

## Mentmore Parish Council

### **Code of Practice in Dealing with Complaints Appendix: Repeated and Vexatious Complaints Procedure**

This procedure has been adapted from that in use by Aylesbury Vale District Council. **It must be initiated as a last resort, when all else has failed.**

#### 1. Definition of a repeated or vexatious complaint

- 1.1 A **repeated complaint** is one where a complainant submits an identical or substantially similar complaint after their initial complaint has been fully and properly handled under the Council's Code of Practice in Dealing with Complaints.
- 1.2 A **vexatious complaint** is one where the contents of the complaint or conduct of the complainant is manifestly unreasonable or is intended to or has the effect of causing distress, harassment or disproportionate inconvenience or expense.
- 1.3 Examples of when a complaint may be deemed to be vexatious are set out below.

#### **Where a complainant:**

- Has threatened or used physical violence towards those dealing with the complaint.
- Persistently changes the substance of a complaint or continually raises new issues to seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed.  
*Note: Care must be taken however, not to disregard new issue, which are significantly different from the original complaint, as they need to be addressed as separate complaints.*
- Is repeatedly unwilling to accept documented evidence given 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 sometimes be difficult to verify when a long period of time has elapsed.
- Repeatedly does not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
- Regularly focuses on a trivial matter to an extent, which is out of proportion to its significance and continues to focus on this point.  
*Note: It is recognised that determining what constitutes a trivial matter can be subjective and careful judgement shall be used in these cases.*
- Has in the course of addressing a registered complaint, had an excessive number of contacts with the Council, which place unreasonable demands on those dealing with the complaint.  
*Note: For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail or fax. Discretion will be used in determining the precise number of excessive contacts having regard to the circumstances of each individual case.*
- Is known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.

- Makes unreasonable demands on the Council and/or clerk and fails to accept that these may be unreasonable, for example, insisting on responses to complaints or enquiries being provided more urgently than is reasonable.
- 1.4 A councillor or the clerk may propose to the Council that a complaint be deemed to be vexatious and/or repeated. Between meetings, the Chairman, through informal consultation with the other councillors, may deem a complaint to be vexatious and/or repeated. The Council (or Chairman) shall ensure that the Code of Practice in Dealing with Complaints has been correctly implemented so far as is possible and that no material element has been overlooked or inadequately addressed.
- 1.5 When the Council (or Chairman) is satisfied on paragraph 1.4, it (or he/she) shall then determine what action is to be taken.
2. Response to repeated or vexatious complaints
- 2.1 The Council shall decide an appropriate course of action and may choose one of the following options:
- (a) Attempt to resolve matters by drawing up a signed "Agreement of Code of Behaviour" for the parties involved, which must be adhered to if the complaint is to be processed.
  - (b) Decline contact with the complainant either in person, by telephone, by fax, by e-mail or by letter or any combination of these. At least one form of contact must be maintained. The Council may nominate a single person for all future contact.
  - (c) Notify the complainant that all points have been addressed, and that the Council has tried to resolve the issues of concern. However, there is nothing more that can be done, and that continuing contact in the matter will serve no useful purpose. At this point, correspondence will be at an end and that any further letters will be acknowledged but not answered.
- 2.2 When the course of action has been decided upon, the Council shall notify the complainant in writing to confirm that their complaint has been classified as vexatious and/or repeated, the reasons why and what action will be taken as a result. A copy of this letter is to be maintained for reference purposes.

**Adopted by Mentmore Parish Council on 4 July 2006, reviewed 2<sup>nd</sup> December 2010, reviewed 29<sup>th</sup> July 2015.**

**Chairman..... Date.....**