



# whitchurch town council

## Persistent & Vexatious Communications Policy 2024

Adopted by Full Council on 24/04/2024 (WTC/FC/43e/2324)

**This Policy was adopted by Whitchurch Town Council at its meeting held on 24/04/2024 and replaces all previous versions.**

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*Functions of the Proper Officer may be delegated at their discretion, subject to the council’s Scheme of Delegation, though responsibility will remain with the postholder.*

*In these regulations, any reference to RFO and Proper Officer is interchangeable due to the nature of the appointment/s.*

## 1. Introduction

1.1 This policy relates to the management of abusive, persistent and/or vexatious complainants. It sets out how Whitchurch Town Council ('the Council') will deal with complainants that fall within the scope of this definition. Those identified will be treated consistently, honestly and proportionately while ensuring that other service users, officers and the Council as a whole suffer no detriment. This policy applies to all areas of the Council.

1.2 It is considered that all complainants have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process; however, in a minority of cases, the complainant may act in a manner that is deemed unacceptable.

1.3 They may act in a way that is considered abusive, unreasonably persistent, or vexatious and by doing so it may hinder the Council's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

1.4 The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.

## 2. How is 'unreasonable behaviour' defined?

2.1 It should be noted that raising a complaint about a Council service does not in itself constitute unreasonably persistent behaviour and neither do complainants who escalate through all stages of the relevant complaints procedure or those who express criticism about the complaints process itself.

2.2 The Council has adopted the Local Government Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent complainants ***"For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints"***.

2.3 Examples of unreasonably persistent behaviour:

(this list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint investigation process.
- Refusing to accept that certain issues are not within the scope of the Council's jurisdiction or within the scope of a complaint procedure.
- 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 staff 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 many detailed but unimportant questions, and insisting they are all answered.

- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

#### 2.4 Examples of abusive and/or vexatious complainants

The Council will take steps to protect its staff from members of the public who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking to the member of staff in a derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards Council staff which provokes fear.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed.

### 3. Managing 'unreasonable behaviour'

3.1 This policy may be invoked if the Council considers that a complainant has behaved in a manner which is deemed unreasonable (see above). The Council may take any actions against a complainant that it considers to be reasonable and proportionate in the circumstances.

3.2 Types of actions the Council may take:

- Where the complainant tries to reopen an issue that has already been considered through one of the Council's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed.
- Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information.
- Limiting the complainant to one type of contact (for example telephone, letter, email, etc.).
- Placing limits on the number and duration of contacts with staff per week or month.
- Requiring contact to take place with a named member of staff and informing the complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file.
- Assigning one officer to read the complainant's correspondence, in order to ensure appropriate action is taken.
- Offering a restricted time slot for necessary calls to specified dates and times.
- Requiring any face to face contacts to take place in the presence of a witness and in a suitable location.

## 4. Matters taken into account before taking action

4.1 Before taking a decision to invoke this policy consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the complainant and a senior officer in order to seek a mutually agreeable resolution.
- If it is known or suspected that the complainant has any special needs, then consider offering an independent advocate who may assist the complainant with their communication with the Council.
- Where more than one department / individual is being contacted by the complainant, agree a cross Council approach; and the Proper Officer will co-ordinate the Council's response.

4.2 Staff must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

## 5. Imposing restrictions

5.1 In the first instance members of staff in consultation with the Proper Officer will communicate to the complainant either by phone or in writing to explain why this behaviour is causing concern and ask them to change this behaviour. The Council will explain what actions it may take if the behaviour does not change.

5.2 If the complainant continues with the unreasonable behaviour the Proper Officer will consider if it is necessary to take appropriate action by invoking this policy. This may or may not involve referral to Council members depending on circumstances.

5.3 When the decision has been taken to apply this policy to a complainant, the Proper Officer will contact the complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken
- what action the Council will be taking
- the duration of that action
- the review process of this policy
- and the right of the complainant to contact the Local Government Ombudsman (or similar body) about the fact that they have been treated as a persistent/vexatious complainant.

5.4 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

5.5. If the complainant continues to behave in a way which is deemed unacceptable then the Proper Officer, in consultation with Council members if necessary, may decide to refuse all contact with the complainant and cease any investigation into his or her complaint.

5.6 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **6. New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent complainants.**

6.1 Any new complaints received from complainants who have come under this policy will be treated on their merits. The Council does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant, though the Council reserves the right to do so, should circumstances dictate.

## **7. Review**

7.1 The Proper Officer, or their assigns, will review any restrictions which are imposed upon the complainant after three months and at the end of every subsequent three months within the period during which the policy is to apply.

7.2 Should the decision be taken to extend the period of restriction, the complainant will be advised in writing how the Council plans to go about this and that the decision to restrict contact will be put in place for a further specified period (for example six months). The outcome of any subsequent review will be communicated to the complainant, outlining if the restrictions will continue to apply and if so why. Though the Council reserves the right to restrict any further communication with the complainant depending on circumstances.

7.3 If at the end of the restricted period it is considered that the complainant's behaviour is no longer deemed to be unreasonable, the Council will confirm this in writing advising that the restrictions have now been lifted.

## **8. Ceasing Contact with a Complainant**

8.1 There may be occasions where the relationship between the Council and unreasonably persistent or vexatious complainants breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Council will advise the complainant accordingly.

## **9. Record Keeping and Reporting**

9.1 The Proper Officer will keep a record of all complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.

9.2 Anonymised information will be reported in the Council's Annual Report.

## **10. Special Note: Social Media Channels**

In the case of Social Media Channels, immediate and permanent steps may be taken in the case of persistent, vexatious or threatening behaviour, whatever the platform.

## **EXTRACT FROM SOCIAL MEDIA “ABOUT” SECTIONS:**

This page offers news from Whitchurch Town Council and its partners, alongside an opportunity to engage with the Council and wider Community about issues which matter to the residents of Whitchurch Shropshire.

### **SOCIAL CHANNEL GUIDELINES**

These guidelines are in place to help create a safe environment on all social media channels run by Whitchurch Town Council.

The aim of our social media channels is to create an environment where our community can engage safely in debate and is free to make comments, questions and suggestions. We ask that anyone engaging with our social media channels shows courtesy, kindness and respect for all other members of our social media communities.

In order to help create this safe environment we have set out some guidelines which apply to any engagement with us or other members of the community on any of our social media channels. By engaging with our social media channels you agree to follow these guidelines.

Comments must not:

- Contain spam, be defamatory of any person, deceive others, be obscene, offensive, threatening, abusive, hateful, inflammatory or promote sexually explicit material or violence.
- Promote discrimination based on race, sex, religion, nationality, disability, sexual orientation or age.
- Breach any of the terms of any of the social media platforms themselves.
- Be off-topic, irrelevant or unintelligible.
- Contain any advertising or promote any services.

Breach of Guidelines:

We reserve the right to determine, at our discretion, whether contributions to our social media channels breach our guidelines. We reserve the right to hide or delete comments made on our channels, as well as block users who do not follow these guidelines.

We reserve the right to report individuals or groups to social media platform operators where deemed necessary.

We also reserve the right to send any comments we deem appropriate to law enforcement authorities for investigation as we feel necessary or is required by law.

## **11. Policy Review**

11.1 This policy will be reviewed every 2 years or when legislation requires.