



POLICY FOR DEALING WITH ABUSIVE, UNREASONABLY PERSISTENT, OR VEXATIOUS COMPLAINTS AND COMPLAINANTS

1. INTRODUCTION

1.1 Knaresborough Town Council through its Officers/Members is committed to dealing with all complaints thoroughly, fairly and impartially, providing a high-quality service to all those who feel it necessary to complain about some perceived error or failure to act on the part of the Council.

1.2 This policy identifies situations where a member of the public, either individually or as part of a group, might be considered abusive, unreasonably persistent, or vexatious and ways of responding to these situations.

1.3 Abusive, unreasonably persistent, or vexatious members of the public can be a problem for council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer's and Member's 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 to assist or to rectify a real or perceived problem.

1.4 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. DEFINITIONS

2.1 This policy intends to assist in identifying and managing persons who are deemed disruptive to the Council through pursuing an unreasonable course of conduct.

2.2 The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complainants Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

2.3 In this policy the term vexatious is recognized in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

2.4 Knaresborough Town Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contact with the Council, hinder its ability to function as a local authority.

2.5 Features of an abusive, unreasonable persistent and/or vexatious member of the public include the following examples (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as acting in this category). Such a person, in the opinion of the Council, may:

- persist in pursuing a complaint where the Council's Complaint Policy has been fully implemented and exhausted.

- persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concern or questions upon receipt of a response.
- repeatedly be unwilling to accept evidence given as being factual or deny receipt of adequate response in spite of correspondence specifically answering their question or do not accept that facts can sometime be difficult to verify when a long period of time has elapsed.
- refuse to accept that issues are not within the power of the Council to investigate, change or influence.
- make the same complaint repeatedly, perhaps with minor differences, after the complaint procedure has been concluded and insist the minor difference make these new complaints which should be put through the new complaint procedure.
- make persistent and unreasonable demands or expectations of officers and/or the complaints procedure after the unreasonableness has been explained to the member of the public.
- make an unreasonable number of contacts with the Council, by any means, in relation to a specific issue or issues.
- harass, verbally abuse, or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint.
- harass, verbally abuse, or otherwise seek to intimidate any Members of the Council or co-opted members whether this has been face-to-face or at public meetings.
- combine some or all these features.

3. IMPOSING RESTRICTIONS

3.1 Knaresborough Town Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

3.2 The Clerk will, under delegated authority, in consultation with the Chair of the Council, decide whether a member of the public should be subject to evaluation of the Council.

Should a case be referred to the council:

- a. the Clerk will inform the member of the public that the Council will decide whether the Council's policy will apply to them, and forward a copy of the policy at the same time;
- b. the council will evaluate relevant and available evidence and decide on the action(s), if any, to be taken under the policy;
- c. the Clerk will report the inform the member of the public:
 - why the decision had been taken;
 - what action is being taken;
 - the duration of that action.

3.3 Any restrictions will be appropriate and proportionate to the nature of the person's contacts with the Council at the time such as:

- Placing time limits on telephone conversations and personal contacts.
- Limiting the person to one form of contact (letter).
- Requiring the person to communicate only with one named employee/member.
- Requiring any personal contact to take place in the presence of an appropriate witness, usually a designated member of the Council.
- Letting the complainant/s know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint.

3.4 In most cases restrictions will apply for six months but in exceptional cases this may be extended. In such cases the restrictions will be reviewed on a six-monthly basis by the investigating committee, and the member of the public and the Council will be informed of the decision.

3.5 Where the behaviour is so extreme or threatens the immediate safety and welfare of the council's officers, other options will be considered, e.g. reporting the matter to the police or taking legal action. In such cases, the member of the public may not be given prior warning of that action.

4. NEW COMPLAINTS FROM MEMBERS OF THE PUBLIC WHO ARE TREATED AS ABUSIVE, VEXATIOUS OR PERSISTENT

4.1 New complaints from people who have come under this policy will be treated on their merits. 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 is ignoring genuine requests or complaints where they are founded.

4.2 The fact that the complainant is judged to be unreasonably persistent or vexatious and any restrictions imposed on Council's contact with them, will be recorded and notified to those who need to know within the Council.

5. PERSONS SUFFERING FROM A DISABILITY (IMPAIRED MENTAL CAPACITY)

5.1 Where it appears that an abusive, unreasonably persistent, or vexatious member of the public may have an impaired mental capacity, no action will be taken by the council without considering whether there is another way of dealing with the proposed limitations on access that is less restrictive of the member of the public's freedom of action. These may include securing continued access through a relative, friend, carer or other professional; however, it should always be remembered that the member of the public has a right to confidentiality and may not want certain people involved. This must always be balanced with the need to protect officers and members of the Council from abusive, unreasonably persistent or vexatious contact.

6. RECORD KEEPING

6.1 The Clerk will retain adequate records of the details of the case and the action that has been taken.

7. LEGAL REFERENCES

7.1 Under the Freedom of Information Act 2000 Section 14(1), public authorities do not have to comply with vexatious requests. The Council also has the legal duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety, and welfare at work of its employees and members.

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