

Birtley Parish Council

HABITUAL OR VEXATIOUS COMPLAINANTS POLICY

1. Background

1.1 This document sets out guidance and procedures to help staff deal with people who repeatedly complain to the council or who complain in an unreasonable way.

1.2 There are times when nothing further can be done to solve a real or perceived problem and continual contact with the person complaining is time consuming and costly for the council.

1.3 This document explains how to decide if a complaint should be classed as habitual or unreasonable. It then gives advice about how the complaint should be recorded. Finally, options are listed to help staff process such complaints or cease contact with particular complainants.

2. Introduction

2.1 This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.

2.2 In this policy the term habitual means 'done repeatedly or as a habit'. The term vexatious means 'irritating, annoying or causing distress'. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

2.3 The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and under the Council's complaints procedure.

2.4 Habitual or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on other Council priorities. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

3. Habitual or Vexatious Complainants

3.1 For the purpose of this policy the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- (i) unreasonable complaints and/or unrealistic outcomes; and/or
- (ii) reasonable complaints in an unreasonable manner.

3.2 Where complaints continue and are considered to be habitual or vexatious in accordance with the criteria set out in (Schedule A), the Clerk will decide on whether the complainant shall be treated as a habitual or vexatious complainant and for an appropriate course of action to be determined. Schedule (B) details the options available for dealing with such complainants.

3.3 The Clerk will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.

3.4 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review for one year. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

Schedule A - Criteria for Determining Habitual or Vexatious Complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet any of the following criteria:

Where complainants:

1. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed separately.
3. Are repeatedly unwilling to accept documented evidence given as being factual 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 do not clearly identify the precise issues which they wish to be investigated, despite the reasonable efforts of staff to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. Regularly focus on matters which are not sufficiently serious to an extent which is out of proportion to their significance and continue to focus on these points. It is recognised that determining what is 'not sufficiently serious' can be subjective and careful judgement will be used by the Clerk in applying this criterion.
6. Have threatened verbally, or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant

who threatens either verbally or in writing or uses actual physical violence towards an employee will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.

It should also be noted that the Council in consultation with the affected Officer/s will refer any actual or threatened verbal or physical abuse to Northumbria Police for investigation.

7. Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax or any other means. The Clerk shall determine excessive contact taking into account the specific circumstances of each individual case.

8. Have harassed or been verbally abusive 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. Some complainants may have a mental health problem and there is a need to be sensitive in circumstances of that kind.

9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

10. Make 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 practice.

11. Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:

- clearly does not have any serious purpose or value; or
- is designed to cause disruption or annoyance; or
- has the effect of harassing the public authority; or
- can otherwise fairly be characterised as obsessive or manifestly unreasonable

12. Make repetitive complaints and allegations which ignore the replies which Councils' Officers have supplied in previous correspondence.

BIRTLEY PARISH COUNCIL

Policy on habitual or vexatious communications and complainants

This Policy covers vexatious demands and/ or repeated requests for information including Freedom of Information Act requests.

Under this policy the Council will consider repeated requests for information or variations of the same request, on a single issue, to be vexatious and unacceptable where the Council has already answered the request. Where excessive use of the Council's time is being made in dealing with such requests, no response will be made except to inform the member of the public making such request that the requirement is unreasonable.

Taking into consideration the context and history of a request, a decision as to whether it is vexatious will be made on one or more of the following criteria:

- Can the request be fairly seen as obsessive?
- Is the request harassing the Council?
- Would complying with the request impose a significant burden?
- Is the decision designed to cause disruption or annoyance?
- Does the request lack serious purpose or value?

Where the communication of the member of the public is considered vexatious, he will be informed and given the grounds for such decision. If the conduct or correspondence of a member of the public or of a group of persons acting together is considered vexatious, the Council may refuse to respond to communications from that person or group of persons for a specified period of time or limit the amount of correspondence from him or them that will be dealt with.