



Northumberland  
County Council

# Unreasonably Persistent and Vexatious Contact Policy

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**Statement of changes made in most recent version:**

Version	Date	Description
<b>1.0</b>	<b>April 2020</b>	Policy updated to reflect a more robust and cohesive process, to include additional roles which may not have previously been included within the policy scope.

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**1. Introduction**

Dealing with a complaint is generally a straightforward process. In a small number of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen while the complaint is being investigated, or once the Council has finished dealing with the complaint.

It is important to distinguish between:

- People who make several complaints because they really think things have gone wrong.
- People who make unreasonably persistent complaints.

If the complainant is persisting because his complaints have not been considered in full, then we must address this (usually by invoking the next stage of the complaints procedure). However, if the Council has considered that matter fully and has demonstrated this to the complainant, then we need to consider whether the complainant is now unreasonably persistent.

## **2. Principles**

The Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. It does not usually limit the contact which complainants have with Council staff and offices. The Council does not expect staff to tolerate behaviour, which is abusive, offensive, or threatening and will take action to protect staff from such situations.

The principles and guidance contained in this policy should not be limited to complainants. The term 'complainant' is employed in its widest sense within this policy to encompass people or organisations who use any of our services, whether writing, emailing, telephoning, or accessing Northumberland County Council Services.

## **3. Aim of Guidance**

The objective of this guidance is to contribute to the Council's overall aim of dealing with all complainants in ways which are consistent and equitable.

It sets out how the Council will decide which complainants will be treated as vexatious or unreasonably persistent, and what the Council will do in those circumstances.

This guidance runs alongside existing corporate policies and guidance relating to equalities, health and safety, and dignity and respect at work, and should only be pursued where absolutely necessary.

## **4. Definition of Unreasonably Persistent and Vexatious Complainants**

The Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints. The

descriptions 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

There is a difference between 'unreasonably persistent' and 'vexatious' complainants. A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the Council but is seeking to cause unnecessary aggravation or annoyance to the Council.

Unreasonably persistent complainants or vexatious complainants may have justified complaints or grievances but are pursuing them in inappropriate ways. Alternatively, they may be intent on pursuing complaints which appear to have no substance, or which have already been investigated and settled. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved. Demands on staff time need to be assessed appropriately - on occasion, a little more time upfront to understand the issue may lead to less time being spent on the subject in total.

## **5. Actions and Behaviours**

Below are some of the actions and behaviours of unreasonably persistent complainants and vexatious complainants which the Council may experience. This policy should be invoked if one or more of the following triggers occur and depending on the individual merit of the case. This list is not exhaustive, and one single feature on its own will not necessarily imply that a person will be considered persistent and/or vexatious:

1. Refusing to specify the grounds of a complaint, despite offers of assistance with this from staff.
2. Refusing to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
3. Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
4. Refusing to accept that issues are not within the power of the Council to investigate, change or influence (examples could be the responsibility of another organisation).
5. Making what appear to be groundless complaints about the staff dealing with the complaints and seeking to have them replaced.
6. Changing the basis of a complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
7. Introducing trivial or irrelevant new information which the complainant expects to be considered and commented on or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
8. Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
9. Persistently approaching the Council through different routes about the same issue.
10. Adopting a 'scattergun' approach; pursuing a complaint(s) with the Council and at the same time with a department, the Chief Executive, an M.P. Councillor,

Auditor, Standards Board, Police, Solicitors, or the Local Government Ombudsman.

11. Making unnecessarily excessive demands on the time and resources of staff while a complaint is being investigated, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complicated letters every few days and expecting immediate responses.
12. Submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaint's procedure.
13. Refusing to accept the decision - repeatedly arguing the point and complaining about the decision.

## **6. Being Reasonable**

Raising 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 vexatious or unreasonably persistent.

The Council will offer the complainant appropriate support, as it would any other customer.

It may be helpful to both parties if the complainant has an advocate. If the complainant feels that they would like an advocate, the Council must consider offering to help find an independent one. If the complainant has specific needs, the Council will offer relevant support. Specialist bodies such as the Royal National Institute for the Blind and Age Concern provide help and advice.

## **7. The Decision**

Before making the decision, some or all the following steps need to be taken:

- The Council will ensure that the complaint is being, or has been, appropriately investigated according to the Council's Complaints Procedure.
- Although each complaint is unique, the Council will deal with the complaint in line with other complaints of a similar nature to apply a consistent approach.
- The Council will contact the complainant to:
  - i. Discuss his or her behaviour.
  - ii. Explain why this behaviour is causing the Council concern.
  - iii. Ask him or her to change this behaviour.
  - iv. Explain about the actions that the Council may take if his or her behaviour does not change.
- If the complainant has not already had a meeting with a member or members of staff and provided that the Council knows nothing about the complainant which

would make this inadvisable, the Council will consider offering the complainant a meeting with a senior member of staff. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.

**The decision to declare a complainant as unreasonably persistent and/or vexatious will be an exceptional step.** It should be made by an Executive Director or Head of Service who has not been directly involved in the complaint or with the complainant. For example, if the Service Executive Director has been previously involved, this must be escalated to an alternative Executive Director. Using **APPENDIX 1 Unreasonably Persistent or Vexatious Checklist**, they should make a written note of the considerations and decisions.

Using **APPENDIX 2 Unreasonably Persistent or Vexatious Template**, the complainant should be told in writing:

- Why we believe their behaviour falls into that category.
- What action we are taking.
- The duration of that action.
- How the complainant can challenge the decision if they disagree with it (this should typically include information regarding the Local Government Ombudsman).

## **8. Taking Action**

The precise nature of the action should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Council at that time.

