

WHADDON PARISH COUNCIL

Persistent And Vexatious Complaints Policy and Procedure

May 2024

Review Date: May 2025

1. Introduction.

Whaddon Parish Council (WPC) is committed to providing a quality service for the benefit of the people who live and work in the Parish or who are visitors to the area, and to providing effective and timely resolutions to any concerns or complaints under its Complaints Policy & Procedure. However, this policy and procedure identifies where a complaint or complainant either as an individual or a member of a group might be considered persistent or vexatious, and the procedure to be adopted under those circumstances.

This policy applies to complainants and complaints that in the Council's view are pursued in order to be disruptive to the Council rather than being motivated by a genuine desire to reach a timely solution and resolution. Complaints that fall under this policy may also include FOI requests under the Freedom of Information Act 2000 and Data Protection Act 2018 and UK GDPR regulations under the Withdrawal Act 2020.

Complaints and Complainants falling under this policy will be treated consistently, honestly and proportionately while ensuring that other service users, council members and staff suffer no detriment.

A complainant with special needs will be offered appropriate assistance.

2. Definitions.

Persistent or vexatious complainants and complaints can be:

- 2.1. Submitted with excessive frequency
- 2.2. The content of the complaint is unreasonable
- 2.3. The complainant's desired outcome is unrealistic
- 2.4. The complainant is acting in an unreasonable manner

Examples of persistent or vexatious complaints include; submitting exaggerated or false evidence, providing insufficient or no grounds for the complaint, refusal to clarify the grounds of complaint despite offers of help and insisting on persisting with it, refusal to cooperate with reasonable investigations, refusal to accept the complaint is not within the remit of the complaints procedure and/or the remit of the Council e.g., something the council is not responsible for, refusal to comply with the complaints process, making groundless complaints against staff and the complaints process, disrespect/harassment/verbal abuse/intimidation of staff or council members, changing the basis and details of the complaint without reasonable cause, recording conversations without consent, refusal to accept the outcome of the complaints process, bringing of trivial iterations of the same complaint, conducting a denigratory campaign and/or sharing inappropriate information on social media, refusal to accept irrefutable evidence presented, a combination of some or all of the above.

3. Implementation.

Prior to considering its implementation, the Clerk will phone or write to the complainant providing a copy of this policy, with an explanation as to why their complaint(s) and/or behaviour are causing concern, request improvement, and explain what actions the Council may take under this policy if the complainant chooses not to heed the request. If the problems continue, the Clerk may issue a reminder letter or move directly to the next stage.

If, after the appropriate communications have taken place, the problems continue to meet the criteria set out in sec. 2, the Clerk will notify the Council of the details of the complaint(s) and problems, (redacted as appropriate) and intention to treat the complainant and/or complaint as persistent or vexatious. The complainant will be notified in writing that the decision has been taken to invoke this policy, along with details of what further actions the Council will take under the policy and the duration these will apply.

Actions will generally include restrictions on the complainant's contact with the Council and will be decided on the merits of the case and be appropriate and proportionate to each case. Examples of actions the Council could take include; refusal to accept and respond to further correspondence on a closed complaint, discontinuing of some communications channels – e.g., telephone calls except via a third party, blocking the sending of emails to the Council and requiring letters via mail, limiting the complainant's contact to one

individual, requiring restricted time slots for interactions, requiring witnesses to be present during contact, a combination of some or all of the above.

If the problems persist and are considered serious enough, the Clerk may decide to pause or refuse all contact with the complainant, and/or pause or discontinue the investigation into the complaint. The Clerk will keep the complainant and the Council informed.

Where behaviours are so extreme as to threaten the safety and wellbeing of staff/council members, the matter will be reported to the police and legal action taken. The complainant may not be given prior warning of this, if the seriousness of the threat warrants such action.

The status of the complainant and complaint will be kept under review, and revised if the complainant demonstrates a more reasonable approach.

The complainant will be advised of any routes by which they could escalate their complaint(s) e.g., via the Monitoring Officer or an Ombudsman.

4. New Complaints from Persistent or Vexatious Complainants.

New complaints from complainants who have come under this policy in the past will be treated on their merits. The Council will not support a blanket ban on genuine complaints. The Clerk will keep the Council informed if any restrictions may still be appropriate and necessary to apply to the new complaint.

5. Review.

The Clerk will review the status of a complainant designated under this policy on a quarterly basis or sooner if a more reasonable approach is forthcoming from the Complainant. The complainant will be kept informed of any changes of status.

6. Record Keeping.

The Clerk will retain adequate records of the case and the actions taken, including; the names, contact information and address of each member of the public who is treated as abusive, vexatious or persistent and any other person who aids the complainant. Also, records of the timings of the restrictions and when the complainant and council were advised about these issues will be kept on file.