



# WINCANTON TOWN COUNCIL

## DEALING WITH PERSISTENT AND VEXATIOUS COMPLAINTS AND CORRESPONDENCE POLICY

### INTRODUCTION

This policy identifies situations where a complainant or correspondent, either individually or as part of a group of complainants or correspondents, might be considered to be habitual, vexatious, aggressive, abusive or unreasonable and the action to be taken by Wincanton Town Council in these circumstances. This policy is not restricted to complaints; it covers the full range of any contact including requests for information and Freedom of Information requests.

#### 1. AIMS OF THE POLICY

This policy is designed to assist in identifying and managing persons who seek to be disruptive to the Town Council through pursuing an unreasonable course of conduct as detailed below.

This policy aims to provide guidance on how to identify and manage persistent, vexatious, aggressive, abusive or unreasonable complaints, correspondence and all forms of communication.

This policy sets out clear 'sanctions' for the small minority of complainants who are unable to pursue their queries or complaints with the Town Council in a reasonable and acceptable manner.

#### 2. DEFINITIONS

- Unreasonable behaviour – may include one or more isolated incidents, as well as 'unreasonably persistent' or 'vexatious behaviour', which is usually a build-up of incidents or behaviour over a longer period
- Vexatious behaviour – is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient ground for winning merely to cause annoyance to the defendant'. A vexatious request is one that is likely to cause distress, disruption or irritation without any proper or justified cause.
- Aggressive or abusive behaviour – is not restricted to acts of aggression that may result in physical harm. Violence also includes behaviour or language (whether oral or written) that may cause anyone working with/for us to feel afraid, threatened or abused.

#### 3. RECOGNISING UNACCEPTABLE BEHAVIOUR HABITUAL OR VEXATIOUS COMPLAINTS AND BEHAVIOUR

Habitual or vexatious complaints or correspondence can be a problem for both the Town Council and the Clerks. The difficulty in handling such matters is that they are time consuming and wasteful of resources in terms of the Clerks and Councillors' time.

The following list follows the guidance of the Local Government Ombudsman and provides examples of behaviour that may be considered to be persistent, vexatious or unreasonable:

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure
- Making unjustified complaints about members who are trying to deal with the issues and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements he or she has made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising detailed unimportant questions, insisting they are all answered
- Covertly recording meetings and conversations
- Submitting falsified documents for themselves or others
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
- Making excessive demands on Wincanton Town Council's time and resources with lengthy phone calls, emails to Town Councillors' or the Town Clerk, or detailed frequent letters and expecting immediate responses
- Having insufficient or no grounds for their complaint, making it only to annoy or cause inconvenience to the Town Council
- Submitting repeat complaints with minor additions and variations, the complainant insisting that this makes these 'new' complaints
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Using abusive threatening or offensive language

The above is not exhaustive, merely explanatory of examples of unreasonable behaviour

Where a request is considered to be vexatious, Wincanton Town Council may make the decision not to provide the information requested, informing the complainant that further contact on the matter will not be acknowledged or replied to.

#### **4. AGGRESSIVE OR ABUSIVE BEHAVIOUR**

Violence is not restricted to behaviour that may result in physical harm but also includes behaviour or language (oral or written) that may cause any Councillor, Council employees or anyone working on their behalf to feel afraid, threatened or abused. This may include, but is not limited to, the following:

- Threats
- Physical violence
- Personal verbal abuse
- Personal written, texted or social media abuse
- Derogatory comments
- Rudeness
- Inflammatory statements and unsubstantiated allegations

#### **5. ACTIONS TO BE TAKEN BY THE TOWN COUNCIL**

Wincanton Town Council will meet in private at the end of the next available Full Council meeting to discuss any complaints/complainant's behaviour that are considered by the Clerk to the Town Council or any Councillor to come under the above definitions.

In the event of a serial facetious, vexatious or malicious complaint from a member of the public, the Council will consider taking legal advice before writing any letters to the complainant and will also seek advice from the Information Commissioner's Office if necessary.

### **Stage One**

If a Town Council resolution confirms that the complainant's actions (including correspondence) fall under the required definition, the rationale for this will be recorded and the Clerk will be asked to write to the individual/group to say that their behaviour is considered to be unreasonable and unacceptable and to request a change of approach. A copy of this policy document will be sent.

### **Stage Two**

If there is no improvement in behaviour then this matter will again be referred to a private meeting of the Town Council who will consider whether this constitutes continued unacceptable behaviour and inform the complainant(s) in writing that their behaviour is not acceptable and why.

Each case will be reviewed individually, and sanctions may include:

- Restrictions on contact with the Council for example:
  - A total ban on all communication for a set period
  - Banning the complainant from making contact by telephone
  - Banning the individual from sending e-mails and insisting on correspondence by letter
  - Banning the individual/group from raising questions or queries at Town Council meetings
  - Banning the individual/group from attend Town Council meetings for a prescribed period (not longer than 12 months)
  - Requiring personal contact to take place only in the presence of a witness
  - Any other sanctions considered necessary by the Town Council pertaining to the circumstances of the case.

All sanctions to be reviewed at six month intervals.

When behaviour is so extreme that it threatens the immediate health or safety of the Staff, Councillors' or anyone acting on their behalf, then the Town Council will cease all contact at once and will pursue such action that is commensurate and proportionate to the behaviour through the initiation of criminal prosecution or civil proceedings. The Town Council may not give prior warning of this action.

Adopted at the Full Council Meeting on 22<sup>nd</sup> March 2021      Minute 0223 c)

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