



Dealing with Abusive, Persistent or Vexatious Enquiries or Complaints

Introduction

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

1.2 Amble Town Council is committed to dealing with all enquiries/complaints equitably, comprehensively, and in a timely manner.

1.3 Contact with council staff or offices will not normally be limited except by office hours.

1.4 Councillors or staff will not be expected to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone, face-to-face, by letter, Fax, email, text, etc.
- Any form of intimidating or threatening behaviour
- Sending multiple emails
- Leaving multiple voicemails

1.5 Action will be taken to protect staff and Councillors from such behaviour. If an enquirer/complainant behaves in a way that is unreasonably persistent or vexatious, this policy will be followed.

1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the enquiry/complaint being regarded as vexatious.

1.7 Similarly, the fact that an enquirer/complainant is unhappy with the outcome and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

2. Aim of this policy

2.1 The aim of this policy is to contribute to our overall aim of dealing with all enquires/complaints in ways which are demonstrably consistent, fair and reasonable.

2.2 It sets out how it will be decided which enquiries/complaints will be treated as vexatious or unreasonably persistent, and what will happen in those circumstances. The policy is for the information of staff, Councillors and customers.

3. Definitions

3.1 the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints" has been adopted.

3.2 Unreasonably persistent and vexatious enquiries/complaints are defined as those which, because of the frequency or nature of the contacts with the council, hinder our consideration of their or other people's enquiries/complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular enquiry/complaint.

3.3 Examples include the way or frequency that these are raised with staff, or how enquirers/complainants respond when informed of the decision about the complaint.

3.4 Features of an unreasonably persistent and/or vexatious enquiry/complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the enquiry/complaint and the person making it will be considered as being in this category):

- there are insufficient or no grounds for the enquiry/complaint and it is made only to annoy (or for reasons that the person does not admit or make obvious)
- there are no specified grounds for the enquiry/complaint
- when instigating the complaints procedure, the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- the enquiry/complaint is about issues not within the power of the Town 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 enquirer/complainant refuses to accept this
- the enquirer/complainant insists on the matter being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the enquiry/complaint or insisting the enquiry/complaint is only dealt with by the Chair)
- there appears to be groundless complaints about the staff or Councillors dealing with the enquiries/complaints, and an attempt to have them dismissed or replaced
- there is an unreasonable number of contacts with the Town Council, by any means, in relation to a specific enquiry/ 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 (an example of this could be insisting on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls, texts, emails, etc)
- attempts to harass, verbally abuse or otherwise seek to intimidate staff or Councillors dealing with their enquiry/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 person is being addressed that were not part of the enquiry/complaint at the start of the process
- trivial or irrelevant new information is introduced whilst the enquiry/complaint is being investigated and an expectation that this be taken into account and commented on
- there is a change to the substance or basis of the enquiry/complaint without reasonable justification whilst the issue is being addressed
- the complainant denies statements he or she made at an earlier stage in the process
- the enquirer/complainant electronically records meetings and conversations without the prior knowledge and consent of others involved
- the complaint is the subject of an excessively scattergun approach; for instance, the enquiry/complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils,

the councils independent auditor, the Monitoring Officer or Standards Committee, the police, solicitors, and/or the Local Government Ombudsman

- the enquirer/complainant refuses to accept the outcome of the process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- the same query/complaint is made repeatedly, perhaps with minor differences, after the procedure has been concluded and where the enquirer/complainant insists that the minor differences make these 'new' enquiries/complaints which should be put through the full procedure
- the enquiry/complaint remains active through the enquirer/complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons
- documented evidence is not accepted as factual by the enquirer/complainant
- the enquiry/complaint relates to an issue based on a historic and irreversible decision or incident
- the enquiry/complaint combines some or all of these features

4. Imposing restrictions

4.1 The Town Council will ensure that the enquiry/complaint is being, or has been, reviewed and if necessary investigated properly according to the corporate policies.

4.2 In the first instance the Clerk investigating the enquiry/complaint will consult with their Chair, or the Vice Chair in their absence, as delegated by members, prior to issuing a warning to the enquirer/complainant which will subsequently be recorded in the next council meeting. The Clerk will contact the person either in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Clerk will explain the actions that the Town Council may take if the behaviour does not change.

