



DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS' POLICY

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To be reviewed by	Policy & Resources Committee

DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS

1. Purpose and status of this policy

Newton Abbot Town Council is committed to dealing with complaints fairly, consistently and on their merits. The Council also has a responsibility to protect employees, councillors and other service users from behaviour that is abusive, threatening, excessively persistent or places unreasonable demands on Council resources.

This policy supplements the Council's Complaints Policy. It sets out how the Council may manage unreasonable or persistent behaviour and, where necessary, restrict contact. It does not replace the Complaints Policy and does not prevent a complaint from being considered on its merits.

Complaints will be dealt with under the Council's Complaints Policy. Requests made under the Freedom of Information Act 2000 will be dealt with under the Council's Freedom of Information Policy and applicable legislation. Section 14 of the Freedom of Information Act 2000 provides a separate statutory basis for dealing with vexatious information requests.

2. Principles

The Council recognises that people may make repeated contact because they genuinely believe something has gone wrong. A person may also be frustrated, distressed or aggrieved. The Council will therefore consider the substance and merits of the issue separately from the manner in which contact is made.

- No person will be treated as unreasonable or persistent merely because they make a complaint, challenge a decision, request information, disagree with the Council or pursue an available review or appeal.
- Any restriction on contact will be necessary, proportionate, reasonable, recorded and tailored to the behaviour and circumstances of the individual case.
- Reasonable adjustments will be considered where required under the Equality Act 2010.
- Where possible, at least one reasonable means of communication with the Council will remain available.
- Restrictions will be time-limited and subject to review. There will not be a blanket restriction for an unspecified period.

3. Scope

This policy may apply to complainants, representatives acting on their behalf, service users and other individuals whose contact with the Council becomes unreasonable or persistent. It may apply to contact made in person, by telephone, letter, email, social media, voicemail or other communication channels.

Where conduct raises an immediate health and safety concern, the Council may take protective action without waiting for the full process in this policy to be completed.

4. Unreasonable or persistent behaviour

Behaviour may be considered unreasonable or persistent where one or more of the following applies, particularly where the behaviour has a significant impact on the Council's ability to

carry out its functions or provide services to others:

1. Persisting with a complaint after the Council's Complaints Policy has been fully and properly followed and the internal process has been exhausted, while raising no material new evidence or issue.
2. Repeatedly changing the substance of a complaint, introducing new issues in a way that prevents the original complaint from being resolved, or seeking to prolong contact without reasonable cause.
3. Repeatedly refusing to accept documented evidence or an adequate response, while providing no relevant new evidence.
4. Failing to identify the issues to be addressed despite reasonable efforts by the Council to clarify them, or repeatedly pursuing matters outside the Council's remit.
5. Focusing persistently on a minor issue to an extent that is disproportionate to its significance. The Council will apply careful judgement because significance may be subjective.
6. Making an excessive number of contacts that places unreasonable demands on employees or councillors, taking account of the nature and complexity of the matter.
7. Making unreasonable demands about outcomes, timescales, methods of communication, levels of contact or the personnel who should deal with the matter, and refusing reasonable explanations as to why those demands cannot be met.
8. Using abusive, discriminatory, intimidating, threatening or harassing language or behaviour towards employees, councillors, contractors or others involved.
9. Seeking to coerce, intimidate or threaten employees, councillors or other people involved in the matter.
10. Impersonating an employee or councillor, or otherwise misrepresenting identity or authority, in order to obtain information or influence the handling of a matter.

The fact that an individual records a conversation or meeting will not, by itself, cause them to be treated as unreasonable or persistent. Any concerns about recording, confidentiality, data protection or subsequent use of a recording will be considered on the facts of the case and under the appropriate Council policy or legal framework.

5. Decision to apply this policy

Where the criteria above may be met, the Town Clerk, as the Council's Executive Officer, will consider the circumstances and determine whether action under this policy is appropriate. Where practicable, the Clerk will consult the Mayor before imposing a significant restriction. If the complaint concerns the Town Clerk, the Mayor will arrange for the decision to be taken by an appropriate person who has not been directly involved in the matter.

Before restrictions are imposed, the Council will normally consider whether a warning, explanation, clarification of expectations or an agreed communication arrangement could resolve the problem. Immediate restrictions may be imposed where necessary to protect health, safety or welfare.

