



## **BLYTH TOWN COUNCIL**

### **Habitual or Vexatious Behaviour**

#### **from members of the Public**

1. There may be occasions where the requests for information, complaints or grievances may be deemed vexatious or habitual. These may involve cases where there are:
  - Serial requests for information, including Freedom of Information, serial complaints or serial grievances about different matters – received by letter, email or voicemail messages;
  - Request, complaints or grievances that regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on such points;
  - Grievances that are constantly reiterated which are without substance and have no foundation.
2. Unfortunately, circumstances develop when relationships etc change as a result of frustrations or disagreements. When this occurs it is essential to have appropriate guidelines in place and this policy should assist in resolving such issues.
3. The first stage of the process is for the Town Clerk to speak to all parties concerned with a view to reaching an early resolution in relation to parties involved. Should this prove unsuccessful, then a Complaint Form (Appendix A) should be completed. This will be referred to the Complaints and Grievance Committee which will allow them to consider the views of all parties, and reach a decision as to what actions/sanctions will be taken. If anyone involved does not agree with the outcome there is an appeal process which will be heard by all members of the Council, as an Appeal Committee, with

the exception of those involved in the Complaints and Grievance Committee.

4. The Council recognises that it is important to distinguish between someone who makes a number of complaints because they genuinely believe things have gone wrong, and someone who is being difficult. The council acknowledge that complainants may often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.
5. An individual may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet one or more of the following criteria:
  - Persistently change the substance of a complaint/request/query or continually raise new issues to seek to prolong contact by continually raising further concerns or questions upon receipt of a response, whilst the complaint/request/query is being addressed.
  - Are repeatedly unwilling to accept documented evidence as being factual or deny receipt of an adequate response, in spite of correspondence specifically answering their questions, or do not accept that facts can be sometimes difficult to verify when a long period of time has elapsed.
  - Repeatedly do not clearly identify the precise issues which they wish to raise despite reasonable efforts to address their concerns, and/or where the concerns identified are not within the remit of the Council.
  - Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
  - Have threatened or used physical violence towards an individual at any time - this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication received by post. All such incidences will be documented. Blyth Town Council has determined that any complainant who threatens or uses actual physical violence

towards someone will be regarded as a vexatious complainant and will receive written confirmation that this is the case and will inform the complainant of the action that will be taken.

- Have, in the course of addressing a registered complaint or grievance and request for information, had an excessive number of contacts with the Council - placing unreasonable demands on staff. For the purposes of determining an excessive number, the contact may be in person, by telephone, letter, e-mail or voicemail. Discretion will be used in determining the precise of number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards the person dealing with the complaint/grievance/query. It is recognised, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However all instances of harassment, abusive or verbally aggressive behaviour will be documented.
- Make unreasonable requests or demands with regard to information on timescales and fail to accept that these may be unreasonable.
- Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.
- Impose unrealistic timescales on replies/work to be done etc.
- Continuously show disrespect for the Council/s processes/policies etc.

## **6. PROCESS FOR MANAGING THE COMPLAINT**

Any restrictions will be appropriate and proportionate to the nature of the complainant's contacts with the council at that time. The following are examples of the types of restriction which may be used:

- Placing time limits on telephone conversations and personal contacts.

- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week).
  - Limiting the complainant to one medium of contact (telephone, letter, e-mail etc)
  - Requiring the complainant to communicate only with a named employee.
  - Requiring any personal contacts to take place in the presence of a witness.
  - Closing the investigation into a complaint.
  - Refusing to register and process further complaints providing the complainant with acknowledgements only of further letters or e-mails received after a particular point.
  - Banning a complainant from some or all of the Council's premises.
  - Involving the police in cases where we believe the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave council premises. Where this policy is applied, the complainant will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements, the length of time that these restrictions will be in place and what they can do to have the decision reviewed.
7. In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents and our employees do not suffer any disadvantage or undue stress and the resources of the council are used as effectively as possible. This includes the impact the situation may be having on an individual's personal life.
8. The basic principle of treat others as you would be expect them to treat you applies. The Council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again. Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include the following:

- Actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.
- If the complaint cannot be resolved with initial input from the Town Clerk, the complaint will be to the Complaints and Grievance Committee. The Committee will fully consider the views of both parties before arriving at a decision.