The following is a list of possible options:

- 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, email etc.) and/or requiring the complainant to communicate only with one named member of staff.
- Requiring any fact to face contact to take place in the presence of a witness.
- Refusing to register and process further complaints about the same matter.
- Banning a complainant from one or more Council premises.
- Where a decision on the complaint has been made, informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.
- Where a complaint is closed, and the complainant persists in communicating about the same issue, it may be decided to terminate contact with that complainant.

These options are not exhaustive, and there may be other factors that will be relevant in deciding what might be an appropriate action. For instance, any arrangements for limiting a complainant's contact must take account of the complainant's circumstances, bearing in mind such issues as age, disability, gender, race and religion or belief.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Council will consider other options, for example, reporting the matter to the police or taking legal action. In such cases, the Council may not give the complainant prior warning of that action.

## **9. Further Action**

Detailed records of all contacts with unreasonable persistent and vexatious complainants must be kept on a centralised register and monitored by the Complaints Manager with oversight from the Monitoring Officer. The Monitoring Officer must approve all decisions taken.

Information should only be shared with staff who need this information to carry out their role at work.

Personal details about the complainant and the complaint will be managed and stored appropriately in line with the Data Protection Act and record management principles and procedures. This will be the responsibility of the appropriate Complaints Manager.

When unreasonable complainants make complaints about new issues, these should be treated on their merits and decisions should be taken on whether any restrictions that have been applied before are still appropriate and necessary.

Reviews of decisions to restrict a complainant's contacts or the Council's responses to them should be taken by the Complaints Manager/ Legal Manager/ Head of Service.

### **Source Documents:**

**LGO Guidance on persistent and unreasonably persistent complainants  
Information Commissioner's guidance on vexatious requests**

## **APPENDIX 1 Unreasonably Persistent or Vexatious Checklist**



Checklist of Issues for Head of Service/Executive Director/Chief Executive to take into consideration when considering whether complainant's actions are unreasonably persistent or vexatious. The decision to designate

someone's behaviour as unreasonable, and restrict their access to the council, could have serious consequences for the individual.

• **Please ensure you are thoroughly satisfied that:**

Consideration	Evidence	sign off
Has the person's complaint been investigated properly?		
Has communication with the complainant been adequate?		
Is the complainant now providing any significant new information that might affect the council's view on the complaint?		
Have any equalities issues been considered?		
That any decision to restrict access is, based on the above evidence, the right course of action?		

• **Have you considered the following actions?**

Action	Yes	No	Rationale
Offering the complainant, a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable.			
Sharing your policy with the complainant and warning them that restrictive actions may need to be applied if their behaviour continues			
Liaising with all relevant services, staff, Councillors, shared or externalised services to discuss suggested approaches to restricting access to services.			
Designating a key officer to coordinate the organisation's response(s).			
Helping the complainant to find a suitable independent advocate especially if the complainant has different needs.			
Are there any aggravating matters which suggest that the case should be reported to the police?			
Are there any other reasonable actions you could consider in line with the policy			

**Please continue a separate page if additional space is required**

**APPENDIX 2 Unreasonably Persistent or Vexatious Template**



**Northumberland**  
County Council



A N Other  
Street name  
Town or city  
County  
POSTCODE

**Our ref:** [Enter case reference]  
**Enquiries to:** [Enter name]  
**Email:** [Enter email]  
**Tel direct:** [Enter telephone number]  
**Date:** [Enter Date]

Dear [Enter Name],

Re: Your contact With Northumberland County Council

I write in connection with your recent communications with Northumberland Council which I consider to be unreasonably persistent [and/or] vexatious. I will detail the action that we will take because of that decision.

I have reviewed the [considerable amount/nature of communications] and have summarised events in the attached document. It is my decision that you should now be considered a vexatious complainant for the following reasons: [delete as required]

- You have made groundless complaints and claims against the Council and its officers
- You have made an unreasonable amount of contacts with the Council in relation to matters which have their origin in events of XXXXX
- You make the same complaints repeatedly
- You continually raise subsidiary issues / complaints
- Your complaints are often vague, not backed by evidence and / or difficult to comprehend
- You contact many officers within the Council
- You refuse to accept the outcome of the complaints process
- You refuse to accept documentary evidence
- Your repeated contacts with Council officers are placing unreasonable demands on staff time and resources
- You have threatened legal proceedings against the Council on several occasions, but we have not been served with any court papers
- Your communication has included use of threats, intimidation, or violence
- Your communication has included use of abusive, offensive, or discriminatory language

Please note that in future Northumberland Council will now take the following action [Delete as required - These could include but are not limited to]:

- 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, email etc.) and/or requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness.
- Refusing to register and process further complaints about the same matter.
- Banning a complainant from one or more Council premises.
- Where a decision on the complaint has been made, informing the complainant that future correspondence will be read and placed on the file but not

acknowledged. A designated officer should be identified who will read future correspondence.

- Where a complaint is closed and the complainant persists in communicating about the same issue, it may be decided to terminate contact with that complainant..

I will review this decision in [Enter timeframe] and you will be informed of the outcome of that review.

When making this decision I have considered the Local Government Ombudsman's Guidance note on management of unreasonable complaint behaviour issued in July 2014 and I consider this to be a just and proportionate response. However, if you submit any further complaints not related directly or indirectly to matters referred to above those complaints will be considered on their merits according to the appropriate process.

If you are unhappy with the decision the Council has taken under this policy, you may make a complaint to the Local Government and Social Care Ombudsman who can be contacted as follows:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Tel: 0300 061 0614

Text 'call back' to Tel: 0762 481 1595.

You may be charged by your provider for sending the text message.

[www.lgo.org.uk](http://www.lgo.org.uk)

Yours sincerely,