

Chelmsford Garden Community Council

Vexatious or Persistent Complainants Policy

1. Introduction

Chelmsford Garden Community Council (The Council) is committed to dealing with all complaints fairly and impartially in accordance with its complaints policy. However, some individuals who are either communicating with the Council or pursuing a complaint against the Council can take up a disproportionate amount of staff time which can impact upon the work of the Council generally and result in unnecessary costs for tax payers. In addition, the Council is aware of its obligations towards staff to protect them from harassment and abuse.

2. Purpose

The Purpose of this policy is to provide a framework on how the Council will manage vexatious and persistent complainants in a consistent and professional manner.

3. Definition of vexatious and persistent complainants

Persistent: The frequency or nature of their contacts with the Council is unreasonable and hinders the Council's consideration or their or other people's complaints or interferes with the work of the Council generally.

Vexatious: A vexatious person in this context is someone who is not seeking to effectively communicate with the Council or to resolve a dispute between themselves and the Council but rather is seeking to cause unnecessary and unjustifiable aggravation or annoyance to the Council or is causing distress to staff and/or Councillors.

4. Behaviour that may be deemed to be vexatious

Some examples of behaviours that may be considered to be unacceptable are set out below. The list is not exhaustive but shows behaviours that are likely to be considered vexatious by the Council –

- Communicating with the Council, its staff and/or Councillors in a highly offensive, rude or aggressive manner
- Making discriminatory, defamatory or malicious allegations against the Council, its staff and/or Councillors
- Refusing to specify the grounds of a complaint

- Refusing to co-operate with a complaint investigation while still wishing the complaint to be resolved
- Refusing to accept that an issue is not within the remit of the complaints policy or within the power of the Council to investigate, change or influence i.e. something that is the responsibility of another organisation
- Making unnecessary and excessive demands on the time and resources of staff for example excessive telephone calls or writing long complex letters every few days with the expectation of an immediate response.
- Making excessive demands on the time and resources of staff through making excessive requests to post on the Council Facebook group.
- Electronically recording a meeting or conversation without the prior knowledge or consent of the other person involved
- Submitting falsified documents
- Refusing to accept documented evidence as factual
- Insisting on a complaint being dealt with in a manner inconsistent with the Council's complaints policy e.g. refusing that accept that there should be a record of the meeting.
- Making the same complaint repeatedly perhaps with minor differences to try and justify it as new, or persistently approaching the Council through different routes on the same issue

It should be noted that raising legitimate queries or criticisms of the Council or pursuing the Complaints process in itself should not lead in itself to someone being regarded as an unreasonably persistent complainant.

5. How will a decision be made?

The actions, communications and behaviour of an individual will be considered by the Council at a meeting and based on the available evidence a decision will be made as to whether the person shall be considered a vexatious or persistent complaint and what actions should be taken under the terms of this policy.

6. What actions may be taken

In the event that the Council decides to treat an individual as a vexatious or persistent complaint they may decide to take one of more of the following actions –

- Placing time limits on the number of duration of contacts with staff per week or month
- Offering a restricted time slot for necessary calls
- Limiting the complainant to one medium of contact (letter, email etc) and/or requiring contact to take place with one named person from the Council

- Removing the complainant from the Council Facebook group and not permitting the person to re-join for a set period of time
- Requiring any personal contact to take place in the presence of a witness
- To inform the complainant that future correspondence will be read and placed on file but not acknowledged
- Refusing to engage in any communication whatsoever for a set period of time
- Refusing to process further complaints about the same matter

A decision will be made as to how long the restriction shall remain in place pending a review under the terms of this policy. These options are not exhaustive and other factors may be considered and a decision will take into account the complainants individual circumstances including age, disability, gender, race, religion or belief.

7. How will a decision be implemented?

Once a decision has been made a communication will be sent to the individual and will advise as follows –

- A decision has been taken to deal with the individual under the terms of this policy
- Why the decision has been taken
- What it means to his/her contact with the Council
- How long any restrictions will last

A copy of this policy will be included with the letter.

8. Review of status

A review of the status of the individual will be undertaken by the Parish Council at a meeting either within the timescale agreed when the decision has been made or within 12 months whichever is the earlier.

This policy was adopted by Chelmsford Garden Community Council at its meeting on 7th March 2024.

Date of review: May 2027