

BONINGALE PARISH COUNCIL

Vexatious Complaints Policy

Introduction

Boningale Parish Council (BPC) is dedicated to delivering high-quality services for all residents and visitors. One way the Council strives for continuous improvement is by attentively considering and positively responding to any feedback or complaints, and by rectifying any errors.

Whilst the Council aims to provide a responsive and accessible service, it is aware of the need to ensure that time is not taken up pursuing enquiries of a vexatious, abusive or discriminatory nature and that the staff and members are protected from such enquiries.

The Council has an obligation to use its resources efficiently and effectively and has obligations to its staff as an employer and to its members. Accordingly, there will be some circumstances in which it will limit the nature and scope of its responses to a difficult member of the public and will apply the following policy;

Purpose of the Policy

- a. to set out BPC's policy for handling contact from the public that is deemed to be vexatious, rude or abusive, discriminatory or constitutes harassment
- b. to identify the mechanism for dealing with such situations, so that staff and members feel supported when taking action
- c. to clearly identify to the public what action will be taken under these circumstances
- d. to ensure that where possible the core work of BPC in dealing with genuine enquiries and requests from the public is not disrupted

Definition of Contact

Contact includes written communication in the form of letters, emails or faxes or via personal contact on the phone, on the Council's website or in person.

Rude, Abusive, Discriminatory or Aggressive Communications

Contact may be deemed to be abusive or discriminatory if previous or current communications shows that the person meets any of the following criteria:

- a. Has made inappropriate, offensive or threatening comments in a conversation with the employee/member by any form of communication
 - b. Has harassed or been personally abusive/aggressive on more than one occasion towards staff or members. The Council recognises, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and should make reasonable allowances for this. All instances of harassment, abusive or verbally aggressive behaviour will be documented.

c. Have harassed or been personally abusive or verbally aggressive towards any members of the Council (Councillors) or co-opted members whether this has been on a face-to-face contact or at public meetings.

d. Has made inflammatory statements / comments, or made statements / comments clearly intended to coerce, intimidate or threaten verbally or using physical intimidation, the staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.

Definition of Vexatious

Each case will be reviewed on an individual basis. Contact may be deemed to be vexatious if, previous or current contact shows that the person meets any of the following criteria:

a. Refuses to follow BPC's complaints procedure, where all other means of resolving the matter have been exhausted. Or where somebody persists in pursuing a complaint where the BPC complaints procedure has been fully and properly implemented

b. Repeatedly raise grievances which are already proven to be without substance or foundation.

c. Repeatedly changes the substance or nature of the enquiry/complaint, or refuses to clearly identify the precise issues to be investigated/resolved

d. Is unwilling to accept that responsibility for resolving an issue does not lie with BPC

e. Denies receiving an adequate response despite written evidence to the contrary.

f. Indicates that repeated contact will be made until there is a specific outcome, even when it has already been made clear that this outcome cannot be achieved

g. Focuses on a trivial matter to an extent that is out of proportion to its significance and continues to focus on this to the exclusion of a satisfactory resolution. It is recognised that the definition of 'trivial' is subjective and careful consideration will be given before a decision is made

h. Have had an excessive number of contacts with the Council - placing unreasonable demands on staff or members.

Discretion will be used in determining the precise of number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.

i. Are known to have recorded meetings or conversations without the prior knowledge and consent of other parties involved and/or have presented themselves as any member of staff or Councillors with the objective of soliciting information for whatever purpose.

Procedures for Dealing with Habitual or Vexatious Complainants

The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

- In the first instance the Clerk will consult with the Chairman and Vice-Chairman of the Council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.
- If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman and Vice-Chairman of the Council and inform the complainant in writing of what procedures have been put in place and for what period.
- Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Full Council Meeting.
- Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - I. banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf
 - II. banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
 - III. requiring contact to take place with one named member of staff only
 - IV. restricting telephone calls to specified days and/or times and/or duration
 - V. requiring any personal contact to take place in the presence of an appropriate witness
 - VI. letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).

When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- I. why the decision has been taken
- II. what action has been taken
- III. the duration of that action.

- The Clerk will enclose a copy of this policy in the letter to the complainant.
- Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman and Vice-Chairman of the Council may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

Withdrawing Habitual or Vexatious Status

The status of a habitual or vexatious complainant will be regularly reviewed. If the complainant demonstrates a reasonable approach or submits a new complaint that appears appropriate for the normal complaint's procedure, their status may be reviewed, and normal communication channels may be resumed.

Review

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Clerk, the Chairman and Vice-Chairman of the Parish Council. If the complainant demonstrates a reasonable approach or submits a new complaint that appears appropriate for the normal complaint's procedure, their status may be reviewed.

The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

Record Keeping

The Clerk will retain adequate records of the details of the case and the action that has been taken.

Records will be kept of:

- I. the name and address of each member of the public who is treated as abusive, vexatious or persistent, or any other person who so aids the complainant
- II. when the restrictions came into force and ends
- III. what the restrictions are
- IV. when the person and Council were advised.