancing the rights of the individual, the statutory requirements regarding the service and the Council's responsibilities towards the staff.
- If it is agreed that there is no alternative but to take action it will be reported to the Council to make a decision and the following record will be made:

- a. The nature of the complaint.
- b. What steps have been taken to resolve the issue.
- c. Why restrictive action is being considered for the complainant.
- d. The precise nature of the restrictive action.
- e. A date or period when this action will be reviewed.

How will a decision be made?

The actions, communications and behaviour of an individual will be considered by the Town Council at a meeting 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.

What actions may be taken.

In the event that the Council decides 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 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 Town Council
- Removing the complainant from the Town Council Facebook page and not permitting the person to re-join for a set period of time.
- 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 whatsoever 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 complainant's individual circumstances including age, disability, gender, race, religion or belief.

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 his/her contact with the Council
- How long any restrictions will last.

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

Review of status

A review of the status of the individual will be undertaken by the Town Council at a meeting either within the timescale agreed when the decision has been made or within 12 months whichever is the earlier.