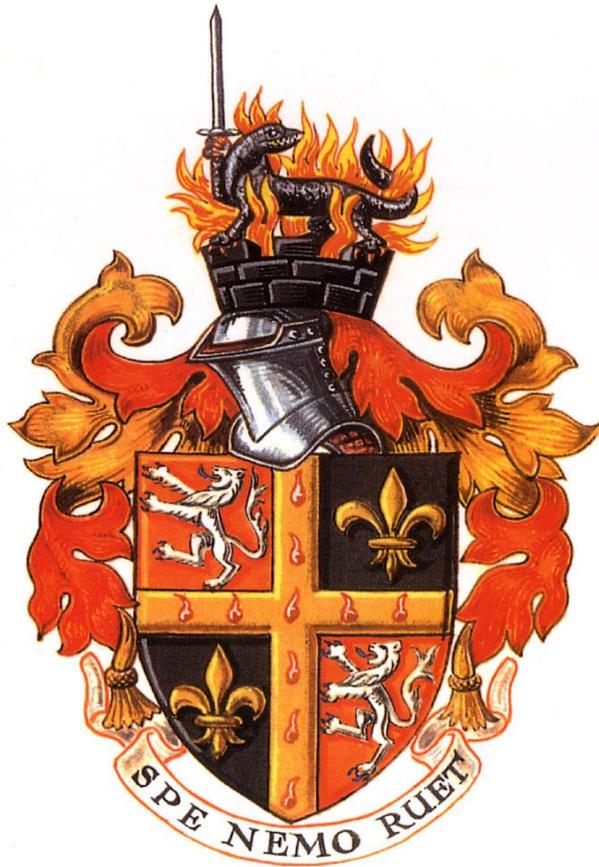


# SPENNYMOOR TOWN COUNCIL



## AGGRESSIVE, ABUSIVE, PERSISTENT AND VEXATIOUS COMPLAINTS

<b>Author of Policy:</b>	Town Clerk
<b>Date Effective From:</b>	26 <sup>th</sup> October 2021
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# 1. Introduction

1.1 This policy identifies situations where a complainant or correspondent, either individually or as part of a group of complainants or correspondents, might be considered to be habitual, vexatious, aggressive, abusive or unreasonable and the action to be taken by the Town Council in these circumstances. The policy is not restricted to complaints, it covers the full range of any contact including requests for information and FOI requests.

# 2. Aims of the Policy

2.1 This policy is designed to assist in identifying and managing persons who seek to be disruptive to the Town Council through pursuing an unreasonable course of conduct as detailed at point 3 below.

2.2 This policy aims to provide guidance on how to identify and manage persistent, vexatious, aggressive, abusive or unreasonable complaints, correspondence and all forms of communication.

2.3 The policy sets out clear 'sanctions' for the small minority of complainants who are unable to pursue their queries or complaints with the Town Council in a reasonable and acceptable manner.

# 3. Definitions

3.1 **Unreasonable behaviour:** may include one or more isolated incidents, as well as 'unreasonably persistent' or 'vexatious behaviour', which is usually a build-up of incidents or behaviour over a longer period.

3.2 **Vexatious behaviour:** is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning merely to cause annoyance to the defendant'.

3.3 A vexatious request is one that is likely to cause distress, disruption or irritation without any proper or justified cause.

3.4 **Aggressive or abusive behaviour** is not restricted to acts of aggression that may result in physical harm. Violence also includes behaviour or language (whether oral or written) that may cause anyone working with/for us or Member to feel afraid, threatened or abused.

# 4. Recognising Unacceptable Behaviour

4.1 Habitual or Vexatious Complaints and Behaviour

4.1.1 Habitual or vexatious complaints or correspondence can be a

problem for both the Town Council and the Clerk. The difficulty in handling such matters is that they are time consuming and wasteful of resources in terms of the Clerk and Councillors' time. There are times when despite having tried to respond to complaints or correspondence there is nothing further which can be reasonably done to assist or to rectify a real or perceived problem. This includes the repeated and/or obsessive pursuit of any matter where lengthy explanations of the Town Council's actions or stance have already been provided.

4.1.2 The following list follows the guidance of the Local Government Ombudsman and provides examples of behaviour that may be considered to be persistent, vexatious or unreasonable.

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure or the Council.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about members who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising detailed unimportant questions, insisting they are all answered.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on Spennymoor Town Council's time and resources with lengthy phone calls, emails to Town Councillors or the Clerk, or detailed frequent correspondence and expecting immediate responses.
- Having insufficient or no grounds for their complaint, making it only to annoy or cause inconvenience to the Town Council.
- Submitting repeat complaints with minor additions/variations, the complainant insisting that this makes these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with

no new evidence.

- Using abusive threatening or offensive language

4.1.3 The above is not exhaustive, but merely explanatory of examples of unreasonable behaviour.

4.2 Where a request is considered to be vexatious, Spennymoor Town Council may make the decision not to provide the information requested, informing the complainant that further contact on the matter will not be acknowledged or replied to.

4.3 Aggressive, abusive, harassing or intimidating behaviour

4.4 Violence is not restricted to behaviour that may result in physical harm but also includes behaviour or language (oral or written) that may cause any Councillor, Council employees or anyone working on their behalf to feel afraid, threatened, intimidated or abused. This may include (but is not limited to) the following:

- Threats
- Physical violence
- Personal verbal abuse
- Personal written, texted or social media abuse
- Derogatory comments
- Rudeness
- Inflammatory statements and unsubstantiated allegations
- Intimidating/harassing behaviour such as photographing or video recording without permission, following an individual(s) etc

## 5. Action to be Taken by the Council

5.1 The Town Clerk, as the Responsible Officer to the Town Council will consider correspondence and contact with the Town Council against the criteria in this policy and respond appropriately.

## 6. STAGE 1

6.1 If the Town Clerk considers the actions of an individual/group fall within any part of this policy, the Clerk will write to the individual/group to say that their behaviour is considered to be unreasonable and unacceptable and to request a change of approach. A copy of this policy document will be sent.

## 7. STAGE 2

7.1 If there is no improvement in behaviour then the Town Clerk will write a second time and inform the complainant(s) in writing that their behaviour

is not acceptable and why.

7.2 Each case will be reviewed individually, and sanctions may include:

7.2.1 Restrictions on contact with the Council for example:

- 7.2.1.1 A total ban on all communication for a set period.
- 7.2.1.2 Banning the complainant from making contact by telephone.
- 7.2.1.3 Banning the individual from sending e-mails and insisting on correspondence by letter.
- 7.2.1.4 Banning the individual/group from raising questions or queries at Town Council meetings.
- 7.2.1.5 Requiring personal contact to take place only in the presence of a witness.
- 7.2.1.6 Any other sanctions considered necessary by the Town Council pertaining to the circumstances of the case.

7.2.2 All sanctions will be reviewed at six monthly intervals.

7.3 When behaviour is so extreme that it threatens the immediate health or safety of the Clerk, Councillors or anyone acting on their behalf, then the Town Council will cease all contact at once and will pursue such action that is commensurate and proportionate to the behaviour through the initiation of civil proceedings. The Town Council may not give prior warning of this action.

7.4 TO NOTE: this policy does not prevent any person from contacting the Police at any time to report any issues.