NORTHAW & CUFFLEY PARISH COUNCIL
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UNREASONABLE BEHAVIOUR POLICY (INCLUDING ABUSIVE, PERSISTENT OR VEXATIOUS COMPLAINTS)

1. Introduction

1.1. Northaw & Cuffley Parish Council is keen to engage positively with members of the public, and to resolve issues or complaints. It recognises a member of the public's right to be listened to and respected, and members of the public will be treated fairly and appropriately by the Parish Council.

1.2. This policy states what is considered unreasonable behaviour on the part of members of the public when engaging with Northaw & Cuffley Parish Council's staff or members, including behaviour from people making complaints. This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be habitual or vexatious and ways of responding to these situations.

1.3. This policy ensures that the ability of staff to conduct business is not adversely affected by those few individuals who behave in an unreasonable manner.

1.4. It intends to assist in identifying and managing persons who display unreasonable behaviour or seek to be disruptive to the Parish Council, elected Members and members of staff through pursuing an unreasonable course of conduct.

1.5. Unreasonable behaviour and habitual or vexatious complainants can be a problem for Council staff and members. The difficulty in handling such behaviour and complainants is that they are time consuming and wasteful of resources in terms of staff and/or member time.

1.6. This policy ensures staff have a safe working environment and are not exposed to unnecessary stress due to the unacceptable behaviour of others, and that staff are supported as appropriate. In cases of unreasonable behaviour including abusive, persistent or vexatious complaints against a member of staff, this policy will work in conjunction with the Parish council's Dignity at Work Policy.

1.7. The purpose of this policy also is to empower local authority staff to deal confidently and effectively with unreasonable behaviour.

1.8. Northaw & Cuffley Parish Council recognises that its resources, including staff time, must be used where they can be most effective. This might mean that the Parish Council cannot respond to every issue in the way a person would like if,

in doing so, it would take up what the council regards as being a disproportionate amount of time and resources that could be used elsewhere to support the community and ensure continuity of Parish Council business.

1.9. but Sometimes, due to the volume of work with which we deal, or staff capacity (the Parish Clerk works part time) the Parish Council may not be able to respond immediately to requests or complaints from members of the public. This does not mean that those concerns are any less important to Northaw & Cuffley Parish Council. If we have asked for patience but an individual(s) continues to pursue their concerns, the Parish Council may consider such behaviour to be unreasonable.

1.10. While the Council endeavours to respond with patience and sympathy to the needs of all members of the public including complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived issue or problem.

2. Unreasonable Behaviour

2.1. Northaw & Cuffley Parish Council recognises that, when a member of the public makes contact they may have reason to feel aggrieved, upset or distressed. The Parish Council does not view assertive behaviour (for example, putting forward your case in a persuasive manner) as unreasonable. However, the Parish Council will manage behaviour that is aggressive, rude or abusive, or which places unreasonable demands on staff or members under this policy

2.2. This policy defines behaviours that are not acceptable and deemed as unreasonable, to ensure that staff and members have a safe working environment and are not subject to unnecessary stress due to the unreasonable and unacceptable behaviour of others.

2.3. This policy enables staff and members to effectively deal with unreasonable behaviour.

2.4. The policy applies to all members of the public, all those who deal with Northaw & Cuffley Parish Council, behaviour between members, and behaviour between staff and members.

2.5. Prior to considering its implementation the Council will send a summary of this policy to the person demonstrating unreasonable behaviour to give them prior notification of its possible implementation.

2.6. Where unreasonable behaviours continue and have been identified in accordance with the criteria set out in Section 4, Northaw & Cuffley Parish Council will seek agreement for the appropriate course of action to be taken. Section 4 details the options available to manage unreasonable behaviour.

2.7. The Parish Clerk, as responsible officer, will notify, on behalf of the Parish Council, action that will be taken. Welwyn Hatfield Borough Council may also be informed that a constituent has been designated as demonstrating unreasonable behaviours.

2.8. The status of the person demonstrating unreasonable behaviours will be kept under review. If a person subsequently demonstrates a more reasonable approach, then their status will be reviewed.

3. Habitual or Vexatious Complainants

3.1. Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent or vexatious.

