



<b>POLICY TITLE</b>	<b>Unreasonable, Persistent or Vexatious Complaints</b>
<b>POLICY NO</b>	<b>2a</b>
<b>APPROVAL DATE</b>	Approved by Town Council 10 November 2020
<b>REVIEW DATE</b>	
<b>REPLACES POLICY</b>	New
<b>POLICY AIM</b>	This policy sets out the criteria for determining unreasonable, persistent or vexatious complaints and action that may be taken with regard to those categories of complaint.

#### **Criteria for determining unreasonable, persistent or vexatious complaints**

A complaint may be classed as unreasonable, persistent or vexatious if the complainant meets one or more of the following criteria:-

1. Persists in pursuing a complaint where the Council's complaint process has been fully and properly implemented and exhausted.
2. Persistently changes the substance of a complaint or continually raises new issues that prolong the contact and make it more difficult to respond effectively. It is important that any completely new issue is raised as a new complaint if appropriate.
3. Is repeatedly unwilling to accept documented evidence or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly make complaints but does not identify the precise issues which they wish investigated.
5. Regularly focuses on trivial matters to an extent which is out of proportion to its significance and continues to focus on this point. It is important to recognise that determining what is trivial can be subjective.
6. Have threatened or used physical violence towards employees at any time, this will mean that the complainant can only contact us in writing and staff will be informed what access to staff and buildings they are permitted to.
7. Have in the course of dealing with their complaint made an excessive number of contacts with the Council, placing unreasonable demands on employees. Contacts can be in person, phone, email, fax, letter or web-form. Judgement will be used to determine excessive contact, taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. The individual circumstances of each person need to be considered and treated sensitively.

9. Makes unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practise.
10. Makes unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
  - a. does not have any serious purpose or value
  - b. is designed to cause disruption or annoyance
  - c. has effect of harassing the public authority
  - d. can otherwise fairly be characterised as obsessive or manifestly unreasonable
  - e. is using the Council as a means of causing harassment to another member of the public.
11. Makes repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.

**Action to be taken where a complainant, either individually or as part of a group, is considered to be making complaints that are unreasonable, persistent or vexatious.**

Officers and Members will endeavour to respond appropriately according to the individual complainant's needs, and in compliance with our complaints policy, but this direction is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.

An individual assessment will need to be made in each and every case to determine if the complaint is to be categorised as unreasonable, persistent or vexatious.

To assist with this, the

committee will need to consider if there has been repeated and/or obsessive pursuit of:

- Unreasonable complaints
- Complaints where there is an expectation of unrealistic outcomes
- Reasonable complaints made in an unreasonable manner
- Repeated complaints that have already been responded to in full

Where a complaint continues and the committee have identified the complaint as unreasonable, persistent or vexatious, as set out in direction 1 the Town Clerk will notify the complainant in writing of the reason why the complaint has been classed as unreasonable, persistent or vexatious and of the actions to be taken, these could include (singularly or in combination, depending on the individual circumstances);

1. Send a letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint and there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, because they have been classed as an unreasonable, persistent or vexatious and the Council does not intend to engage in further correspondence relating to the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice and if appropriate commence court proceeding for an injunction.

5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered as unreasonable, persistent or vexatious, while seeking advice or guidance from its solicitor or other relevant agency, such as the Local Government Ombudsman.