

Unreasonably Persistent and Vexatious Complaints Procedure

1. Introduction

The Council is committed to ensuring that it provides a high quality and efficient service to its electorate. However, there are rare instances where a member of the public unnecessarily takes up a large amount of resources. This can lead to a detrimental effect on the ability of the Council to provide a satisfactory level of service.

The procedure below establishes what is considered to be acceptable levels of contact with the Council and how instances of unreasonably persistent or vexatious contact can, and should, be handled. The Procedure must NOT be used to impede the ability of a customer to have reasonable access to services provided. For example, a customer will not be considered for classification under this Procedure for asking difficult questions. It should not be assumed that because a member of the public has submitted a large number of enquiries they are vexatious or unreasonably persistent. In some cases, their persistence may be necessary to receive sufficient response from the Council.

2. Definitions of unreasonably persistent and vexatious behaviour

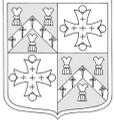
Unreasonably persistent and vexatious complainers are those individuals who, because of the nature or frequency of their contacts with the Council hinder its ability to work effectively.

3. Actions and behaviours of unreasonably persistent and vexatious complainers

These are some of the actions and behaviours which may be found to be problematic by staff or Councillors. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage, interferes with proper handling of the issues raised, and may impact on the ability of the Council to fulfil its wider functions.

These behaviours can be:

- Refusing to accept that certain issues are not within the scope of the Council.
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed but unimportant questions and insisting they are all answered.
- Making excessive demands on the time and resources of staff with lengthy phone calls e-mails to the clerk / councillors or detailed letters every few days, and expecting immediate responses.
- Submitting repeat requests with minor additions/variations that the complainant insists make these 'new' issues.
- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence.
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Council.



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- Adopting a violent or aggressive demeanour to staff or Councillors.
- Covertly recording meetings or conversations.

4. Operating the procedure

Any of the above behaviours may trigger the beginning of this process.

The Clerk will contact the Chairman to discuss why the complainant's behaviour is causing concern and the Clerk may write to the individual clearly explaining the actions the Council may take if their behaviour does not change. In the case where the behaviour is directed at a Councillor or Councillors, the behaviour will be discussed with the Chairman and Clerk and a decision taken whether to trigger this protocol.

In extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of the Clerk / Councillors. This is a decision which will be taken by the Council in private session.

Examples of some options the Council may consider are:

- Requesting contact in a particular format e.g. letters only.
- Requiring contact to take place with a single named person only.
- Restricting telephone calls to specified days and times.
- Restricting the times, a complainant may be in contact over a certain time period.
- Requiring that any personal contact/meeting will be in the presence of witness.
- Closing the investigation into the complaint.
- Involving the Police where the Council believe a criminal offence has been committed or explicitly threatened (for example assault, harassment, criminal damage etc).

If a complainant's behaviour continues, or if the behaviour is extreme or a rapidly escalating case, the Clerk in conjunction with the Chairman, will decide as to the action to take.

In all cases a letter will be sent to the Complainant outlining the decision.

All letters will include:

- Why the decision has been taken;
- What action will be taken;
- How the behaviour needs to change;
- The duration of that action;
- The date of review for the action;
- Details around the complainant's right of appeal against the decision to apply the procedure;

The decision made, and all correspondence sent in relation to it, will be recorded by the Clerk.



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Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Clerk/Councillors, other options will be considered; for example, reporting the matter to the Police or taking legal action.

5. Right of appeal

Complainants have the right to appeal the application of the decision. All appeals will be examined by the Chairman or by Full Council if the Chairman was involved in the original decision to invoke this procedure.

6. Monitoring

In all cases the decision and will be kept under review for minimum period of one year after which time the Council will meet in private session to resolve by simple majority vote whether to withdraw the restrictions or not.

A log will be kept on file of all cases where this procedure has been invoked. This will record key information including: the case number, essential nature of the complaint and why the procedure was triggered, date of review, outcome of review.

Chairman:

Date:

To be reviewed: 01/11/2021