

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Council		
MEETING DATE AND TIME	7.00 pm 22 nd February 2024	LOCATION	Town Hall
REPORT FROM	Streetscape Development Manager – Ruth Burgess		
AGENDA ITEM REPORT TITLE	9.3 Unreasonably Persistent or Vexatious Complaints Policy		
Introduction	<p>See 9.3 Appendix 1</p> <p>The Council are committed to dealing with all complaints fairly, comprehensively, and in a timely manner. The Council will not normally limit the contact which complainants have with Council staff or Councillors. However, the Council do not expect anyone to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour, which is abusive, offensive or threatening and may include:</p> <ul style="list-style-type: none">• Using abusive or foul language on the telephone• Using abusive or foul language face-to-face• Sending multiple emails• Leaving multiple voicemails• Sending multiple communications <p>After looking into the above the management team has looked into various local councils' approaches and the main action is to have a policy on Unreasonably Persistent or Vexatious Complaints Policy. The policy has not been created to deter customers and the general public from communicating with the Town Council however to ensure both parties (Staff/ Personnel and Customers/ Public) are all treated fairly and equally.</p> <p>The Policy was approved by Finance and Policy on 25th January 2024 with the following amendments: (FAP/40/2324)</p> <ul style="list-style-type: none">• The Policy also includes Councillors• The Policy refers to our Equality and Inclusion Policy		
Financial Considerations	There are no financial implications related to this policy		
Environmental Considerations	There are no environmental considerations for this policy		
Equality Considerations	The policy has not been created to deter customers and the general public from communicating with the Town Council however to ensure all parties (Staff Councillors and Customers/ Public) are treated fairly and equally.		
Decision Requested	To approve the draft Policy and adopt into the Constitution as recommended by the Personnel Committee.		



Congleton Town Council

9.3 Appendix 1

Congleton Town Council – Employees and Councillors

Unreasonably Persistent or Vexatious Complaints Policy

This policy was adopted by Council on xxxxx

Congleton Town Council strives to provide a high standard of service to the public. It will treat all members of the public in a courteous and professional manner. This behaviour is also part of our Equality and Inclusion Policy. We will try hard to recognise their needs as an individual or as part of a local community. It will always try to offer a way forward on the particular issue being raised.

In particular, the Council will strive to:-

- Provide information in accordance with its Marketing Programme and Information and Data Protection Policy (2018);
- Respect confidentiality unless it is legally required to disclose information;
- Deliver its services in accordance with stated standards and its Equality Policy (2021);
- Be transparent;
- Return telephone calls within 2 working days;
- Respond to letters and e-mails within 21 working days of receipt;
- Where it is unable to resolve an issue for a member of the public, it will advise where further help can be obtained or, where practicable, act as advocate by contacting the other organisation on the member of the public's behalf;

Unreasonably Persistent or Vexatious Complaints

The procedure will not be used to impede the ability of anyone to have reasonable access to services provided, nor will it be assumed that because a member of the public /complainant has submitted a large number of enquiries they are vexatious or unreasonably persistent.

Unreasonably persistent and vexatious complainants are those individuals who, because of the nature or frequency of their contacts with the Council hinder our ability to effectively deliver services to our member of the public . Some examples of behaviour and actions taken by these individuals are listed below, however this is not an exhaustive list.

These are some of the actions and behaviours which can prove 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 being raised.

These behaviours can be:-

- Refusing to specify the grounds of the service request, despite offers of assistance;
- Refusing to co-operate with the process for handling service requests;
- Refusing to accept that certain issues are not within the scope of the Council;
- Insisting on the request being dealt with in ways which are incompatible with adopted procedure(s) or with good practice;
- Making repeated and/or unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced;
- Changing the basis of the service request as the issue proceeds;
- Denying or changing statements made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed but what the council reasonably feels to be unimportant questions and insisting they are all or some are answered;
- Covertly recording meetings and conversations, otherwise than allowed by law at a public meeting;
- Submitting falsified documents from themselves or others;
- Adopting a 'scatter gun' approach: inappropriately pursuing parallel service requests on the same issue with a variety of organisations or with a variety of individuals within the Council;
- Making excessive demands on the time and resources of staff with lengthy phone calls or e-mails to numerous council staff or detailed letters on a regular basis, and expecting immediate responses;
- Submitting repeat requests with minor additions/variations that the service user insists make these 'new' issues;
- Refusing to accept the decision or outcome; repeatedly arguing points with no new evidence or with new evidence that is very similar to the original;
- Making numerous, repetitious or 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 Council or individual services or functions;

- What the council perceives to be an individual adopting a threatening, violent or aggressive demeanour towards staff.

Any of the above behaviours can trigger this process. The Chief Officer or in his/her absence the Deputy Chief Officer will write to the individual and clearly explain the actions the Council may take if their behaviour does not change, outlined below.

Very rarely, in extreme or rapidly escalating cases, it may be necessary to immediately impose restrictions to ensure the safety of staff members. This is a decision which will be taken by the Chief Officer or in his/her absence the Deputy Chief Officer and the Mayor or in his/her absence the Deputy Mayor with the utmost consideration for circumstances surrounding the incident(s).

Any restrictions imposed by the Chief Officer will be appropriate and proportionate, and examples of some options most likely to be considered 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; and/or a particular member of staff.
- Restricting the amount of times that a member of the public may be in contact over a certain time period.

The decision to restrict or stop a person's contact and access to the Council's offices and officers altogether can only be taken by the Personnel Committee, advised by the Chief Officer or in his/her absence the Deputy Chief Officer.

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;

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff **and councillors**, other options will be considered; for example, reporting the matter to the Police or taking civil legal action.

The Chief Officer will keep a record of all individuals who have had this procedure applied to them. Decisions taken under this procedure are subject to the Data Protection principles and the Human Rights Act. The position will be reviewed after 6 months if requested by the complainant.