



## **West Rainton Parish Council**

### **Policy for dealing with vexatious, persistent and abusive contact and complaints**

#### **Definitions: Abusive, unreasonably persistent and/or vexatious**

The Parish Council define abusive, vexatious or unreasonably persistent customers as those customers who, because of the frequency or nature of their contacts with the Council, hinder its' ability to conduct business effectively and place disproportionate demands on staff and financial resources to the detriment of council business.

The description 'abusive', 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular customer. Once customers have exhausted the Councils' complaints or other procedures they can pursue their complaint or issue through legal challenge.

Examples include the way or frequency that customers raise their issues with staff, or how complainants respond when informed of our decision about the issue.

Features of an abusive, unreasonably persistent and/or vexatious customer include the following (the list is not exhaustive, one single feature on its own does not necessarily mean the person will be considered as being in this category):

- Have insufficient or no grounds for their issue and be raising the matter only to annoy (or for reasons that he or she does not admit or make obvious).
- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to accept that issues are not within the remit of the Parish Council.
- Refuse to accept that issues are not within the power of the Council to investigate, change or influence (examples could be an issue about something that is the responsibility of another organisation).
- Insist on the complaint being dealt with in ways which are incompatible with Parish Council policy, procedure or with good practice (insisting, for example, that there must not be any written record of the issue).
- Make what appear to be groundless complaints about staff dealing with the issues, and seek to have them dismissed or replaced.
- Make an unreasonable number of contacts with the Parish Council, by any means in relation to a specific issue.
- Make persistent and unreasonable demands or expectations of staff and / or the policy and procedure 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, faxes, telephone calls or emails).

- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their issue, by use of foul, inappropriate or offensive language.
- Change the substance or basis of the issue without reasonable justification whilst the matter is being addressed.
- Deny statements he or she made at an earlier stage in the investigation process.
- Refuse to accept the outcome of an issue raised after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- Raise the same issue repeatedly, perhaps with minor differences, after the investigations have been concluded, and insist that the minor differences make these 'new' issues which should restart an investigation process.
- Persistently approach the Parish Council through different routes about the same issue.
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on a historic (more than a year old) and irreversible decision or incident.
- Have knowingly recorded meetings or face to face / telephone conversations without prior knowledge and consent by all parties involved.

### **Imposing restrictions**

The Parish Council will ensure that any issue raised is being, or has been, investigated properly according to pertaining Council policy.

If it is considered that the issue is regarded as vexatious, persistent or abusive in line with the definitions outlined in this policy, a report will be produced by the Parish Clerk, detailing the situation and the recommendation(s). This will be presented to Parish Council who will make an informed decision.

If the situation is deemed to be vexatious, persistent or abusive, in line with this Policy, the customer will be advised accordingly by the authorised member of staff (typically the Parish Clerk) and restrictions will be imposed.

They will contact the customer in writing, to explain the reasons for taking action and the nature / duration of the action.

In most cases restrictions on further contact will apply for up to 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

In extreme circumstances, the Council may involve the Police. Where this is the case, the complainant will be advised that this is the course of action that the Council is taking and why.

Examples include: Abusive and threatening behaviour; physical abuse.

**New issues from customers who are treated as abusive, vexatious or persistent**

New complaints from customers who have been affected by this policy will be treated on their merits. The authorised employee (typically the Parish Clerk) will determine if any restrictions which have been applied before are still appropriate and necessary in relation to the new issue.

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Approved XXXXXX