

The Parish Council of Little Harrowden



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Abusive, Persistent or Vexatious Demands and Complaints Policy

Procedure reviewed and adopted at the meeting of Little Harrowden Parish Council held on: 09.09.26

This policy shall be reviewed every 3 years, or earlier if required by changes to legislation, guidance or the Council's data processing activities.

Next review: September 2029

Signed:

Name:

Position:

Date:

Abusive, Persistent or Vexatious Demands and Complaints

1. Introduction

This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious and ways of responding to these situations.

In this policy the term habitual means 'done repeatedly or as a habit'. For the purposes of this policy, unreasonable persistence or vexatious behaviour is behaviour which, because of its nature, frequency or manner, places a disproportionate burden on the Council, interferes with its ability to conduct its business or deal with other people, or amounts to harassment, abuse or intimidation.

This policy intends to assist in identifying and managing persons who seek to be disruptive to the Parish Council, elected Members and members of staff through pursuing an unreasonable course of conduct.

The term complaint in this policy includes persistent, repeated or unreasonable demands and may also be relevant to requests made under statutory information rights. However, requests made under the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIR) or data protection legislation will be considered under the legislation that applies to them:

- FOIA requests may, where appropriate, be refused as vexatious under section 14(1), or as repeated requests under section 14(2).
- Environmental information requests will be considered under the EIR, including the applicable provisions relating to manifestly unreasonable requests.
- Requests made under data protection legislation will be considered under the UK GDPR and Data Protection Act 2018, as amended, including the applicable provisions relating to manifestly unfounded or excessive requests. When considering such a statutory information request, the Council may take account of the nature, frequency, pattern and burden of the person's requests and previous correspondence where the relevant legislation and ICO guidance permit this. Restrictions imposed under this policy do not automatically prevent a person from making a statutory information request; each request will be considered in accordance with the relevant legislation.

While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

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

The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

2. Habitual or Vexatious Complainants

For the purpose of this policy the following definition of habitual or vexatious complainants will be used. The repeated and/or obsessive pursuit of:

- unreasonable complaints and/or unrealistic outcomes
- reasonable complaints in an unreasonable manner

Prior to considering its implementation the Council will send a summary of relevant points of this policy to the complainant to give them prior notification of its possible implementation.

Where complaints continue and have been identified as habitual or vexatious the council will treat the complainant as a habitual or vexatious complainant and appropriate course of action may be taken.

Section 4 details the options available for dealing with habitual or vexatious complaints.

The Parish Clerk, as responsible officer, will notify, on behalf of the Parish Council complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.

If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

3. Definitions

Little Harrowden Parish Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Parish Council, hinder the Parish Council's consideration of their or other people's complaints.

The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a complainant.

Examples include the way in which, or frequency with which, complainants raise their complaint with staff/members or how complainants respond when informed of the Parish Council's decision about the complaint.

An unreasonably persistent and/or vexatious complainant may include the following:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- Refuse to specify the grounds of a complaint despite offers of assistance
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- Refuse to accept that issues are not within the power of the Council to investigate, change or influence.
- Insist on the complaint being dealt with in ways which are incompatible with the complaint procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- Make what appear to be groundless complaints about the staff/members dealing with the complaints, and seek to have them dismissed or replaced make an unreasonable number of contacts with the Parish Council, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the Abusive, responses to questions, frequent and / or complex letters, telephone calls, e-mails or other social media communications)
- Harass or verbally abuse or otherwise seek to intimidate staff/members dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language,
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expects this to be taken into account and commented on.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- Deny statements he or she made at an earlier stage in the complaint process
- Use recording, filming or other communications in a manner which is threatening, intimidating, disruptive or otherwise unreasonable.
- Make repeated or substantially similar requests for information which have previously been answered or supplied, without allowing a reasonable interval or identifying a material change in circumstances.
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure

- Make persistent or overlapping requests for information which, individually or cumulatively, impose an unreasonable or disproportionate burden on the Council, having regard to the relevant statutory provisions and ICO guidance.
- Persistently approach the Parish Council through different routes about the same issue
- Persist in seeking an outcome which Parish Council has explained is unrealistic for legal or policy (or other valid) reasons
- Persistently refuse, without reasonable grounds, to accept established facts or information already clearly evidenced and explained by the Council
- Persistently seek to reopen a matter which has been fully considered and concluded, without providing materially new information or identifying a legitimate reason for reconsideration
- Combine some or all of these features

The above list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

4. Imposing Restrictions

The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure. The Parish Clerk will contact the complainant in writing, or by email, to explain why this Abusive, Persistent or Vexatious 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. Before imposing or reviewing restrictions, the Council will consider whether the person's behaviour or communication may be affected by disability or other circumstances requiring reasonable adjustments under the Equality Act 2010.

If the disruptive behaviour continues, the Parish 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 decision to impose restrictions under this policy will normally be made by the Council, having considered a recommendation from the Parish Clerk. Where immediate action is necessary to protect staff, councillors or the effective operation of the Council before the matter can reasonably be considered at a Council meeting, the Clerk may, in consultation with the Chair or Vice-Chair, impose proportionate interim communication arrangements until the Council can consider the matter. The complainant will be informed 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 that the restriction will be in place for. In most cases restrictions will apply for between 3 to 6 months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Restricting telephone contact or requiring communication through a specified method or representative, having regard to any reasonable adjustments required under the Equality Act 2010
- Banning the complainant from sending emails to individual and / or all Council members and insisting they only correspond by letter
- Requiring contact to take place with one named member only
- Restricting telephone calls to specified days and/or times and/or duration
- Requiring any personal contact to take place in the presence of an appropriate witness

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

- Why the decision has been taken
- What action is being taken
- The duration of that action. The Parish 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 Parish Clerk, in consultation with the Council, may decide to restrict further contact concerning the matter in question and, in exceptional circumstances, restrict other communications to a specified channel or point of contact. This will not prevent the Council from considering genuinely new matters, statutory requests or communications which the Council is legally required to consider.

Nothing in this policy requires the Council, Clerk or councillors to tolerate abusive, threatening, discriminatory or intimidating behaviour. Where behaviour is so extreme or presents an immediate or serious risk to the safety and welfare of staff/members, appropriate restrictions may be imposed without prior warning and other options may be considered, e.g. reporting the matter to the police or taking legal action.

In such cases, the complainant may not be given prior warning of that action.

New Complaints (from complainants who are treated as abusive, vexatious or persistent)

New complaints from people who have come under this policy will be treated on their merits. The Parish Clerk and the Council will decide whether any Abusive, Persistent or Vexatious Complaints restrictions that have been applied before are still appropriate and necessary in relation to the new complaint.

A blanket policy is not supported, nor is ignoring genuine service requests or complaints where they are founded. The fact that a complainant is judged to be unreasonably persistent or vexatious and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

5. Review

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Parish Clerk, after three months, and at the end of every subsequent three months within the period during which the policy is to apply. The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

6. Record Keeping

The Parish Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the person and Council were advised.

Records will be retained securely and only for as long as necessary in accordance with the Council's Records Retention Policy and data protection requirements. Access will be limited to those who need the information for Council purposes. The Council will be informed when restrictions are imposed, materially amended, extended or removed, subject to appropriate confidentiality and data protection requirements.