HELLESDON PARISH COUNCIL

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Unreasonably Persistent, Abusive or Vexatious Behaviour Policy

1. Dealing with a communication or complaint is usually a straightforward process. However, in a minority of cases people pursue matters in a way that can impede the investigation of their concern or complaint or can have significant resource implications for the Parish Council. This policy has been formulated to deal with the small number of complaints, or communications by individuals, which makes it necessary for special arrangements to be taken. Unreasonable complainant behaviour may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period.

2. Before implementing the provisions in this Policy, councillors must consider whether the Parish Council's procedures have been followed correctly, whether full and reasonable responses have already been given and whether an individual is now acting in a way which the Council considers unreasonable. The Parish Council has a duty to provide a safe working environment and system of work for staff and Councillors. Regardless of this Policy, abusive, offensive or threatening conduct may be referred to the Police to take action as appropriate, in addition to any action the Parish Council may take.

Unreasonable Behaviour

1. This policy has been formulated in accordance with guidance from the Local Government Ombudsman (LGO) in relation to the definition of "unreasonable complaint behaviour" and "unreasonable persistent complaints".

2. Hellesdon Parish Council defines unreasonable and unreasonably persistent behaviour as contact from persons who, because of the frequency or nature of their contacts with the Council, hinder our consideration of their or other people's complaints and impacts on the day to day business of the organisation. Examples include the way (or frequency) in which an individual may raise Council related issues with staff or how complainants may respond to our dealing with the complaint.

3. Features of unreasonable contacts and behaviour include the following (the list is not exhaustive, nor does one single feature on its own necessary imply that the complaint will be considered as being unreasonable) and such persons may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or inconvenience the Council) 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 from the Parish Clerk or other staff.
- Refuse to co-operate with our complaints process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the power of the Council to investigate, change or influence - for example something that is the responsibility of another organisation.
- Make an unreasonable number of contacts with Hellesdon Parish Council, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process 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, telephone calls or emails)
- Harass or verbally abuse or otherwise seek to intimidate staff while dealing with their concerns by use of foul or inappropriate language or by the use of offensive or discriminatory language.
- Raise subsidiary or new issues whilst a matter is being addressed that were not part of the original inquiry or complaint.
- Introduce trivial or irrelevant new information at a later stage, whilst the original inquiry is still being investigated, and expect this to be taken into account and commented on.
- Raise many detailed but unimportant questions, and insisting they are all answered.
- Change the substance or basis of an inquiry without reasonable justification whilst the matter is still being addressed.
- Deny statements he or she made at an earlier stage in the process.
- Electronically record meetings and conversations without the prior knowledge and consent of the other person involved. This excludes the recording of public meetings.
- Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or investigations not only with the Council, but at the same time with a Member of Parliament, other councils, members of the Parish Council and other councils, the council's internal auditor, the police, solicitors and the Local Government Ombudsman.
- Make excessive demands on the time and resources of the Parish Clerk and other staff with lengthy phone calls, emails or detailed letters every few days, and expect immediate responses.
- Refuse to accept the outcome of an investigation or complaint after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

- Make the same point repeatedly, perhaps with minor differences after a full response to information sought has been provided and insist that the minor differences make these 'new' complaints or requests for information which should be followed up in detail.
- Refuse to accept documented evidence as factual.
- Refuse to accept the decision; repeatedly arguing points with no new evidence.
- Complain about or challenge an issue based on an historic, irreversible decision or incident.
- Behave in an abusive, offensive or threatening manner towards the Clerk and other staff, Council members or their families.

4. A written record shall be kept of why the individual, contact or communication is believed to be unreasonable, what information has been considered and the decision which is made. The Parish Council shall act in a proportionate, fair and objective way.

5. When an unreasonable persistent complaint/complainant has been identified, the unacceptable behaviour should be explained to the individual concerned, usually by email or letter. An explanation of the action by Hellesdon Parish Council will be given and the complainant will be advised of the content of this Policy.

Options for dealing with an unreasonably persistent complainant

1. The options which the Parish Council may consider taking include:

- Refusing to accept a request for information, investigation or complaint or to amend the terms of an existing inquiry;
- Refusing to accept or process further inquiries or complaints about the same matter
- Requesting contact to be in a particular format (e.g. letters only);
- Restricting telephone calls to specified/times/day/duration;
- Requiring any personal contact to take place in the presence of an appropriate witness;
- Letting the individual concerned know that the Parish Council will not reply or acknowledge any further contact with them on the specific topic at issue or at all.

2. In deciding on an appropriate action, care must be taken:

- not to interfere with a complainant's statutory rights, e.g. to attend Parish Council meetings or view papers, when making such restriction; and
- to ensure that the Council takes appropriate action in response to a matter, included within a complaint or inquiry, where necessary.

3. These actions above are not exhaustive and other factors individual may be relevant in deciding on an appropriate course of action. Any arrangements for restricting contact by a persistent or vexatious person must take into account the individual's circumstances such as age, disability, literacy levels, race etc.

4. If none of the actions listed above offer the protection that the staff and Councillors of Hellesdon Parish Council are entitled to, other actions may be available, such as involving the Police.

Reviewing decisions to restrict access

1. When imposing a restriction on access, the Council will include a specified review date which addresses when to lift imposed time limits, resume relations with the Council to normal or other such considerations.

2. The complainant should be informed of the outcome of the review at the appropriate time or informed if limits are to continue, with details explaining reasoning and when the limits will next be reviewed.