The reasons for applying this policy, the evidence relied upon and the action taken will be recorded.

6. Possible actions and restrictions

Depending on the circumstances, the Council may take one or more of the following steps:

- write to the individual setting out reasonable standards of communication and the responsibilities of each party;
 - limit contact to a specified method, such as written correspondence or email;
 - nominate a single employee or other point of contact;
 - limit the frequency, duration or timing of telephone calls or meetings;
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- require personal contact to take place by appointment and, where appropriate, in the presence of a witness;
 - require correspondence to be consolidated so that multiple contacts on the same matter can be dealt with together;
 - decline to respond to repeated correspondence on a matter that has already been fully answered where no material new issue or evidence is provided;
 - where it is no longer reasonably practicable to continue investigating a complaint because of the complainant's conduct, bring the investigation to an end, provided the reasons are recorded and communicated;
 - restrict access to some or all Council premises where necessary for safety, security or the proper operation of Council services;
 - seek legal or professional advice; or
 - contact the police where the Council reasonably believes that a criminal offence may have been committed, where violence or assault is threatened, or where a person refuses lawful requests to leave Council premises.

Any restriction will be limited to what is reasonably necessary. The Council will, wherever practicable, maintain at least one appropriate method of contact, which may include communication through a nominated representative or advocate.

7. Written notification and review

Where restrictions are imposed, the individual will be told in writing:

- why the decision has been made;
- what contact arrangements or restrictions apply;
- when the restrictions start and how long they will remain in force;
- when the restrictions will be reviewed; and
- how they may request a review of the decision.

A person subject to restrictions may request a review. The review will be undertaken by a person or panel who was not involved in the original decision wherever reasonably practicable. The Council will notify the individual in writing of the outcome.

A review of restrictions under this policy is separate from any appeal concerning the substantive complaint under the Council's Complaints Policy.

8. Threatening, abusive or violent behaviour

Threats of violence, actual violence, serious abuse or harassment towards employees, councillors or others will not be tolerated. The Council may immediately terminate a conversation, meeting or personal contact where this is necessary to protect health, safety or welfare.

Where abusive or aggressive behaviour has harmful or potentially harmful effects, employees may apply the Council's Step Away principle by ending the interaction, advising the person that the contact is being terminated, and reporting and recording the incident in accordance with

Council procedures.

Threatening or violent behaviour will not automatically determine the merits of an underlying complaint. Where reasonably practicable, the complaint will continue to be considered through an appropriate and safe method of communication.

Incidents may be reported to the police or other appropriate authority where necessary.

9. Freedom of Information requests

The term “vexatious” has a specific statutory meaning in relation to requests for information. Under section 14(1) of the Freedom of Information Act 2000, a public authority is not obliged to comply with a vexatious request. Decisions about whether an information request is vexatious will be made under the Freedom of Information Act 2000 and the Council's Freedom of Information Policy, rather than solely under this policy.

The fact that restrictions have been imposed under this policy does not, by itself, mean that a future Freedom of Information request is vexatious. Each request will be considered in accordance with the applicable legal framework.

10. Equality and accessibility

The Council will apply this policy fairly and consistently and will have regard to its obligations under the Equality Act 2010 and its Equality and Diversity Policy. Reasonable adjustments will be considered where required. The Council will distinguish, where possible, between behaviour that is genuinely unreasonable and communication difficulties arising from disability, language, distress or other relevant circumstances.

11. Records, confidentiality and data protection

Records created under this policy will be handled in accordance with the Council's GDPR Data Protection and Privacy Policy and retained in accordance with the Council's Data Retention and Disposal Policy. Information will only be shared where it is necessary and lawful for the management of the complaint, protection of health and safety, legal advice, investigation or other legitimate Council purposes.

12. Related Council policies and procedures

Complaints Policy
Freedom of Information Policy
Equality and Diversity Policy
Dignity at Work Policy
Health and Safety policies and procedures
GDPR Data Protection and Privacy Policy
Data Retention and Disposal Policy

13. Monitoring and review

The policy will be reviewed by the Policy & Resources Committee in accordance with the Council's policy review arrangements and sooner where required by legislative, regulatory or organisational change

