VEXATIOUS, PERSISTENT, AGGRESSIVE AND ABUSIVE COMPLAINTS POLICY

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1. Introduction

Ashington Town Council is committed to providing accessible and fair complaints procedures for all residents and service users. However, we recognise that a small minority of complainants may engage in behaviour that is vexatious, persistent, aggressive, abusive or otherwise unreasonable.

This policy identifies situations where a complainant or correspondent, either individually or as part of a group, might be considered to be engaging in such behaviour and sets out the action the Council will take in these circumstances.

This policy applies to all forms of contact with the Council including complaints, general correspondence, requests for information, Freedom of Information requests, and interactions at Council meetings or premises. This policy also covers vexatious complaints made against elected members (Councillors) in their capacity as representatives of the Council.

The Council remains committed to treating all complainants fairly and without discrimination while protecting the wellbeing of staff, Councillors, and the effective use of public resources.

2. Aims of the Policy

To assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

To provide clear guidance on how to identify and manage persistent, vexatious, aggressive, abusive or unreasonable complaints and correspondence.

To set out proportionate sanctions for the small minority of complainants who are unable to pursue their queries or complaints in a reasonable and acceptable manner.

To protect the wellbeing of Council staff, Councillors, and contractors while ensuring public resources are used efficiently.

To protect elected members from vexatious complaints that may undermine their ability to perform their democratic duties effectively.

To maintain public confidence in the Council's complaints procedures by ensuring they are not undermined by unreasonable behaviour.

3. Definitions

***Unreasonable behaviour*:** May include one or more isolated incidents, as well as 'unreasonably persistent' or 'vexatious behaviour', which is usually a build-up of incidents or behaviour over a longer period.

Vexatious behaviour: Is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning merely to cause annoyance to the defendant'. A vexatious request is one that is likely to cause distress, disruption or irritation without any proper or justified cause.

Persistent behaviour: Continuing to pursue a complaint or correspondence beyond any reasonable limit, particularly after the Council has provided full and adequate responses.

***Aggressive or abusive behaviour*:** Not restricted to acts of aggression that may result in physical harm. This includes behaviour or language (whether oral, written, or digital) that may cause anyone working with/for the Council or any Councillor to feel afraid, threatened, intimidated or abused.

***Cyber harassment*:** Includes online abuse, trolling, doxxing, or any form of digital intimidation or harassment through social media, email, or other digital platforms.

4. Recognising Unacceptable Behaviour

Habitual or Vexatious Complaints and Behaviour

The following examples, based on Local Government Ombudsman guidance, may be considered persistent, vexatious or unreasonable:

- Refusing to specify the grounds of a complaint despite offers of help
- Refusing to cooperate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of the complaints procedure or the Council's remit
- Insisting on the complaint being dealt with in ways incompatible with adopted procedures or good practice
- Making unjustified complaints about staff or Councillors dealing with issues and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising detailed unimportant questions and insisting they are all answered
- Covertly recording meetings and conversations without consent
- Submitting falsified documents
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
- Making excessive demands on the Council's time and resources with lengthy phone calls, emails, or detailed frequent correspondence expecting immediate responses
- Having insufficient or no grounds for their complaint, making it only to annoy or cause inconvenience
- Submitting repeat complaints with minor variations, insisting these make them 'new' complaints
- Refusing to accept decisions and repeatedly arguing points with no new evidence
- Using inflammatory, defamatory or offensive language

- Making unrealistic demands or expectations
- Making repetitive complaints against elected members without substantive evidence
- Pursuing complaints against elected members through multiple channels simultaneously without justification

Aggressive, Abusive, Harassing or Intimidating Behaviour

This may include but is not limited to:

- Threats of violence or actual violence
- Personal verbal, written, or digital abuse
- Derogatory comments or discriminatory language
- Rudeness that goes beyond normal frustration
- Inflammatory statements and unsubstantiated allegations
- Intimidating behaviour such as following individuals, excessive surveillance, or unwanted photography/recording
- Cyber harassment including online abuse, trolling, or doxxing
- Attempting to undermine staff or Councillors through malicious or false accusations
- Persistent unwanted contact despite clear requests to cease
- Attempting to involve family members or associates of staff/Councillors inappropriately
- Targeting elected members with personal attacks unrelated to their official duties
- Publishing defamatory material about elected members on social media or other platforms

5. Assessment and Decision-Making Process

Initial Assessment

The Executive Officer, in consultation with the Chair of the Council where appropriate, will assess whether behaviour falls within this policy. Where complaints involve elected members, the assessment will also consider whether the matter should be referred to the Council's Standards Committee or the relevant monitoring officer.

