



## PROCEDURE FOR DEALING WITH VEXATIOUS, ABUSIVE OR DISCRIMINATORY COMMUNICATIONS

This document provides a structured explanation of the process that Lilleshall Parish Council (LPC) shall follow when dealing with vexatious, abusive or discriminatory communications as set out in the policy for this procedure.

This procedure details what actions may be taken by the Council if unacceptable conduct in communications with the Parish Council are identified.

### 1. DEALING WITH VEXATIOUS CONTACT

Where contact falls under one or more of the criteria set out in the **vexatious, abusive or discriminatory communications policy**, the matter may be referred to the Chairman, who may then decide to deal with the issue in one of the following ways:

- a. Restrict contact with the individual to either face to face, telephone, or in writing, provided that one form of contact is maintained, or alternatively restrict contact through liaison of a third party
- b. Notify the individual in writing that the matter has been fully investigated and that the authority has responded to all points raised in as much detail as is possible
- c. Temporarily suspend all contact with the individual, or an investigation of a complaint, whilst seeking legal advice or guidance
- d. Confirm that a decision has been made to classify the contact as vexatious and advise that further contact received relating to the same matter will be acknowledged but not responded to. However, this will not affect further contact on other issues
- e. In extreme circumstances inform the individual that LPC reserves the right to pass any unreasonable or vexatious complaints to our solicitors, which may result in legal action
- f. A full record will be kept as to why an individual has been classified as a habitual or vexatious complainant and this may be notified internally to relevant staff as appropriate
- g. Requiring the complainant to communicate only with one named employee/member
- h. If a complaint is currently going through the Council's Complaints Procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed

i. Closing the investigation into a complaint

j. Refusing to register and process further complaints providing the complainant with acknowledgements only.

## **2. DEALING WITH RUDE, ABUSIVE, DISCRIMINATORY OR AGGRESSIVE COMMUNICATIONS**

Where contact falls under one or more of the criteria indicated above, the matter may be referred to the Chairman who may then decide to deal with the issue in one of the following ways:

- a. Not replying to written communications** - Where the Council receives a written communication that contains substantial and clearly inappropriate content such as abusive or threatening language or adverse personal reflections on individuals, a written notification shall be sent to the author of the written communication asking that they reframe the communication so as to exclude the inappropriate content and advising that in the event that a further substantial and clearly inappropriate communication is received by the Council the Council will not give a substantive reply other than to the extent that such communication provides evidence of or alerts the Council to any criminal act mal-administration a failure to comply with a legal duty or other malpractice by or on behalf of the Council.
- b. Terminating telephone calls** - Where a caller uses inappropriate language such as rude, abusive or threatening language or casting adverse personal reflections on individuals then the caller will be warned that unless the caller is prepared to speak in a different way, the call will be terminated. If the caller, then continues to use inappropriate language the call may be terminated provided that it is made clear that the caller may call back if the caller is then prepared to speak in a different way. In cases of persistent callers using inappropriate language a written notification shall be sent to the caller advising that in the event that any further telephone call is made and the caller uses inappropriate language, not only will the call be terminated but also that for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.
- c. Limiting face to face contact** - Where, during a personal attendance a member of the public uses inappropriate language or behaves inappropriately, the person will be notified that unless they are prepared to speak or behave in a different way the personal attendance will be terminated. If the person then continues to use inappropriate language or behaves inappropriately, the personal attendance may be terminated provided that it is made clear that another personal attendance may be arranged by appointment if they are prepared to speak or behave in a different way. Any further personal attendances shall be in the company of another member of the Council. Such arrangement shall be for such specified period as the Council thinks necessary provided that the arrangement shall be reviewed in any case where such arrangement is in place for a period in excess of 6 months not less frequently than once every 6 months. The person shall be notified in writing accordingly. In cases of persistent personal attendances where the member of the public uses inappropriate language or behaves inappropriately a written notification shall be sent to the person advising that in the event that any further personal attendance takes place and they use inappropriate language or behave inappropriately, not only will the personal attendance be terminated but that also for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.

### **3. EXCESSIVE ACCESS**

Where a member of the public

- a. makes excessive phone calls, or
- b. makes excessive visits to Council Offices, or
- c. engages in excessive written communications, or
- d. raises the same issues with different staff or members

The Council may nominate a member of the Council to deal with all contact with the customer for a specified period and shall inform the member of the public in writing accordingly.

### **4. PERSONS WITH IMPAIRED MENTAL CAPACITY**

Where it appears that a difficult member of the public may have an impaired mental capacity, no action or decision will be taken without first consulting with the Council as to whether there is any other way of dealing with the proposed limitations on access that is less restrictive of the person's freedom of action such as securing continued access through a relative, friend, carer or other professional. However, it should always be remembered that the person has a right to confidentiality and may not want certain people to be involved. LPC reserves the right to request support on situations like this one through Telford & Wrekin Council's Social Care advisory team members.

### **5. PERSONS UNDER THE AGE OF 18**

In the case of a difficult member of the public who is under the age of 18 one form of contact

- generally, by means of written communication - must always be maintained. It may be possible to arrange to deal with such a customer through their parent or guardian provided that written consent of both the customer and their parent or guardian is first obtained.

### **NO RESTRICTIONS ON COUNCIL'S OR ITS EMPLOYEES' OR ITS MEMBERS' RECOURSE TO LAW**

Nothing in this procedure and appropriate policies shall operate so as to impede the right of the Council or an employee or a Member to have recourse to the civil and/or criminal law where such recourse is available.

**The procedure was adopted by Lilleshall Parish Council on 6<sup>th</sup> April 2021**

**This procedure shall be reviewed in May 2023**