4.3 If the disruptive behaviour continues, the Clerk, on the instruction of the members, will issue a letter or email to the person advising them that the way in which they will be allowed to contact the Town Council in future will be restricted. The Clerk will inform the person in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The Clerk can consult with the Monitoring Officer if they so wish.

4.4 Any restriction that is imposed on the person's contact with the Town Council will be appropriate and proportionate, and the person will be advised of the period of time the restriction will be in place for. In such cases the restrictions would be reviewed on a six month basis, delegated to the Council Chair and Town Clerk.

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

- Banning the person from making contact by telephone except through a third party e.g. solicitor/councillor/friend acting on their behalf
- Banning the person from sending emails to individual Councillors and/or all council officers and insisting they only correspond by letter
- Requiring contact to take place with the Clerk 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 person know that the Town Council will not reply to or acknowledge any further contact from them on the specific topic of that enquiry/complaint (in this case, a designated member of staff will be identified who will read future correspondence)
- Informing the person that any further enquiries/complaints from him or her will only be considered if a Clerk agrees that it warrants investigation.

4.6 When the decision has been taken to apply this policy to an enquirer/ complainant, the Clerk will contact the person in writing to explain: - why the Town Council has taken the decision, - what action the Town Council is taking, - the duration of that action, - the review process of this policy, and the right of the person to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.

4.7 The Clerk will enclose a copy of this policy in the letter to the enquirer/complainant.

4.8 Where the person continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact and stop any investigation into his or her enquiry/complaint.

4.9 Where the behaviour is so extreme, e.g. cyber bullying and/or harassment, or it threatens the immediate safety and welfare of staff or Councillors, the Town Council will consider other options, for example reporting the person without prior warning of that action.

4.10 The Town Council does not have a legal duty to respond to those members of the public who are not Amble parishioners. Amble Town Council will consider this fact when receiving complaints or communications as described in policy in terms of whether they are or are not a parishioner of Amble.

5. New enquiries/complaints from those whose previous enquiries/complaints have been treated as abusive, vexatious or persistent

5.1 New contact from people who have come under this policy will be treated on their merits. The Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new enquiry/complaint. The Town Council does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

5.2 The fact that a person is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the person will be recorded and notified to those who need to know within the Town Council.

6 Record keeping

6.1 Adequate records will be retained by the Clerk along with the details of the case and the action that has been taken. This will include:

- The name and address of each customer who is treated as abusive, vexatious or persistent
- When the restriction comes into force and ends
- What the restrictions are
- When the customer and departments were advised

6.2 The enquirer/complainant will be advised in the communication of the intention to keep the information as per GDPR Regulations.

Date:	Nov. 2024	Approving:	Full Council
Policy effective:	Immediate	Date for next review:	May 2026

WARNING LETTER

Recipient's details

Date

Dear **Insert Name**

Warning Notice: **Insert reason**

I write in regard to your communications regarding **Insert As Appropriate**

Reason for warning

The Town Council respectfully requests that you cease to contact the Town Council further on this matter.

Failure to do so will result in further contact restrictions as outlined in the Councils Policy on Dealing with Abusive, Persistent or Vexatious Enquiries or Complaints. I have enclosed a copy of the policy for your information.

Yours sincerely

Insert Name

Town Clerk

RESTRICTED CONTACT

RESTRICTED CONTACT REGISTER ENTRY FORM

Details of person(s) to be placed on register:

LAST NAME:	FIRST NAME:
ALIASES:	CONTACT DETAILS:
DETAILS OF APPLICATION: Details of application: Describe the reason why you consider the complainant should be added to the register. Include information on: <ul style="list-style-type: none">• The length of time you/colleagues have been in contact with the complainant• The amount of correspondence exchanged• The nature of the complaint(s)• The steps that have already been taken to resolve the situation Attach copies of any relevant documentation	
NAME AND CONTACT DETAIL OF PERSON DEALING WITH COMPLAINANT:	
AUTHORISED BY: CHAIR: VICE CHAIR:	
SIGNED:	
NATURE OF CONTACT RESTRICTION :	