



Introduction

This policy is about the management of abusive, persistent and or vexatious complainants. It sets out how Swillington Village Council will deal with complainants that fall within the scope of this definition. Those identified will be treated consistently, honestly, and proportionately.

Abusive, unreasonably persistent, or vexatious members of the public can be a problem for council officers and members. The difficulty in managing such people is that they are time consuming and wasteful of resources (in terms of officer and member time). While the council and its officers endeavour to respond with patience and sympathy to the needs of all members of the public there are times when there is nothing further which can be done to assist or to rectify a real or perceived problem.

Should complaints be perceived to be persistent or vexatious, referrals from the Council or its Complaints Committee are to be dealt with by an investigating committee (composed of two members of the Council and the Clerk).

Definition and exemplification

This policy intends to assist in identifying and managing persons who are deemed to be disruptive to the council through pursuing an unreasonable course of conduct. The council defines abusive, unreasonably persistent, and vexatious members of the public as those people who, because of the frequency or nature of their contacts with the council, hinder its ability to function as a local authority.

Features of an abusive, unreasonably persistent and/or vexatious member of the public include the following examples -

Such a person may, in the opinion of the council:

- Have insufficient or no grounds for their actions and may be deemed unreasonably persistent only to annoy or to draw unwarranted attention to themselves (or for reasons that he or she does not admit or make obvious).
- Refuse to accept that issues are not within the remit of the council's Complaints Procedure despite having been provided with information about its scope.
- Refuse to accept that issues are not within the power of the council to investigate, change or influence.
- Make an unreasonable number of contacts with the council, by any means, in relation to a specific issue or issues.
- Make persistent and unreasonable demands or expectations of officers and/or the complaints procedure after the unreasonableness has been explained to the

member of the public (an example of this could be a member of the public who insists on immediate action.)

- Harass, verbally abuse, or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint.
- Repeatedly demands or requests action by the council even when advised that the council has no authority to deal with the issue beyond the representation that it may have already made.
- Refuse 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.
- Make the same complaint repeatedly, with minor differences, after the complaint's procedure has been concluded and insist that the minor differences make these new complaints which should be put through the full complaint's procedure.
- Persistently approach the council through different routes about the same issue.
- Refuse to accept documented evidence as factual.

Imposing restrictions

The Clerk will, under delegated authority, in consultation with either the Chair or the Chair of a Complaints Committee, decide whether a member of the public should be subject to evaluation by a Persistent and Vexatious Complaints investigating committee. Should a case be referred to the committee:

- a) the Clerk will inform the member of the public that a council committee will decide whether the council's policy will apply to him or her and forward a copy of the policy at the same time.
- b) the committee, having delegated power, will evaluate relevant and available evidence and decide on the action(s), if any, to be taken under the policy.
- c) The Clerk will report the decision to the council and inform the member of the public:
 - why the decision has been taken;
 - what action is being taken;
 - the duration of that action.

Any restriction that is imposed on the member of the public's contact with the council will be appropriate and proportionate. In most cases restrictions will apply for six months but in exceptional cases this may be extended. In such cases the restrictions will be reviewed on a six-monthly basis by the investigating committee, and the member of the public and the council informed of the decision.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of the council's officers, other options will be considered, e.g., reporting the matter to the police or taking legal action. In such cases, the member of the public may not be given warning of that action.

Record Keeping

The Clerk will retain adequate records of the details of the case and the action that has been taken.

Nothing in this policy shall operate to impede the right of the council or an employee or a member to have recourse to the civil and/or criminal law where such recourse is available to the council or employee or member in any case.

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