



SAXMUNDHAM TOWN COUNCIL

ABUSIVE, PERSISTENT OR VEXATIOUS CONTACTS AND COMPLAINTS POLICY



1. Introduction

The aim of this Policy is to contribute to the Town Council's overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable. It sets out how the Town Council will decide which complainants will be treated as vexatious or unreasonably persistent, and what the Town Council will do in those circumstances.

The Town Council will not normally limit the contact that complainants have with the Town Council. However, the Town Council does not expect staff to tolerate unacceptable behaviour from any complainant or customer.

Unacceptable behaviour includes (but is not limited to)

- Using abusive, threatening or foul language
- Sending persistent or harassing communications by any channel

The Town Council will take action to protect staff from unreasonably persistent or vexatious behaviour.

Dealing with a complaint can be 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 Town Council. This can happen either while their complaint is being investigated, or once the Town Council has finished dealing with the complaint.

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 someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

2. Definitions

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

The Town Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Town 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 complainant.

3. Managing Unreasonably Persistent and/or Vexatious Complainants

Before any action is taken, the Town Clerk will ensure that the complaint is being, or has been, investigated properly according to the Town Council's agreed Complaints Policy.

When a complainant begins to demonstrate behaviours such as listed above, the Town Clerk will consult with the Chair and the Vice Chair. The Town Clerk will provide sufficient information to them for them to determine whether the complaint fulfils the definition as shown above.



If it is agreed that the complaint fulfils the definition the Town Clerk will issue a warning to the complainant about their behaviours. The Town Clerk will contact the complainant in writing to explain why this behaviour is causing concern and ask them to change this behaviour. The Town Clerk will explain the actions that the Town Council may take if the behaviour does not change.

If following this letter, the behaviour continues the Town Clerk will inform the Chair and Vice Chair. They will then determine what restrictions are to be imposed on the complainant and for how long. This will be communicated to the complainant in writing.

Any restriction that is imposed on the complainant's contact with the Town Council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on an annual basis.

In the event of the Chair or Vice Chair being actively involved in investigating a complaint under the Complaints Policy, the consultation and decision-making process will fall to two other Committee Chairs if they are not involved.

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 e.g. solicitor/Town Councillor/friend acting on their behalf.
- Banning the complainant from sending emails to individuals and/or all Town Council officers and insisting they only correspond by letter.
- Banning the complainant from using any of the Town Council's services.
- Banning the complainant from accessing any Town 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 Town Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence, this will usually be the Town Clerk)

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

- Why the Town Council have taken the decision,
- What action the Town Council are taking,
- The duration of that action,
- The review process of this policy, and
- The Town Clerk will enclose a copy of this policy in the letter to the complainant.



Where a complainant continues to behave in a way which is unacceptable, the Town Clerk, in consultation with the Chair and Vice-Chair, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

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

4. New Complaints from Complainants who are Treated as Abusive, Vexatious or Persistent

New complaints from individuals who have previously been subject to this policy will be considered on their merits. The Town Clerk will decide whether any restrictions remain appropriate and necessary in relation to the new complaint. The Town Council does not support a blanket policy of ignoring genuine service requests or complaints where they are founded.

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

5. Review

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk after three months and at the end of every subsequent three months within the period during which the Policy is to apply. The complainant will be informed of the result of this review if the decision to apply this Policy to them has been changed or extended.

6. Record Keeping

Adequate records will be retained by the Town Clerk of the details of the case and the action that has been taken.