

BOUGHTON UNDER BLEAN PARISH COUNCIL

Vexatious & Unreasonable Behaviour Policy



Adopted: 14 January 2025

Next review: January 2028

1. Introduction

- 1.1 Boughton under Blean Parish Council aims to provide high quality services to all our parishioners.
- 1.2 Dealing with a complaint is normally a positive and helpful process, but in a small minority of cases, people pursue their complaints in a way which can impede the investigation of their complaint or can have a significant resource cost for the Parish Council.
- 1.3 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner, and we will not normally limit the contact which complainants have with council staff or councillors.
- 1.4 However, we do not expect staff or councillors to tolerate unacceptable behaviour by any complainant and we will take action to protect staff and councillors from such behaviour. Unacceptable behaviour broadly includes:
 - using abusive, offensive or foul language
 - making derogatory or demeaning remarks
 - any form of intimidating or threatening behaviour
- 1.5 Raising 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 and/or habitual complainant.
- 1.6 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, would not necessarily cause him or her to be regarded as a vexatious and/or habitual complainant.

2. Aim of the Policy

- 2.1 This policy sets out the approach of the Council to those complainants whose actions or behaviour we consider unacceptable. It contributes to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.

3. Definitions

- 3.1 We define vexatious or unreasonable complainants as those who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints. The description "vexatious" and "unreasonably persistent" may apply separately or jointly to a particular complaint.
- 3.2 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
- 3.3 Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):
- there are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious)
 - there are no specified grounds for the complaint despite offers of assistance
 - the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
 - the complaint is about issues not within the power of the Parish Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this
 - the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Clerk or an individual member of the Parish Council)
 - there appears to be groundless complaints about the Clerk dealing with the complaints, and an attempt to have them dismissed or replaced
 - there is an unreasonable number of contacts with the Parish Council, by any means, in relation to a specific complaint or complaints
 - there are persistent and unreasonable demands or expectations of the Clerk and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls or emails)
 - attempts to harass, verbally abuse or otherwise seek to intimidate the Clerk or other members of the Parish Council dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language
 - subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
 - trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on
 - there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
 - the complainant denies statements he or she made at an earlier stage in the complaint process

- the complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved
- the complaint is the subject of an excessively “scattergun” approach; for instance, the complaint is not only submitted to the Parish Council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the council’s independent auditor, the Monitoring Officer or Standards Committee, the police, solicitors, and/or the Local Government Ombudsman
- the complainant refuses 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
- the same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- the complaint is submitted and persistently pursued through different council departments at the same time
- the complaint remains “active” through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- documented evidence is not accepted as factual by the complainant
- the complaint relates to an issue based on an historic and irreversible decision or incident
- the complaint combines some or all of these features

4. Imposing Restrictions

- 4.1 We will always first ensure that the complaint is being, or has been, investigated properly according to the Council’s Complaints Policy.
- 4.2 If the complainant’s behaviour appears to be problematic, the Clerk will consult with the Chairman of the Parish Council to agree how to proceed.
- 4.3 If the complaint is directed towards the Clerk’s behaviour or conduct, the matter will be addressed by the Chairman or the Council.
- 4.4 If a group of individuals are considered to be acting in a co-ordinated manner, so as to avoid any one complainant being identified as acting in a vexatious or unreasonable manner, the Clerk in conjunction with the Chairman will consider if the collective number of individuals on the group should be deemed as vexatious and addressed in the same manner as an individual complainant.
- 4.5 The Clerk (after consultation with the Chairman) will contact the complainant in writing or by email to explain why their behaviour is causing concern and ask them to moderate their behaviour. The Clerk will explain the actions that the council may take if the behaviour does not change and supply a copy of this policy.

- 4.6 If the problem behaviour continues, then the Council will consider the situation and may decide that the behaviour is considered vexatious. The Clerk will inform the complainant in writing or by email of this, and of any limitations or procedures which have been put in place and for what period.
- 4.7 Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate. In most cases restrictions will apply for 3 or 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis or at the next Full Council meeting.
- 4.8 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
- requiring the complainant to make telephone contact only through a third party, e.g. a solicitor, councillor, or friend acting on their behalf
 - restricting any personal contact to take place only in the presence of an appropriate witness
 - restricting telephone calls to specified times or of limited duration
 - restricting the complainant to send emails only to a specific nominated individual
 - requiring contact to take place with one named member of staff only
 - letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence)
- 4.9 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:
- why the decision has been taken
 - what action has been taken
 - the duration of that action
- 4.10 The Clerk will enclose a copy of this policy in the letter to the complainant.
- 4.11 Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Parish Council may decide to refuse all contact with the complainant and stop any investigation into their complaint.
- 4.12 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.
- 4.13 The fact that the complainant is judged to be a vexatious complainant and any restrictions imposed on our contact with them, will be recorded and minuted.

5. New complaints from complainants who are treated as abusive, vexatious or persistent

- 5.1 New complaints from people who have come under this policy will be treated on their merits. The Clerk in conjunction with the Chairman of the Parish Council will decide whether any restrictions which have been applied before are still necessary and appropriate in relation to the new complaint.
- 5.2 The Council does not support a 'blanket policy' of ignoring genuine service requests or complaints where they are founded.
- 5.3 The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Parish Council.

6. Review

- 6.1 The status of a complainant judged to be vexatious and/or habitual will be reviewed by the Clerk in conjunction with the Chairman of the Parish Council after three months and at the end of every subsequent three months during the period in which the policy applies, or by the next Full Council meeting.
- 6.2 The complainant will be informed of the result of the review, and whether the decision to apply this policy to them has been changed or extended.

7. Record Keeping

- 7.1 The 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, or any other person who so aids the complainant
 - what the restrictions are
 - when the restrictions came into force and ends
 - when the person and Council were advised.
- 7.2 Full Council be provided with a regular report giving information about members of the public who have been treated as vexatious/persistent as per this policy