

Chillerton & Gatcombe Parish Council Vexatious Complaints Policy

1. Introduction

The Council's Vexatious Complaints Policy seeks to define, identify, and manage unreasonably persistent or abusive complaints to protect members of staff and councillors from harassment and to ensure the efficient use of Council / Parish resources.

The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

It is recognised that complainants can use repeated Freedom Of Information or Subject Access Requests as a means of perpetuating a complaint which has been determined and therefore the term Complaint in this policy may also include requests made under the Freedom of Information Act 2000 and the Data Protection Act 2018 as well as those made under the Council's Complaints Procedure.

This Policy will be reviewed every two years, or as deemed necessary in response to changing circumstance and legislation.

2. Definitions

Complaints may be deemed vexatious if they:

- a. Are obsessive, persistent and / or involve an unreasonable number of contacts with the Council over a short space of time.
- b. Are harassing, defamatory, threatening and / or address members of staff or councillors in a derogatory, rude, sarcastic manner designed to cause offence or distress.
- c. Are specifically designed to cause disruption and / or waste Council time and resources.
- d. Refuse to accept the outcome of any complaints process after its conclusion, repeatedly complaining about the outcome, and / or denying that an adequate response has been given
- e. Attempt to threaten or 'blackmail' members of staff or councillors and seek to deter them from pursuing any legitimate course of action.

3. Procedures

- a. Where complaints are to be considered to be vexatious in accordance with the criteria set out above, the Clerk or Chair will, initially, inform the individual that their behaviour is considered by the Council to be unreasonable and request a changed approach.
- b. After taking into account the considerations set out above, and if there is no improvement in behaviour, the Council will (re)consider the matter, and, as appropriate, inform the complainant in writing that their behaviour falls under the terms of this Vexatious Complaints Policy. A copy of the

Policy will be sent to the individual with a letter giving details of any course of action determined the Council governing future interactions (as per Sanctions below).

c. In such circumstances, the letter will also state:

- i. the length of time the sanctions will apply and
- ii. the right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious complainant.

4. Sanctions

In the event that a complaint has been designated vexatious in accordance with the procedures outlined above, the Council may:

- a. Restrict contact with the complainant, either in person, by telephone, by letter, by email or any combination of these, provided that one form of contact is maintained.
- b. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint considered vexatious, while seeking advice or guidance from its legal advisers or other relevant agencies.
- c. Notify the complainant that the correspondence is at an end, advising the complainant that they are being treated as a vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
- d. Inform the Isle of Wight Council that the individual concerned has been designated as a vexatious complainant in respect of the issues at hand.

Please note that where the behaviour is so extreme that it is considered to threaten the safety and welfare of member of staff or councillors, the Council will consider all relevant options, including the immediate involvement of external agencies, and in such cases, it may not be possible to provide any form of prior warning to the complainant.

5. Record Keeping

The Parish Clerk will keep a record of all complainants who have been treated as vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time. The record will be destroyed three years after the lifting of any restrictions.

