

# **DIDDLEBURY PARISH COUNCIL**

## **UNREASONABLY PERSISTENT AND VEXATIOUS COMPLAINTS PROCEDURE**

**Adopted by Diddlebury Parish Council on 24<sup>th</sup> November 2021  
Minute Ref: 138/21**

### **1. Introduction**

Diddlebury Parish Council is committed to ensuring that it provides a high quality and efficient service to its electorate. However, there are rare instances where a member of the public unnecessarily takes up a large amount of resources. This can lead to a detrimental effect on the ability of Diddlebury Parish Council to provide a satisfactory level of service.

The procedure below establishes what is considered to be acceptable levels of contact with the Parish Council and how instances of unreasonably persistent or vexatious contact can, and should, be handled. The Procedure must NOT be used to impede the ability of a parishioner to have reasonable access to services provided. For example, a parishioner will not be considered for classification under this Complaints Procedure for asking difficult questions. It should not be assumed that because a member of the public has submitted a large number of enquiries they are vexatious or unreasonably persistent.

### **2. Definitions of unreasonably persistent and vexatious behaviour**

Unreasonably persistent and vexatious complainers are those individuals who, because of the nature or frequency of their contacts with the Parish Council, hinder its ability to work effectively.

### **3. Actions and behaviours of unreasonably persistent and vexatious complainers**

These are some of the actions and behaviours which the Clerk often finds problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper handling of the issues raised.

These behaviours can be:

- Refusing to accept that certain issues are not within the scope of the Parish Council.
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous, detailed but unimportant questions and insisting they are all answered.
- Making excessive demands on the time and resources of staff with lengthy phone Calls, e-mails to the clerk/councillors or detailed letters every few days, and expecting immediate responses.
- Submitting repeat requests with minor additions/variations that the complainant insists make these 'new' issues.

- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence.
- Making numerous, repetitious and unreasonable contact because an individual is unable or unwilling to accept or agree with a policy decision or approach which has been adopted by the Parish Council.
- Adopting a violent, threatening or aggressive demeanour
- Seeking to impose on the Clerk, Chairman or Councillors directions on how the Parish Council should be administered, its Minutes recorded or votes conducted.

**4. Operating the procedure**

Any of the above behaviours may trigger the beginning of this process. The Clerk will contact the Chairman to discuss why the complainant's behaviour is causing concern. DPC will then consult with a third party for an independent view on whether the conduct complained of is vexatious and unreasonable: if the independent view agrees the conduct is unreasonable, before taking any further steps DPC will seek a legal opinion. Depending on the legal advice obtained, the Clerk may write to the individual clearly explaining the actions the Council may take if their behaviour does not change. In extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of the Clerk/Councillors. This is a decision which will be taken by DPC collectively.. Examples of some options the Parish Council may consider are:

- Requesting contact in a particular format, e.g. letters only
- Requiring contact to take place with a single named person only.
- Restricting telephone calls to specified days and times
- Restricting the times a complainant may be in contact over a certain time period.

If a complainant's behaviour continues, or if the behaviour is extreme or a rapidly escalating case, the Clerk in conjunction with the Chairman will make a decision as to the action to take. A letter will then be sent to the Complainant outlining the decision. All letters will include:

- Why the decision has been taken;
- What action will be taken;
- The duration of that action;
- The date of review for the action, if required;
- Details around the complainant's right of appeal against the decision to apply the procedure;

The decision made, and all correspondence sent in relation to it, will be recorded by the Clerk. Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Clerk/Councillors, other options will be considered; for example reporting the matter to the Police or taking legal action.

**5. Right of appeal**

Complainants have the right to appeal the application of the decision. All appeals will be examined by the Chairman or by Full Council if the Chairman was involved in the original decision to invoke this procedure.

Chairman: ...David Hedgley.....

Minute reference:...138/21.....

Date: ...24<sup>th</sup> November 2021.....

