

CUMNOR PARISH COUNCIL

Frivolous, Vexatious, Abusive or Persistent Complaints Policy

Issue History

- Issue 1 07/03/2015 minute 74/16iii Valid from 07/03/2015

This policy is to assist Cumnor Parish Council (CPC) dealing with anyone who repeatedly complains about the same issue although CPC has replied to the complaint, or who appears to go out of their way to find things to complain about as a means of harassing the council, or who complains in an unreasonable way.

The situation to be addressed

There are times when nothing further can be done to solve a real or perceived problem and continual communication with the person complaining only uses up the limited time and energy available to a Parish Council. This policy is to set out the criteria used by CPC to decide if a complaint should be classed as frivolous or vexatious or abusive or persistent and whether to cease to communicate with the particular complainant.

The policy applies to complainants who seek to disrupt the work of CPC by following an unreasonable course of conduct or repeatedly put in complaints in order to irritate, annoy or cause distress.

How to recognise frivolous, vexatious, abusive or persistent complaints

Complaints may be rejected at any time if, in the Council or relevant committees opinion, they are repetitious or prolific and/or the complainant obsessively pursues unreasonable complaints and/or expects unrealistic outcomes and/or carries out complaints in an unreasonable manner.

They are complaints where any one, or more, of the items below are seen to apply:

- The CPC complaints procedure has been implemented and exhausted and a decision already given to the individual;
- The complainant changes the substance of the complaint or continually raises new issues or seeks to prolong contact by raising further concerns or questions while the complaint is being considered;
- The complainant is unwilling to accept documented evidence given as being factual or deny receipt of any adequate response in spite of communications answering their questions, or refuses to accept CPC decisions;
- The complainant does not clearly identify the precise issues which they wish investigated;
- The complainant focuses on matters which are not sufficiently serious to an extent which is out of all proportion to their importance;
- The complainant has been verbally or physically threatening, offensive or intimidating, in person or in communications, in which case all face to face contact with them will cease at once and Thames Valley Police may be informed;
- The complainant has had an excessive number of contacts with CPC, placing unreasonable demands on time and resources;
- The complainant insists on the complaint being dealt with in ways which are not compatible with the adopted complaints procedure;
- The complainant makes the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insists the minor differences make these 'new' complaints that should be put through the whole complaints procedure;
- The complainant complains about or challenges an issue based on a historic and irreversible decision or incident;
- The complainant makes what appear to be groundless complaints about staff dealing with the complaints and seeking to have them dismissed or replaced;
- The complainants adopt a 'scattergun' approach by pursuing a complaint or complaints with CPC and, at the same time, with a Member of Parliament, elected members of this and other councils, other levels of Local Government, the authority's independent auditor, Standards Board, local police, solicitors, or the Ombudsman;

- The complainant is known to have recorded meetings or face to face contacts or telephone conversations without the prior consent of all parties involved, except where legislation allows;
- The complainant has made unreasonable demands on CPC, for example insisting on responses or enquiries being provided more urgently than is reasonable or necessary;
- The complainant has made unreasonable complaints, where complaints do not have any serious purpose or value, are designed to cause disruption or annoyance, have the effect of harassing CPC, or can otherwise be characterised as obsessive or unreasonable;
- The complainant has made repetitive complaints and allegations which ignore the replies made for and on behalf of CPC in previous communications;
- The complainant is offensive, abusive or threatening in any way.

Actions to take in such cases

CPC will meet in private at the end of a full council meeting to discuss any complaints/ complainants that are considered by the Clerk, Chairman and at least two other Parish Councillors to come under the above definitions.

STAGE 1

If it is agreed by the majority that the complaints fall under the required definition, the Clerk will write to the individual to say that their behaviour is considered by CPC to be unreasonable and unacceptable and requests a change of approach. The individual will be sent a copy of this policy at this stage.

STAGE 2

If there is no improvement in behaviour, then CPC will inform the complainant in writing that their behaviour is not acceptable and why. They will be informed that communication from CPC will cease and the period of time for which that will apply before review. 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
- Banning the individual from sending emails to individuals and/ or council employees and insisting they only correspond by letter
- Banning the individual from accessing any council premises except by appointment
- Requiring contact to take place with one named staff member only
- Requiring any personal contact to take place in the presence of an appropriate witness
- If behaviour threatens the safety or welfare of staff or councillors, WPC may report the matter to Thames Valley Police or take appropriate legal action

The decision will be reviewed at 6 monthly intervals.

New complaints

Any further complaints made by the complainant will be examined and those not deemed to be frivolous, vexatious, persistent or abusive will be dealt with.

Review date October 2029