3.2. For the purpose of this policy the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- unreasonable complaints and/or unrealistic outcomes
- reasonable complaints in an unreasonable manner

3.3 Prior to considering its implementation the Council will send a summary of this policy to the complainant to give them prior notification of its possible implementation.

3.4 In this policy the term habitual means 'done repeatedly or as a habit'. 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'. 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 Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

3.5 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 5, Northaw & Cuffley Parish Council will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 6 details the options available for dealing with habitual or vexatious complaints.

3.6 The Parish Clerk, as responsible officer, will notify, on behalf of the Parish Council complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. Welwyn &
Hatfield Borough Council will also be informed that a constituent has been designated as a habitual or vexatious complainant.

3.7 The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

4. Definitions - Unreasonable Behaviour

4.1 Northaw & Cuffley Parish Council defines unreasonable behaviour as behaviour or language via any form of communication (including but not limited to electronic communications) that may cause staff or members to feel intimidated, threatened, unduly stressed or abused.

4.2 Northaw & Cuffley Parish Council can invoke this policy on the basis of documented evidence that demonstrates that a member of the public's unreasonable behaviour has taken place over a period of time (i.e. not invoked on the basis of a single episode). This can include repeated behaviour to one person (staff or member) or single incidents of unacceptable behaviour to several people (staff or members), and includes unreasonable behaviour via all forms of communication.

4.3 Evidence of unreasonable behaviour is necessary and required to invoke the policy, and may include a contact log (which may include a written record of a phone call or a face-to-face encounter), file notes, emails, social media, screen shots, letters etc.

4.4 Examples of unreasonable behaviour includes but is not limited to:

- Any form of physical abuse
- Threats
- Verbal abuse
- Harassment
- Racist and sexist language
- Derogatory remarks
- Making inflammatory statements
- Offensive or inappropriate language
- Rudeness
- Raising unsubstantiated allegations
- Aggression directed at staff or members
- Unnecessary repetitive contact
- Whilst Northaw & Cuffley Parish Council accepts that those in contact with the Parish Council (staff or members) may feel angry, it is not considered acceptable when that anger becomes aggression directed towards staff or members of the Council.
- When social media is used (i.e. cyber bullying) the Parish Council will try to identify the perpetrator, take steps to remove the offending material from view and, where appropriate, initiate action against the offender i.e. blocking. This is in line with the Parish Council's Social Media policy.

4.5 Unreasonable requests may include:

- Requesting a response within unreasonable timescales
- Insisting on speaking with certain members of staff
- Adopting a "capture-all" approach by contacting many staff members and third parties about the same issue

4.6 Communication may be considered unreasonable if, for example, individuals:

- Continually contact us while SPC are in the process of looking at a matter
- Make a number of approaches about the same matter without raising new issues
- Refuse to accept a decision made where explanations for the decision have been given
- Continue to pursue complaints/issues which have no substance
- Continue to pursue complaints/issues which have already been investigated and determined
- Continue to raise unfounded or new complaints arising from the same set of facts

5. Definitions - Abusive, persistent and vexatious complaints

5.1 Northaw & Cuffley Parish Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Parish Council, hinder the Parish Council's consideration of their or other people's complaints or the ability to carry out the business and functions of the Council. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

5.2 Examples include the way in which, or frequency with which, complainants raise their complaint with staff or how complainants respond when informed of the Parish Council's decision about the complaint.

5.3 Features of an unreasonably persistent and / or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he, she or they do not admit or make obvious)
- Refuse to specify the grounds of a complaint despite offers of assistance
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- Refuse to accept that issues are not within the power of the Council
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced make an unreasonable number of contacts with the Parish Council, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and / or complex letters, telephone calls, e-mails or other social media communications)
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language

- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expects 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, she or they made at an earlier stage in the complaint process
- Electronically record meetings (i.e. record meetings that are not open to the public to attend) and/or conversations without the prior knowledge and consent of the other person(s) involved
- Adopts an excessively 'scattergun' approach, for instance, pursuing the same query or complaint or complaints not only with the Parish Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Members of this and other Councils, the Parish Council's Independent Auditor, the Monitoring Officer, 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
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- Persistently approach the Parish Council through different routes about the same issue
- Persist in seeking an outcome which Parish Council has explained is unrealistic for legal or policy (or other valid) reasons
- Refuse to accept documented evidence as factual
- Complain about or challenge an issue based on an historic and/or an irreversible decision or incident
- Combine some or all of these features

6. Imposing Restrictions

6.1 Northaw & Cuffley Parish Council has a zero-tolerance position on violence and/or threats towards staff or members, such behaviour will be reported to the police. Staff and members can terminate phone calls with members of the public who behave unreasonably, aggressively or abusively, and take steps to protect their own safety if they feel threatened during an in-person (face-to-face) encounter.

