

## Witham Town Council: Vexatious Complaints Policy

*This policy is intended to protect employees or councillors from having to tolerate any unacceptable behaviour when corresponding with complainants, or any member of the public. It should be read alongside the Council's Complaints Policy and Procedure.*

*The council is committed to dealing with all complaints fairly and impartially. However, we do not expect our staff to tolerate unreasonable behaviour. The council recognises its duties under the Equality Act 2010 and will consider whether any health, disability or other protected characteristic may be relevant when deciding how to apply this policy.*

*Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.*

*The aim of this policy is to ensure that complainants who act in an unreasonable or unreasonably persistent way are dealt with fairly and consistently, while protecting the council, councillors and officers from any detriment caused by such behaviour.*

Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour
- Making any false or misleading accusations
- Sending multiple emails
- Leaving multiple voicemails
- Excessive use of social media to criticise or abuse council staff or members
- Use of discriminatory language (for example related to race, religion or belief, sex, sexual orientation, disability, or any other protected characteristic)
- Making threats of self-harm or harm to others, or any other behaviour that causes staff to feel unsafe

Isolated incidents of unacceptable behaviour may be managed under this policy where proportionate, but persistent or sustained unreasonable behaviour is more likely to result in restrictions on contact.

### Definitions

- We have adopted the Local Government Ombudsman's (LGO) definition of "**unreasonable complainant behaviour**" and "**unreasonable persistent complaints**". For the purpose of this policy these are referred to collectively as "unreasonable", "unreasonably persistent" or "vexatious" complaints or complainants.
- We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the council, hinder our consideration of their or other people's complaints. The description unreasonably persistent and vexatious may apply separately or jointly to a particular complaint.

- 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.
- 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).

Features of an unreasonably persistent and/or vexatious complaint

An unreasonably persistent and/or vexatious complaint may be one where:

- 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 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 complaint's procedure or with good practice
- There appears to be groundless complaints about the staff dealing with the complaints, and an attempt to have them dismissed or replaced
- There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints
- There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant
- Attempts to harass, verbally abuse or otherwise seek to intimidate staff 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 they 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 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 complaint's procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaint's procedure
- The complaint is submitted and persistently pursued through different council departments at the same time
- The complainant adopts a "scatter-gun" approach, pursuing the same issues with multiple councillors, officers or external bodies at the same time.

The complainant submits falsified documents or knowingly provides false information in support of their complaint.

Possible restrictions on contact

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party
- Banning the complainant from accessing any council building except by appointment
- Requiring contact to take place with one named member of staff only
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- 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
- Limiting the channels by which the complainant may contact the council (for example, requiring contact only in writing or via email)
- Placing a time limit on how long the restrictions will apply, subject to review

Any restrictions imposed will be proportionate, time-limited and clearly explained to the complainant in writing, including the reasons for the decision and how they may request a review or appeal.

Procedure for Dealing with Unreasonable Complainant Behaviour

#### 1. Identification and initial response

a. The Town Clerk will contact the complainant in writing to explain why their behaviour is causing concern and ask them to change it. The complainant will be warned that if the behaviour continues, the council may take action to restrict their contact.

b. Where appropriate, the Town Clerk will consider any information the complainant provides about health conditions, disability or other relevant personal factors, and may signpost to support services or adjust how the council communicates.

#### 2. Decision to impose restrictions

a. If the behaviour continues, the Town Clerk will consult with the council to decide whether the complainant's behaviour warrants restrictions. The complainant will be notified in writing of the decision and what restrictions have been put in place.

b. The written notification will state the reasons for the decision, the nature and duration of the restrictions, the review date and the complainant's right of appeal as set out below.

#### 3. Recording and monitoring

a. A record will be kept of any decision to apply this policy, including the reasons, evidence relied upon, restrictions imposed and review dates. This will be held in accordance with data protection legislation.

b. Relevant councillors and officers will be informed of the restrictions so that they can be applied consistently

#### 4. Review of restrictions

- a. The council will review any restrictions every six months. The complainant will be informed of the outcome of the review.
- b. At review, the council will consider whether the complainant's behaviour has changed, whether the original decision remains proportionate and whether restrictions should be varied, continued or withdrawn.

#### 5. Immediate action in extreme cases

- a. In extreme cases of aggressive or violent behaviour, the council reserves the right to report the matter to the police and institute immediate restrictions without prior warning.
- b. In such cases, the complainant will be informed of any restrictions as soon as reasonably practicable, subject to advice from the police or other relevant agencies.

#### 6. New complaints from complainants subject to restrictions

- a. New complaints from people who have been subject to this policy will be treated on their merits. The Town Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary.
- b. Where a new complaint raises wholly new issues that are unrelated to the matters which gave rise to the unreasonable behaviour, the council will normally consider the new complaint in line with its standard Complaints Policy, while keeping proportionate safeguards in place if required.

#### Right of appeal

7. A complainant who has been notified that this policy applies to them may request an appeal against that decision. Any appeal must be made in writing within 20 working days of the date of the decision letter and should set out the reasons why the complainant believes the decision is incorrect or unfair.

8. An appeal will normally be considered by a panel of councillors who were not directly involved in the original decision, wherever practicable, and their decision will be confirmed to the complainant in writing. The decision of the appeal panel will normally be final for the purposes of this policy.

#### Signposting to external bodies

9. Where the council's complaints process has been exhausted and the complainant remains dissatisfied, they will be reminded, where applicable, of their right to refer their complaint to the Local Government & Social Care Ombudsman or other appropriate body (for example, the Monitoring Officer in relation to a councillor conduct complaint).

**Adopted:** Minute 31 of the Policy and Resources Committee held 12<sup>th</sup> December 2023

**To be reviewed and agreed:** 9th December 2025

**Next review:** December 2026