

GRANBOROUGH PARISH COUNCIL

VEXATIOUS

COMPLAINTS 2022

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1. INTRODUCTION

- 1.1. This policy identifies situations where a complainant, either individually or as part of a group, might be habitual or vexatious. The following clauses form the Council policy ("Policy") for ways of responding to these situations.
- 1.2. In this Policy the term habitual means 'done repeatedly or as a habit'. The term vexatious means persons who seek to be disruptive to the Parish Council through pursuing an unreasonable course of conduct.
- 1.3. Habitual and/or vexatious complaints are time-consuming and wasteful of resources in terms of Council time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants, there are times when there is nothing further which can reasonably be done by the Parish Council to assist or to rectify a real or perceived problem.
- 1.4. The fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.
- 1.5. The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair, and reasonable.

2. HABITUAL OR VEXATIOUS COMPLAINANTS

- 2.1. The following definitions of habitual or vexatious complainants will be used:
The repeated and/or obsessive pursuit of:
 - a) unreasonable complaints and/or unrealistic outcomes
 - b) reasonable complaints in an unreasonable or abusive manner
- 2.2. The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status may be changed.

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3. DEFINITIONS

- 3.1. Granborough Parish Council defines unreasonably persistent and vexatious complainants as those who, because of the frequency or nature of their contacts with the Council, hinder the Council's usual business.
- 3.2. Examples include the way in which, or frequency with which, complainants raise their complaints or how complainants respond when informed of the Council's decision about the complaint.
- 3.3. An unreasonably persistent and/or vexatious complainant may exhibit any of the following behaviours, which are not intended to be exhaustive:
- have insufficient or no grounds for their complaint.
 - refuse to specify the grounds of a complaint despite offers of assistance.
 - refuse to co-operate with the complaint's investigation 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.
 - insist on the complaint being dealt with in ways which are incompatible with good practice.
 - make what appears to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
 - make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints
 - make persistent and unreasonable demands after the unreasonableness has been explained to the complainant
 - harass, verbally abuse, or otherwise seek to intimidate by use of foul or inappropriate language or by the use of offensive or racist language or publish their complaints in other forms of media
 - raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
 - introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be considered and commented on
 - change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
 - deny statements they made at an earlier stage in the complaint process

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- electronically record meetings and conversations without the prior knowledge and consent of the other person(s) involved
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persist in seeking an outcome which the Council has explained is unrealistic for legal (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident
- combine some or all these features.

4. IMPOSING RESTRICTIONS

- 4.1. The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.
- 4.2. The Clerk will consult with the Chairman of the Council prior to issuing a warning to the complainant. The Clerk will contact the complainant, either by e-mail or postal letter, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.
- 4.3. If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Council in future will be restricted. If necessary, the Clerk will then contact the complainant, either by e-mail or postal letter, stating the restrictions that have been applied, the behaviour that necessitated the restrictions being applied, and for what period of time.
- 4.4. Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate. In most cases restrictions will

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apply for between three to six months, but in exceptional cases this may be extended.

- 4.5. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include, but not be limited to:
- banning the complainant from making contact by telephone except through a third party acting on their behalf
 - banning the complainant from sending emails to the Council and insisting they only correspond by postal letter
 - requiring contact to take place with one named member of staff only
 - restricting telephone calls to specified days and/or times and/or duration
 - requiring any personal contact to take place in the presence of an appropriate witness
 - letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, the Clerk will read future correspondence).
- 4.6. When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing, either by e-mail or postal letter, to explain:
- why the decision has been taken
 - what action has been taken
 - the duration of that action.
- 4.7. The Clerk will enclose a copy of this Policy in the correspondence with the complainant.
- 4.8. Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman of the Council may decide to refuse all contact with the complainant and stop and investigation into his or her complaint.
- 4.9. Where the behaviour is so extreme as to threaten the immediate safety and welfare of the Clerk or Councillors, other options will be considered, including but not limited to, the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of such action.

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5. NEW COMPLAINTS FROM COMPLAINANTS WHO ARE ABUSIVE, VEXATIOUS OR PERSISTENT

- 5.1. New complaints from people who have come under this policy will be treated on their merits. The Clerk and the Chairman of the Council will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor ignoring genuine service requests or complaints where they are founded.