Consideration will be given to:

- The complainant's individual circumstances and any vulnerability
- Whether reasonable adjustments under the Equality Act 2010 are required
- The impact on Council resources and staff wellbeing
- The impact on elected members' ability to perform their democratic duties
- The proportionality of any proposed response
- Whether the behaviour is a one-off incident or part of a pattern

- Whether complaints against elected members fall within the scope of the Members' Code of Conduct

A written record will be maintained of all assessments and decisions made under this policy.

Decision Review

Where significant sanctions are being considered, the Executive Officer will consult with the Chair of the Council, and Chair of the Finance and General Services Committee before implementation. Where elected members are involved, consultation will also include the relevant monitoring officer where appropriate.

The Council may seek external advice where appropriate, particularly in complex cases.

Staged Response

Stage 1: Initial Warning

If the Executive Officer considers the actions of an individual/group fall within this policy, they will write to the individual/group to:

- Explain that their behaviour is considered unreasonable and unacceptable
- Request a change of approach
- Provide a copy of this policy
- Explain the potential consequences if the behaviour continues
- Offer reasonable support or adjustments if appropriate
- Where relevant, explain the proper channels for raising concerns about elected members

A clear record will be kept of this warning and the specific behaviours that triggered it.

Stage 2: Formal Restrictions

If there is no improvement in behaviour, the Executive Officer will write a second time to inform the complainant(s) that their behaviour is not acceptable and specify why.

Sanctions may include (but are not limited to):

Communication Restrictions:

- Total ban on all communication for a set period
- Prohibition on telephone contact
- Requirement that all correspondence be in writing only
- Prohibition on email communication
- Requirement that personal contact takes place only in the presence of a witness
- Prohibition on raising questions at Council meetings
- Restriction on the frequency of contact (e.g., one communication per month)
- Restrictions on direct contact with individual elected members

Access Restrictions:

- Prohibition from Council premises
- Requirement for accompanied visits only
- Restriction on attendance at public meetings (where legally permissible)

Processing Restrictions:

- Treating repeat complaints as closed without further investigation
- Requiring new complaints to meet higher evidential standards
- Implementing a managed communication approach with designated contact person only
- Requiring complaints against elected members to be channelled through proper procedures only

Duration and Review:

- All sanctions will be proportionate to the behaviour
- Initial restrictions will typically be for 3-6 months
- All sanctions will be reviewed at six-monthly intervals
- Reviews will consider whether the restriction should be lifted, modified, or extended

Stage 3: Immediate Action

Where behaviour is so extreme that it threatens the immediate health, safety, or wellbeing of staff, Councillors, or anyone acting on their behalf, the Council will:

- Cease all contact immediately
- Implement immediate protective measures
- Report the matter to the police if appropriate
- Pursue such civil or legal action as is commensurate and proportionate
- May act without prior warning where safety is at risk
- Consider referral to relevant authorities where criminal behaviour is suspected

6. Safeguards and Appeals

Safeguards:

- All decisions will be properly documented with clear reasoning
- Consideration will be given to the individual's circumstances and any vulnerability
- Reasonable adjustments will be made where required under the Equality Act 2010
- Restrictions will be proportionate and regularly reviewed
- Independent advice will be sought in complex cases
- Elected members' rights to represent constituents will be protected

Appeals Process:

- Complainants may appeal restrictions by writing to the Chair of the Council
- Appeals must be submitted within 28 days of the restriction being imposed
- The Chair will review the decision with two other Councillors not previously involved
- The appeals panel may seek independent advice
- The appeals decision will be final within the Council's procedures

7. