

Policy for dealing with Habitual Abusive Persistent or Vexatious Behaviour

1. The Town Council its Councillors and Officers operate in the course of all normal communication/working relationships with an expected level of trust and respect in such dealings on all sides. The Council recognises that, unfortunately, there are times when nothing further can be done to solve real or perceived problems or continual contact dealing with time consuming and costly queries or complaints and circumstances develop when relationships etc change as a result of frustrations or disagreements. When this occurs it is essential to have appropriate guidelines in place and this policy should assist in resolving such issues.
2. This policy seeks to identify some examples of habitual abusive persistent or vexatious behaviour and how they will be handled but is not conclusive. These terms can have both normal and legal meanings encompassing disruptive and unreasonable conduct and will be considered in context with other appropriate policies. Particularly in the context of such limited staff resources dealing with such behaviour disrupts and displaces the Council priorities for the community.
3. For the purposes of this policy the terms complaint and complainant will be used in relation to behaviour or persons whose conduct is being considered and will include unreasonable requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
4. The first stage of the process is for the Chairman and the Town Clerk to consider whether speaking to all parties concerned is likely to reach an early resolution in relation to Councillors or a member of the public. If this is not possible or proves unsuccessful then the matter will be formalized and referred to a Complaints and Grievance Committee to allow consideration of the views of all parties, and reach a decision as to what actions/sanctions will be taken or make recommendations to the Council. If vexatious behaviour comes from a member of staff it will be looked at by the Town Clerk or Chairman as appropriate, who will then consider instigating disciplinary procedures. Should the member of staff wish to appeal this will be referred to a Staff Committee if necessary.
5. The Council recognises that it is important to distinguish between someone who makes a number of complaints because there are genuine grounds to believe things have gone wrong, and someone who is being difficult, abusive, making excessive demands or disagrees with democratic decisions of the Council. The Council acknowledge that some complainants can be frustrated or aggrieved and it is therefore important to consider the merits of their case and not just their attitude.
6. An individual (Officer/Councillor/member of the Public) may be deemed to be habitual abusive persistent or vexatious where previous or current contact with them shows that they meet one or more of the following criteria:
 - The repeated and/or obsessive pursuit of unreasonable requests or complaints and/or unrealistic outcomes and/or reasonable requests or complaints in an unreasonable manner.

- Persistently change the substance of a complaint/request/query or continually raise new issues to seek to prolong contact by continually raising further concerns or questions upon received of a response, whilst the complaint/request/query is being addressed.
- Are repeatedly unwilling to accept documented evidence as being factual or deny receipt of an adequate response, in spite of correspondence specifically answering their questions, or do not accept that facts can be sometimes difficult to verify when a long period of time has elapsed.
- Repeatedly do not clearly identify the precise issues which they wish to raise despite reasonable efforts to address their concerns, and/or where the concerns identified are not within the remit of the Council.
- 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 an individual 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. The Town Council has determined that any complainant who threatens or uses actual physical violence towards someone 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 and request for information, had an excessive number of contacts with the Council - placing unreasonable demands on staff. For the purposes of determining an excessive number, the contact may be in person, by telephone, letter, e-mail or voicemail. 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 any Councillor staff or contractors dealing with the complaint/grievance/query. It is recognised, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and may make reasonable allowances for this where appropriate. However all instances of harassment, abusive or verbally aggressive behaviour will be documented.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the original request or complaint at the start of the process.
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statements he or she made at an earlier stage in the complaint process.
- Electronically record meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- Adopts an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member

of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Police or solicitors.

- 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.
- The continual submission of requests, demands, complaints, or challenges, whether as one or a series of topics, that require a level of resource to investigate and respond that is unrealistic or disproportionate to the resources available particularly in relation to other priorities and requirements of the community as a whole.
- Make unreasonable requests or demands and fail to accept that these may be unreasonable.
- Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.

7. **PROCESS FOR MANAGING THE COMPLAINT**

Where a member of the public is involved:

Any restrictions will be appropriate and proportionate to the nature of the complainant's contacts with the council 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 telephone calls that will be taken (for example one call on one specified morning/afternoon of any week).
 - Limiting the complainant to one medium of contact (telephone, letter, e-mail etc)
 - Requiring the complainant to communicate only with a named employee.
 - 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 or e-mails received after a particular point.
 - Banning a complainant from some or all of the Council's premises.
 - Involving the police in cases where we believe 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 this policy 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 that these restrictions will be in place and what they can do to have the decision reviewed.
8. 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 our employees do not suffer any disadvantage or undue stress and the resources of the council are used as effectively as possible. This includes the impact the situation may be having on an individual's personal life.

9. The basic principle of treat others as you would be expect them to treat you applies. The Council will work to prevent any form of harassment 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 that affects the dignity of an individual or group of individuals. Harassment may also include the following:
- Actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.

10. **Where a member of staff is involved:**

Where a member of staff is involved in a complaint the disciplinary process will be followed.

11. **Where a Councillor is involved (except where a breach of the Code of Conduct is alleged in which case it must be submitted to the Monitoring Officer in accordance with the County process):**

- The Town Clerk will meet with the Councillor to discuss the issues.
- If the behaviour continues the Town Clerk will discuss it with the Chairman.
- The Councillor may be instructed by the Chairman to cease all contact with the complainant, which includes talking to the individual, emails or telephone conversations and entering the building where necessary, pending the outcome of the issue.
- Following adequate investigation by the Town Clerk the matter will be heard by a Committee appointed to consider Complaints and/or Grievances.
- The appointed Committee will consider the evidence, receive clarification from all parties and consider possible actions (any actions taken will be done in such a way that they will not restrict the Councillor from carrying out democratic duties for his/her Ward), which will include:
 - Whether the complaint is upheld or dismissed.
 - Mediation between both parties.
 - If the complaint is upheld, alternative methods of communication will be arranged and all office visits must be pre-arranged. Access to the member of staff will be restricted for a period of time.
 - If the vexatious behaviour continues the matter will be referred to the Monitoring Officer as a breach of the Code of Conduct.