

HARTING PARISH COUNCIL

HABITUAL OR VEXATIOUS COMPLAINTS POLICY

Introduction

A small minority of people will correspond with, or complain to, Harting Parish Council in a way that could reasonably be described as obsessive, harassing or repetitious. This correspondence from a minority of individuals takes up a disproportionate amount of resources and can result in unacceptable stress for the Clerk and Councillors.

This procedure is designed to address vexatious correspondence and complaints. It should assist the Council to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents. It is designed to ensure the rights of the public are protected, while ensuring that scarce resources are used effectively and that the Clerk and Councillors receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaints.

This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

1. Definition

Habitual or vexatious complaints and correspondence can be characterised in the following ways:

- a. Behaviour which is obsessive, persistent, harassing or repetitious.
- b. An insistence on pursuing unmeritorious issues and/or unrealistic outcomes.
- c. An insistence on pursuing meritorious complaints or issues in an unreasonable manner.
- d. A 'scatter gun' approach, with copies of letters being sent to several recipients on a regular basis ie. media, MP's, Council members and other external regulators.
- e. Repeated and/or frequent requests for information, whether or not those requests are made under the access to information regulations.
- f. Refusal to specify the grounds of the complaint under the formal procedure.
- g. Refusal to co-operate with the Complaints procedure.
- h. Refusal to accept that issues are not in the remit of the Complaints policy and procedure.
- i. Refusal to accept that issues are not in the power of the Council to investigate or influence ie. something that is the responsibility of another organisation.
- j. Refuse to accept documented evidence as factual.
- k. complain about or challenge an issue based on an historic and/or an irreversible decision or incident.

2. Procedure

- a. The Parish Council will ensure that the complaint, if submitted, is being or has been investigated properly according to Harting Parish Council complaints procedure.

- b. In the first instance the Clerk will consult with the Council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by email, to explain why the behaviour is causing concern and asking them to change that behaviour. The Clerk will explain the actions the Council may take if the behaviour does not change and supply a copy of the Habitual or Vexatious Complaints Policy.
 - c. If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will make this decision in conjunction with the Council and will inform the complainant of the procedures that have been put in place and for what period.
 - d. In most cases the restrictions will be for a period between three to six months, but in exceptional circumstances this may be extended. In such a case the restrictions would be reviewed on a quarterly basis, or at the next Full Council meeting.
 - e. Restrictions will depend on the individual circumstances and may include:
 - Banning the complainant from making contact by telephone except through a third party eg. a solicitor, a Councillor or friend acting on their behalf.
 - Banning the complainant from sending emails to individuals and/or the Clerk and insisting they only correspond by postal letter.
 - Requiring contact to take place with one named person only.
 - Restricting telephone calls to specified days and/or times.
 - Requiring any personal contact to take place in front 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 (in this instance a designated councillor will be identified to read future correspondence to establish if the content relates to the original issue).
 - f. When the decision has been taken to apply this policy to a complainant, the Clerk will contact them in writing to explain:
 - Why the decision has been taken.
 - What action has been taken.
 - The duration of that action.
 - g. The Clerk will enclose a copy of this policy in the letter to the complainant.
 - h. The consideration and decision confirming a vexatious complainant and any associated restrictions will be discussed by the Council 'in camera'.
 - i. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff or councillors, other options will be considered ie. reporting the matter to the police or taking legal action. In such cases the complainant may not be given prior warning of that action.
3. New complaints from complainants who are treated as vexatious, persistent or abusive
 - a. New complaints from people who have come under this policy will be treated on their merits. The Council will decide whether any restrictions previously applied are still appropriate and necessary in relation to the new complaint.
 - b. A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

4. Review

- a. The Clerk will retain adequate records of the details of each case and the action that has been taken.
- b. The status of a complainant judged to be a habitual and/or vexatious will be reviewed after three months and at the end of every subsequent three months in which the restriction applies.

Habitual or Vexatious Complaints Policy

Adopted 15 July 2021

Reviewed

Next Review May 2022