6. REVIEW

- 6.1. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed after three months, and at the end of every subsequent three months within the period during which the policy is to apply, at the next Council Meeting.
- 6.2. The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

7. RECORD KEEPING

- 7.1. The Clerk will retain adequate records of the details of the case and the action(s) taken. Records may be kept of:
- the name, postal address, email address(es), telephone number(s), and physical/electronic correspondence of each member of the public who is treated as abusive, vexatious, or persistent, or any other person who so aids the complainant
 - the behaviours exhibited by the person, which contributed towards a restriction being imposed
 - when the restrictions come into force, when they were reviewed, and when they ended.
 - the outcome of decisions made during reviews.

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- what the restrictions are.
- 7.2. All records/data will be held in accordance with the GDPR (General Data Protection Regulation) and with the data privacy policy outlined in section 8.

8. DATA PRIVACY

- 8.1. For the purposes of section 7 and section 8 of this Policy:
- Data and Records means collectively all information that Granborough Parish Council hold.
 - GDPR means the UK General Data Protection Regulation.
 - Data Protection Laws means any applicable law relating to the processing of personal Data, including but not limited to the GDPR, and any national implementing and supplementary laws, regulations and secondary legislation.
 - Us means Granborough Parish Council and the Clerk of Granborough Parish Council.
- 8.2. The scope of this privacy policy applies only to the actions of Granborough Parish Council with respect to this Vexatious Complaints Policy.
- 8.3. For the purposes of the applicable Data Protection Laws, Granborough Parish Council is the "data controller". This means that Granborough Parish Council determines the purposes for which, and the way, Data is processed.
- 8.4. Granborough Parish Council's right to process Data is necessary for the performance of tasks carried out in the public interest under GDPR Article 6(1)(a)(b) and (e).
- 8.5. The Data collected by Granborough Parish Council is outlined in section 7.1 of this Policy.
- 8.6. The Data is collected either by:
- The complainant providing the data when they correspond with us, or
 - Through it being collected from publicly available sources of data.
- 8.7. The records will be used for the purposes outlined in this Policy and, if we deem it necessary, to use for our legitimate interests.
- 8.8. The Clerk may share the records with:

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- Parish Councillors in order that they may perform their services and may operate this Policy.
 - Relevant authorities in order that they may perform their services, as outlined in, but not limited to, the definition of services in section 4.9.
- 8.9. We will only keep data for the purposes it was collected for and only for as long as is necessary. After which, it will be deleted.
- 8.10. Granborough Parish Council has a duty to ensure the security of personal data. We make sure that information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure.
- 8.11. Unless a longer retention period is required or permitted by law, we will only hold Data on our systems for the period necessary to fulfil the purposes outlined in this privacy policy or until we complete a request for that Data to be deleted.
- 8.12. Even if we delete Data, it may persist on backup or archival media for legal or regulatory purposes.
- 8.13. The Complainant has the following rights in relation to their data:
- a) Right to access – they may request (i) copies of the information we hold about them at any time, or (ii) that we modify, update or delete such information. This information will be provided at no charge, unless the request is “manifestly unfounded or excessive”. Where we are legally permitted to do so, we may refuse their request. If we refuse their request, we will tell them the reasons why.
 - b) Right to correct – the right to have their data rectified if it is inaccurate or incomplete.
 - c) Right to erase – the right to request that we delete or remove their data from our systems.
 - d) Right to restrict our use of Data – the right to “block” us from using their Data or limit the way in which we can use it.
 - e) Right to data portability – the right to request that we move, copy or transfer their Data.
 - f) Right to object - the right to object to our use of their Data including where we use it for our legitimate interests.

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- 8.14. To make enquiries, exercise any of the rights set out above, or withdraw consent to the processing of their Data (where consent is our legal basis for processing Data), the Complainant must contact us via this e-mail address: clerk@granborough.org.
- 8.15. If the Complainant is not satisfied with the way a complaint they make in relation to their Data is handled by us, they may be able to refer their complaint to the relevant data protection authority. For the UK, this is the Information Commissioner's Office (ICO). The ICO's contact details can be found on their website at <https://ico.org.uk/>.
- 8.16. It is important that the Data we hold is accurate and current. The Complainant should keep us informed if their Data changes during the period for which we hold it.