MAULDEN PARISH COUNCIL
Habitual Or Vexatious Complainants Policy

Adopted: September 6, 2021
Next Review Date: Annually

PREAMBLE

Following the introduction of the Freedom Of Information Act, the public and press have a right to make requests for information held or owned by Maulden Parish Council (MPC). Such requests will be processed using MPC's Freedom Of Information Policy and Complaints Procedure as appropriate.
However, there may be occasions where requests for information, complaints or grievances may be deemed vexatious or habitual (see definition below). These may involve, but are not limited to, cases where there are:

- Serial requests for information, serial complaints or serial grievances about different matters – received by letter, email or voicemail/messages.
- Requests, complaints or grievances that regularly focus on a trivial matter to an extent which is out of proportion to the matter's significance and continue to focus on such points.
- Grievances that are constantly reiterated which are without substance and have no foundation.

If the persistence of requests for information, complaints or grievances adversely affects MPC's ability to do their work and provide a service to others, MPC may need to address such behaviour by restricting, suspending or terminating contact with MPC councillors and staff. MPC do not expect staff or councillors to tolerate unacceptable behaviour by complainants which causes or may cause undue stress.
MPC recognise it is important to distinguish between people who make a number of complaints because they genuinely believe things have gone wrong, and people who are simply being difficult. MPC acknowledge that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.

DEFINITION OF A HABITUAL OR VEXATIOUS COMPLAINANT

Complainants (and/or anyone acting on their behalf) may be deemed by the Clerk, being MPC's Executive Officer, in liaison with MPC's Chair, to be habitual or vexatious where previous or current contact with them shows that they meet one or more of the following criteria:

- Persist in pursuing a complaint/grievance where MPC's Code Of Practice For Handling Complaints or Freedom Of Information Policy have been fully and properly implemented and exhausted.
- Persistently change the substance of a complaint/grievance or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response while the complaint and/or grievance is being addressed.
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response despite correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly fail to identify clearly the precise issues which they wish to raise despite reasonable efforts of MPC to address their concerns, and/or where the concerns identified are not within the remit of MPC.
- Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
- Have threatened or used physical violence towards staff or members at any time – this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication received by post. All such incidences will be documented. MPC has determined that any complainant who threatens or uses actual physical violence towards staff will be regarded as a vexatious complainant and will receive written confirmation that this is the case and will inform the complainant of the action that will be taken.
- Have, in the course of addressing a registered complaint or grievance, had an excessive number of contacts with MPC – placing unreasonable demands on staff or members. For the purposes of determining an excessive number, the contact may be in person, by telephone, letter, email, voice messages or fax. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff or members dealing with the complaint/grievance. MPC staff and Cllrs recognise, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However all instances of harassment, abusive or verbally aggressive behaviour will be documented.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards MPC staff or Councillors whether this has been on a face-to-face contact or at public meetings.
- Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved and/or have impersonated any member of MPC staff or Councillors with the objective of soliciting information for whatever purpose.

- Have made unreasonable requests or demands and failed to accept that these may be unreasonable.
- Have sought to coerce, intimidate or threaten MPC staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.

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ACTIONS

Where complaints have been identified as habitual or vexatious in accordance with the criteria set out above MPC's Clerk, being the Executive Officer of MPC, in liaison with MPC's Chair, will determine what action to take. MPC's Clerk will implement such action and will notify the complainant(s), that their complaint/grievance is considered as vexatious and the action that will be taken. For completeness, this notification will be copied to all MPC Councillors and may be copied to any others already involved. A record will be kept, for future reference, of the reasons why a complaint has been classified as habitual or vexatious.

MPC's Clerk shall, under the direction of MPC's Chair, deal with habitual or vexatious complaints in one or more of the following ways:

- By letter, setting out a code of commitment and responsibilities for the parties involved if MPC is to continue processing the complaint/grievance. If these terms are contravened, consideration will then be given to implementing other action as indicated below.
- By declining contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained which will be by conventional post (letter).
- By notifying the complainant, in writing that MPC have responded to the points raised and tried to resolve the complaint/grievance but that there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a persistent or vexatious complainant and as such MPC does not intend to engage in further correspondence dealing with the complaint.
- By informing the complainant that MPC reserve the right to seek legal advice on unreasonable or vexatious complaints/grievances and behaviour.
- By temporarily suspending or permanently suspending all contact with the complainant, in connection with the issues relating to the complaint or grievance being considered habitual and/or vexatious.

