

# **POLICY FOR MANAGING HABITUAL AND/OR VEXATIOUS COMPLAINTS**

## **INTRODUCTION**

1. Dealing with a complaint is normally a positive and helpful process, but in a small minority of cases, people pursue their complaints in a way which can impede the investigation of their complaint or can have a significant resource cost for the council. This can happen either whilst their complaint is being investigated, or once the council has dealt with the complaint.
2. We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner, and we will not normally limit the contact which complainants have with council staff.
3. However, we do not expect staff to tolerate unacceptable behaviour by any customer. We will take action to protect staff from such behaviour. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening.
4. If a complainant behaves in a way that is repetitive, habitual or vexatious, we will follow this policy to manage the interaction.
5. Raising legitimate queries or criticisms of a complaints procedure, for example if agreed timescales are not met, would not in itself lead to someone being regarded as a habitual and/or vexatious complainant.
6. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, would not necessarily cause him or her to be regarded as a habitual and/or vexatious complainant.

## **AIM OF THE POLICY**

To clarify how we will decide which complainants will be treated as habitual and/or vexatious, and what we will do in those circumstances.

## **DEFINITIONS**

1. We define habitual and vexatious complainants as those who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints.
2. Examples include using repetitive methods or frequent contacts to raise their complaint with staff, or responding inappropriately when informed of our decision about the complaint.

3. An habitual and/or vexatious complainant may :
- a. Have insufficient grounds for their complaint and be making the complaint mainly to annoy or embarrass or to waste time
  - b. Refuse to specify the grounds of a complaint despite offers of assistance
  - c. Refuse to co-operate with the complaints investigation process
  - d. Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been given information about the policy and procedure
  - e. Refuse to accept that issues are not within the power of the council to investigate or influence e.g. complaint about something that is the responsibility of another organisation
  - f. Refuse to accept the outcome of the complaint process after its conclusion
  - g. Refuse to accept that the response or information given is truthful or accurate.
  - h. Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - i. Make an unreasonable number of contacts with us, in relation to a specific complaint or complaints
  - j. Harass or verbally abuse or seek to intimidate staff dealing with their complaint
  - k. Repeatedly introduce new information whilst the complaint is being investigated and expect this to be taken into account
  - l. Deny statements they made at an earlier stage in the complaint process
  - m. Make the same complaint repeatedly, after the complaints procedure has been concluded
  - n. Persist in seeking an outcome which is unrealistic for legal, policy, or other valid reasons

### **IMPOSING RESTRICTIONS WHEN BEHAVIOUR IS CONSIDERED VEXATIOUS**

- 1. We will always first ensure that the complaint is being, or has been, investigated properly according to the Council's Complaints Procedure.
- 2. If the complainant's behaviour appears to be problematic, the clerk will consult with the Chair or Vice Chair to agree how to proceed.
- 3. The clerk will contact the complainant to explain why their behaviour is causing concern, and ask them to moderate their behaviour. The clerk will explain the actions that the council may take if the behaviour does not change, and supply a copy of this procedure.
- 4. If the problem behaviour continues, then the Council will consider the situation and may decide that the behaviour is Vexatious. The Clerk will inform the complainant in writing of this, and of any limitations or procedures which have been put in place and for what period.
- 5. Any restrictions that are imposed on the complainant's contact with us will be appropriate and proportionate. In most cases restrictions will apply for 3 or 6

months but in exceptional cases may be extended to 12 months. In such cases the restrictions would be reviewed annually.

6. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include ;
  - a. Requiring the complainant to make telephone contact only through a third party, e.g. a solicitor, councillor, or friend acting on their behalf
  - b. Requiring the complainant to send emails only to a specific nominated individual.
  - c. Requiring contact to take place with one named member of staff only
  - d. Restricting telephone calls to specified times or of limited duration
  - e. Requiring any personal contact to take place only in the presence of an appropriate witness
  - f. Advising the complainant that we will not respond to any further contact from them on the specified topic of that complaint
7. When the decision has been taken to apply this policy to a complainant, the clerk will contact the complainant in writing to explain;
  - a. Why we have taken the decision
  - b. What action we are taking
  - c. The duration of that action
  - d. The review process of this policy, and
  - e. The clerk will enclose a copy of this policy in the letter to the complainant.
  - f. The fact that the complainant is judged to be a vexatious complainant and any restrictions imposed on our contact with them, will be minuted in Council minutes.

## **NEW COMPLAINTS FROM COMPLAINANTS WHO ARE TREATED AS HABITUAL AND/OR VEXATIOUS**

1. New complaints from people who have come under this policy will be treated on their merits. The Clerk will decide and advise the council whether any restrictions which have been applied before are still necessary and appropriate in relation to the new complaint.
2. We do not support a 'blanket policy' of ignoring genuine service requests or complaints where they are raised. Any new issue raised will be given proper consideration.

## **REVIEW**

1. The status of a complainant judged to be habitual and/or vexatious will be reviewed by the Clerk and the Council after three months and at the end of every subsequent three months during the period in which the policy applies.

2. If, for reasons of persistent vexatious behaviour, a complainant is restricted for a longer period of 12 months, that decision will be reviewed annually.
3. The complainant will be informed of the result of the review, and whether the decision to apply this policy to them has been changed or extended.

## **RECORD KEEPING**

Adequate records will be retained by the Clerk of the details of the case and the action that has been taken.

**Date Adopted 8th January 2019**

Reviewed and confirmed by Council 12 March 2024