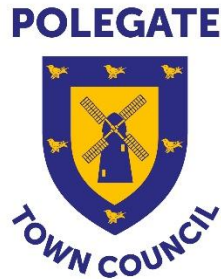


Polegate Town Council



UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINTS POLICY

Policy Number 31		
Issue No.	Date completed	Details of amendments
1	29.02.16	To Town Clerk following amendments
3	23.05.16	Adopted at Annual Stat meeting
4	22.05.17	Adopted at Annual Stat meeting
5	21.05.18	Adopted at Annual Stat meeting
6	20.05.19	Adopted at Annual Stat meeting
7	05.05.21	Adopted at Annual Stat meeting
8	16.05.22	Adopted at Annual Stat meeting
9	22.05.23	Adopted at Annual Stat meeting
10	20.05.24	Adopted at Annual Stat meeting
11	19.05.25	Adopted at Annual Stat meeting
12	11.05.26	Adopted at Annual Stat meeting

1. Introduction

- 1.1 Polegate Town Council is committed to dealing with all complaints equitably, comprehensively, and in a timely manner. Usually, dealing with complaints is a straightforward process, but in a minority of cases complainants pursue their case in a way that can impede the investigation of their complaint or have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.
- 1.2 The aim of this policy is to help the Council deal with unreasonably persistent or vexatious complainants in ways that are consistent and fair. It lets staff and customers know what we consider to be unreasonably persistent or vexatious behaviour it sets out what is expected of staff when they are confronted with such behaviour, what options are available, and who can authorise the options.
- 1.3 Unreasonably persistent and/ or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such complainants can place a strain on time and resources. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further that can be done to assist or to rectify a real or perceived problem.

2. Definitions

- 2.1 In this policy the term ‘unreasonably persistent’ refers to those complainant’s who, because of the nature or frequency of their contact with the Council, hinder the Council’s consideration of their, or other people’s, complaints. The term ‘vexatious’ is recognised 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.’ These terms are used in this policy to clarify that we are attempting to deal with persons who seek to be disruptive to the Council through pursuing unreasonable complaint behaviour.
- 2.2 The term ‘complaint’ in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1988 and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those acts.

3. Scope of Policy

- 3.1 This policy should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the Council’s complaints procedures. Judgement, discretion, and proportionality must be used in applying the criteria to identify potential unreasonably

persistent or vexatious complaints and in deciding on the appropriate action to be taken in specific cases.

3.2 The policy should only be invoked following careful consideration of all issues by the Town Clerk in consultation with the Mayor or another Councillor.

3.3 Where the Town Clerk and the Mayor/ Councillor are not in agreement over the course of action, the matter may be referred to Full Council for a final decision.

4. Definition of an unreasonably persistent or vexatious complainant

4.1 Each case will be viewed individually and decided on its merits. However, a complainant (and/or anyone acting on their behalf) may be deemed to be unreasonably persistent or vexatious if previous or current contact with them shows that they meet any of the criteria in Appendix 1, dependent upon degree.

5. Strategy for dealing with unreasonably persistent or vexatious complainants

5.1 Where complainants have been identified as unreasonably persistent or vexatious under the scope of this policy, taking account of the criteria in Appendix 1, the Town Clerk, in consultation with the Mayor or other Councillor, will determine what action to take. The Town Clerk will implement such action and will notify complainants, in writing, of the reasons why they have been classified as unreasonably persistent or vexatious and what action will be taken. They will also be notified of the review procedure below.

5.2 This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record must be kept for future reference of the reasons why a complaint has been classified as unreasonably persistent or vexatious.

5.3 The Town Clerk may decide to deal with complaints in one or more of the following ways:

- Banning the complainant from making contact by telephone except through a third party (e.g. solicitor/ councillor/ friend acting on their behalf)
- Banning the complainant from communicating with the Council via email
- Banning the complaint from entering any Council building except by appointment
- Restricting contact with the Council to one named member of staff only
- Placing limits on the number and duration of contacts with staff per week or month
- Restricting telephone calls to specified days/ times/ duration

- Requiring any personal contacts to take place in the presence of a witness and in a suitable locations
- Informing the complaint that further contact on the matter of the complaint will not be acknowledged or replied to. In this case a designated member of staff should be identified who will read further correspondence.
- In extreme circumstances, where the complainant's behaviour is such that it threatens the safety and welfare of staff, reporting the matter to the Council's solicitors or to police. In cases of imminent risk, the complainant need not be given prior warning of that course of action.

6. Reviewing decisions and withdrawing 'unreasonably persistent or vexatious' status

- 6.1 Once a complaint has been determined as unreasonably persistent or vexatious, such status needs to regularly be reviewed and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complaint subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedure would appear appropriate.
- 6.2 Complainants also have an opportunity to apply to have their unreasonably persistent or vexatious status withdrawn.
- 6.3 The Town Clerk, in consultation with the Mayor or other Councillor, will review their decisions to categorise a complainant as unreasonably persistent or vexatious at least every year. In addition, they will review that decision on receipt of a request to do so from the person so categorised, provided that such a request has not been received in the preceding six months.
- 6.4 If the person categorised as unreasonably persistent or vexatious is not satisfied with the decision reached by the Town Clerk, they may request that the decision is reviewed by the Council. Such a request for review may be received once in any six-month period. Upon receipt of such a request, the Council will review the decision, in consultation with the Town Clerk and the Mayor or other councillor who determined that the complainant was unreasonably persistent or vexatious.
- 6.5 The Council, on review, may either withdraw the categorisation of a person as unreasonably persistent or vexatious or amend the strategy being applied to that person.
- 6.6 If the Council considers it appropriate to withdraw the status of unreasonably persistent or vexatious complainant, normal contact with the complainant and application of the Council's complaints procedure will be resumed. Note of that decision will be supplied to the person(s) as soon as practicably possible.

6.7 The Council's decision will be given to the complainant in writing, as far as is practicable, within two weeks of receipt of the request.

6.8 Copies of all decisions by the Town Clerk or the Council relating to the categorisation of person as an unreasonably persistent or vexatious complainant will be retained at the Council offices.

7. Timescales for dealing with unreasonably persistent vexatious complaints

Stage One	
Complaint received that appears to be unreasonably persistent or vexatious	Day 1
Complaint is acknowledged within 5 days of receipt	Day 5
The Clerk and Mayor (or Councillor) will examine the complaint. If the complaint is not judged to be unreasonably persistent or vexatious the Council's normal Complaints Procedure will apply. If the Complaint is judged to be unreasonably persistent or vexatious the Town Clerk and Mayor or appointed Councillor will determine what action to take against the complainant. A response will be sent to the complainant no later than 15 days from the date of receipt of complaint.	Day 15
Stage Two	
If the Town Clerk and the Mayor or the other appointed Councillor are unable to agree upon whether the complainant is persistent or vexatious; or what action should be taken against the complaint, a Special Full Council shall be called as soon as practicable, in any event, at least 7 clear working days after the Town Clerk and Mayor/ Councillor are unable to agree.	As soon as practicable after the disagreement on action to be taken.
Stage Three	
Full Council meets to determine matter that could not be agreed upon in stage 2 above. Once Full Council has determined the course of action a response will be sent to the complainant not more than 14 working days from the date of the meeting.	14 working days from date of Full Council decision

Statement prepared for adoption by Polegate Town Council at its meeting on 11.05.26

Signed by

Mayor of Polegate

Town Clerk/Proper Office/RFO