RESTRICTING CONTACT

Any restrictions will be appropriate and proportionate to the nature of the complainant's contacts with MPC at that time. The following are examples of the types of restriction which may be used:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of communications that will be taken (for example one telephone call or email on one specified morning/afternoon of any week);
- Limiting the complainant to one medium of contact (telephone, letter, email etc).
- Requiring the complainant to communicate only with a named contact only.
- If a complaint is currently going through MPC's complaints procedure, asking the complainant to enter into a written agreement about their future conduct if the complaint is to be progressed.
- Requiring any personal contacts to take place in the presence of a witness.
- Closing the investigation into a complaint.
- Refusing to register and process further complaints providing the complainant with acknowledgements only of further letters, faxes, or e-mails received after a particular point.
- Banning a complainant from some or all of MPC's premises.
- Involving the police in cases where it is believed the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave council premises.

Where restricted contact is applied, the complainant will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements, the length of time these restrictions will be in place and what they can do to have the decision reviewed. There should never be a blanket ban for an unspecified period of time.

MPC will try to maintain one form of contact, which will be by way of agreed method (posted letter or email). In extreme situations, MPC will tell the complainant in writing that their name is on a no personal contact list contained in MPC's Awareness Register. This means that they must restrict contact with MPC's named contact to either written communication received by posted letter/email or through a nominated third party advocate known and declared to be acting on their behalf. Any information held by MPC in accordance with the Data Protection Act 2018.

In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents and MPC employees and Councillors do not suffer any disadvantage or undue stress and MPC's resources are used as effectively as possible. When it is deemed that it is appropriate to include a complainant on the Awareness Register, the form attached at Appendix 1 will be completed. All information held on the Awareness Register will be reviewed every 12 months as part of the evaluation and review process for the effectiveness of this policy.

There is no right to appeal a decision so members of the public should observe common dignity, courtesy, respect and consideration to those to whom the complaint or grievances are addressed prior to engaging upon a habitual or vexatious complaint/grievance. The basic principle of treat others as you would expect them to treat you applies.

THREATENING AND ABUSIVE COMPLAINANTS AND HARASSMENT

MPC believe that harassment and bullying behaviour is totally unacceptable. MPC will work to prevent any form of harassment or bullying from happening in the first instance and where it has already occurred, will work to prevent it from happening again.

Harassment is a term that is generally used to define unwelcome and unwarranted behaviour, bullying or actions that may affect the dignity of an individual or group of individuals. Harassment may include, but not be limited to, the following activities:

- Actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.
- Actions characterised as discrimination/victimisation in any act of inappropriate differential treatment, intentional or otherwise, direct or indirect, which is based on an individual's identity
- If MPC staff or Councillors are subjected to any threatening or abusive complaints MPC's Step Away Policy (see below) is immediately implemented in order to protect MPC staff and Councillors.

STEP AWAY POLICY

Where there is abusive or aggressive behaviour which produces damaging or hurtful effects, physically or emotionally on the staff and members which includes, but not exclusively, verbal abuse (including name calling), bullying, shouting or swearing or threat of any of these behaviours MPC staff and Councillors are to step away from the situation. This can mean terminating a conversation, whether it is face-to-face or by telephone. This could mean simply walking away from the situation.

LEGAL POSITION

Under the Freedom of Information Act 2000 Section 14(1) or as amended, public authorities do not have to comply with vexatious requests. MPC also have a legal duty under the Health & Safety At Work etc Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees.

APPENDIX 1
RESTRICTED CONTACT AWARENESS REGISTER

Database Entry Request

To be completed by The Clerk

Details of complainant to be placed on register:

Last name:	First name:
Also known as:	Contact details:
Details of application: *Describe the reason why you consider the complainant should be added to the register. Include information on:* *The length of time you/colleagues have been in contact with the complainant.* *The amount of correspondence exchanged.* *The nature of the complaint(s).* *The steps that have already been taken to resolve the situation.*	

Attach copies of any relevant documentation
Name and contact details of officer(s) dealing with complainant:

Signed by Clerk: Signed by Maulden Parish Council Chairman:	Date:
Nature of contact restriction:	

For Office use only:

Awareness Register reference number:	
Date entered on to Awareness Register:	By:

Note: All entries on the Awareness Register will be reviewed after 12 months and the entry deleted if it is no longer necessary to retain the information for legal or operational reason.

Any Information you provide on this form will be held by Maulden Parish Council in accordance with the Data Protection Act 2018.