6.2 In the instances of a vexatious, abusive or persistent complaint, Northaw & Cuffley Parish Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

6.3 In the first instance of either unreasonable behaviour or a vexatious, abusive or persistent complaint, the Parish Clerk will consult with the Chair and/or Vice Chair of Northaw & Cuffley Parish Council prior to issuing a warning to the complainant. The Parish Clerk will contact the complainant in writing, or by email, to explain why this behaviour is unreasonable, abusive, persistent or vexatious causing concern and ask them to change this behaviour and outline the actions that the council may take if they do not comply.

6.4 If the disruptive behaviour continues, the Parish Clerk will take steps to limit communications with the member of the public/ complainant, advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Parish Clerk will make this decision in consultation with the Chair and/or Vice Chair, and inform the complainant in writing of what procedures have been put in place and for what period.

6.5 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 that the restriction will be in place for. In most cases restrictions will apply for between 3 to 6 months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis. Restrictions may be tailored to deal with individual circumstances, including the option to refuse to make contact with the member of the public unless via a third party.

6.6 Restrictions will be tailored to deal with the individual circumstances of the member of the public/ complainant and may include:

- Terminating phone contact if perceived as aggressive, rude, abusive, offensive, vexatious or persistent, or if the number of calls causes difficulties for Northaw & Cuffley Parish Council to conduct its business.
- Block emails if the number or length of emails to staff or members causes difficulties for Northaw & Cuffley Parish Council to conduct its business, or block emails or any other correspondence if viewed as abusive or offensive. Such emails will not be responded to by Northaw & Cuffley Parish Council.
- If a large amount of reports or communications are proven to be unfounded, Northaw & Cuffley Parish Council may ask that any further complaints or allegations are made through a third party
- Banning the complainant from making contact by telephone except through a third party e.g. a solicitor, CAB, a Councillor or a friend acting on their behalf
- Banning the complainant from sending emails to individual and / or all Council Officers and insisting they only correspond by letter
- Restricting telephone calls to specified days and/or times and/or duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that Northaw & Cuffley Parish Council will not reply to, or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff or member will be identified who will read future correspondence).

6.7 When the decision has been taken to apply this policy to a complainant, the Parish Clerk will contact the complainant in writing to explain:

- Why the decision has been taken
- What action is being taken
- The duration of that action

6.8 The Parish Clerk will enclose a copy of this policy in the letter to the member of the public or complainant.

6.9 Where a member of the public or complainant continues to behave in a way that is unreasonable or unacceptable, the Parish Clerk, in consultation with the Chair and Vice Chair may decide to refuse all contact, including stopping any investigation into a complaint.

6.10 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff or members, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

6.11 When unreasonable behaviour, including vexatious, abusive or persistent complaints, is targeted at a particular member of staff or member of the council, Northaw & Cuffley Parish Council may impose an open-ended ban to prevent the member of the public from contacting that person in order to protect their welfare.

6.12 Similarly, publication of derogatory remarks against staff or a member (in any form, including but not exclusively printed media and social media) Northaw & Cuffley Parish Council may impose an open- ended ban and consider reporting the matter to the police.

7. New Complaints (from complainants who are treated as abusive, vexatious or persistent)

7.1 New complaints from people who have come under this policy will be treated on their merits. The Parish Clerk and the Chair and Vice Chair 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 service requests or complaints where they are founded.

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

8. Review

8.1 The status of a member of the public being judged to be behaving in an unreasonable way, or a complainant judged to be unreasonably persistent or vexatious, will be reviewed by the Parish Clerk, and the Chair and Vice Chair after three months, and at the end of every subsequent three months within the period during which the policy is to apply.

8.2 The member of the public or complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

9. Record Keeping

9.1 The Parish Clerk will retain adequate records of the details of the case and the action that has been taken. Records will be kept of:

- The name and address of each member of the public who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the person and Council were advised of the restrictions.