Loxwood Parish Council

POLICY FOR DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS

1.) Introduction:

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.) Definitions:

In this policy the term HABITUAL means 'done repeatedly or as a habit'.

The term VEXATIOUS is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. In the Parish Council context it means acting to cause annoyance to the Council.

The terms HABITUAL or VEXATIOUS in the context of the complainant: 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 **ONE** of the following criteria:

Where complainants:

• Persist in pursuing a complaint where the Council's Complaints Procedure has been fully and properly implemented and exhausted.

• Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response 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 as separate complaints).

• Are repeatedly unwilling to accept documentary 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.

• Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.

• Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that

determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.

• Have, in the course of addressing a registered complaint, had an excessive number of contacts with the Council – placing unreasonable demands on staff or members. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, or e-mail. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.

• Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or members dealing with the complaint. These will be documented.

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

• Make unreasonable demands on the customer/Council relationships 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.

3.) Procedures for dealing with habitual or vexatious complainants.

All such instances will be documented and reported to the next Council meeting in private and confidential session. Where complainants have been identified as habitual or vexatious in accordance with the criteria set out above, the Clerk in consultation with the Chair and Vice Chair of the Council will as appropriate take one or more of the following courses of action:-

• The complainant will be notified in writing why their complaint has been classified as habitual or vexatious. The complainant will be advised of the Parish Council's normal complaints procedure and what steps to follow if that is appropriate.

• The complainant will be notified, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but that there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

• The Council will decline further contact with the complainant, either in person, by telephone, by letter or by e-mail or by any other means.

• The complainant will be informed that the Council may seek legal advice on unreasonable, habitual or vexatious complaints.

• The Council will suspend all contact with the complainant in connection with the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from a solicitor or other relevant agency, such as the External Auditor.

• The Clerk and the Chairman of the Council will invite the complainant to meet with them to discuss the matter.

• The Council will be notified of vexatious or habitual complainants.

If a complainant has threatened or used physical violence towards staff or members at any time – this will in itself, cause personal contact with the complainant, and /or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication.

4.) Withdrawing Habitual or Vexatious Status Once a complainant has been determined to be habitual and /or vexatious.

Their status will be kept under review. There will be an opportunity, however, if they subsequently demonstrate a more reasonable approach or if they submit a further complaint for which the normal complaints procedure would appear appropriate, to have their status reviewed and normal channels of communication may be resumed.