



# **WEASENHAM PARISH COUNCIL**

## **POLICY ON DEALING WITH ABUSIVE, PERSISTENT OR VEXATIOUS COMPLAINTS AND COMMUNICATIONS**

Adopted: 19<sup>th</sup> March 2024  
Review: March 2025

## 1. Introduction

1.1 Weasenham Parish Council is committed to dealing with all complaints equitably, comprehensively, and in accordance with the timescales set out in the Council's Complaints Procedure document.

1.2 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.

1.3 We will not normally limit the contact which complainants have with Councillors or the Clerk.

1.4 Paramount in the Council's responsibilities is the need to protect the physical and mental wellbeing of all Councillors and the Clerk. The Council has a duty of care to protect the Clerk from unacceptable behaviour by complainants and other correspondents. Unacceptable behaviour includes, but is not limited to:

- Using abusive or foul language on the telephone, face-to-face, by letter, email, text, etc.,
- Any form of intimidating or threatening behaviour by whatever means,
- Levelling personal insults at any Councillor or the Clerk,
- Calling into question the honesty and integrity, without appropriate evidence, of any Councillor or the Clerk,
- Sending multiple emails in rapid succession,
- Leaving multiple voicemails.

1.5 We will take action to protect Councillors and the Clerk from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

1.6 Raising legitimate queries or criticisms whilst a complaint is being progressed, possibly because agreed timescales are not being met, should not in itself lead to the complaint being regarded as vexatious.

1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge should not necessarily cause the person to be labelled unreasonably persistent.

## 2. Aim of this policy

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

2.2 It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of Councillors, the Clerk and the public.

## 3. Definitions

3.1 We have adopted the Local Government & Social Care Ombudsman's definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints".

*Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's*

*consideration of their, or other people's complaints.*<sup>1</sup>

3.2 We use the following Office for National Statistics definition of vexatious complaint ...

*A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy, or subdue somebody. It is characterized by being unreasonable, without foundation, frivolous, repetitive, burdensome, or unwarranted.*<sup>2</sup>

3.3 Examples include the way or frequency that complainants raise their complaint with Councillors or the Clerk, or how complainants respond when informed of our decision about the complaint.

3.4 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):

- 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,
- 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 Parish Council to investigate, change or influence (e.g. 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 complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chair),
- there appears to be groundless complaints about the Councillors or the Clerk dealing with the complaints, and an attempt to have them dismissed or replaced,
- there is an unreasonable number of contacts with the Parish Council, by any means, in relation to a specific complaint or complaints,
- there are persistent and unreasonable demands or expectations of Councillors or the Clerk or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, telephone calls, texts, emails, etc.),
- attempts to harass, verbally abuse, or otherwise seek to intimidate Councillors or the Clerk dealing with their complaint by use of foul or inappropriate language or using 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 is to be considered and commented on,
- there is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed,

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<sup>1</sup> [www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/councils/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour](http://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/councils/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour)

<sup>2</sup> [www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/onsgrievancepolicyandprocedures](http://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/onsgrievancepolicyandprocedures)

- the complainant denies statements he or she made at an earlier stage in the complaint process,
- the 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 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 Council’s independent auditor, Norfolk ALC, the Monitoring Officer or Standards Committee, the police, solicitors, and/or the Local Government Ombudsman,
- 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 complaints procedure has been concluded and where the complainant insists that the minor differences make these ‘new’ complaints which should be put through the full complaints procedure,
- the complaint remains “active” through the 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 complainant,
- the complaint relates to an issue based on a historic and irreversible decision or incident,
- the complaint is made purely to revisit an identical or similar complaint issue that was dealt with by the current Parish Council (or even by a previous council), which ultimately the complainant refuses to accept the outcome, then or now,
- the complaint combines some or all of these features.

#### **4. Communications (Excluding Complaints)**

4.1 This policy has so far dealt with vexatious behaviour in regard to complaints. However, it applies equally to general correspondence where no specific complaint has been made.

4.2 Persistent correspondence, which could reasonably be described as obsessive, harassing, prolific or repetitious, takes up a disproportionate amount of resources and can result in unacceptable stress for Councillors and the Clerk.

4.3 The following is a list of examples of unacceptable communication, which could be deemed vexatious. It is not exhaustive:

- where the tone of the communication is one of discourtesy, offensiveness, or general rudeness,
- where the communication is based on misinformation, presumptions, or hearsay evidence,
- where the correspondent clearly makes a personal attack on a Councillor or the Clerk,
- where the correspondent demonstrates an insistence on pursuing unmeritorious issues or expects unrealistic outcomes,
- where the correspondent is insistent on pursuing meritorious issues in an unreasonable manner,
- where the correspondent makes frequent requests for information, whether or not those requests are made under the access of information legislation.

## **5. Imposing restrictions**

5.1 This section details the process that will be adopted by the Council in regard to vexatious complainants and general correspondence. The term 'correspondent' is used to cover both.

5.2 Where the behaviour of the correspondent is deemed to be vexatious, the Clerk, in the first instance, will consult with their Chair, or the Vice Chair in their absence, prior to issuing a warning to the correspondent. The Clerk will contact the correspondent either in writing or by email to explain why this behaviour is causing concern and ask them to change their behaviour.

5.3 Where the correspondent fails to moderate their behaviour, the Council may take the decision to limit communication with the correspondent.

5.4 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- why the Parish Council has taken the decision,
- the duration of that action (initially three months),
- the right of the complainant to contact the Local Government & Social Care Ombudsman about the fact that their complaint has been treated as a vexatious/persistent issue,
- that they will only be allowed to contact the Council via a generic email address and that their emails will only be acknowledged, and a response given, if they are presenting a genuine issue or are making a request under access of information legislation,
- the complainant will be advised in the communication of the intention of the Council to keep the information as per GDPR Regulations.

5.5 The Clerk will enclose/attach a copy of this policy in the letter/email to the complainant.

5.6 The Clerk will notify the local District and County Councillors of their decision to cease communication with the individual.

5.7 Where a decision to cease communication is reviewed and rescinded, it can be reinstated without further warning if the original vexatious behaviour resumes.

## **6. Protection of Mental Wellbeing**

6.1 Weasenham Parish Council welcomes feedback, suggestions, and constructive criticism from all parishioners, but not if it is written in a style which most people would find offensive, abusive, insulting or threatening.

6.2 The Council simply will not tolerate any behaviour, written or otherwise, that causes undue stress for the Councillors or the Clerk and presents a threat to their mental wellbeing.

6.3 Where the behaviour is so extreme, or it threatens the immediate safety and welfare of Councillors or the Clerk, the Parish Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Parish Council is not required to give the complainant warning of that action.

## **7. Disorderly Conduct at Meetings**

7.1 Disorderly conduct at meetings of the Parish Council will be dealt with under Section 2 of the Council's Standing Orders.

**8. Record keeping**

8.1 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 individual who is considered to be abusive, vexatious or persistent,
- when the restriction comes into force and ends,
- what the restrictions are,
- when the individual was advised.

8.2 All such information may be retained in line with GDPR Regulations.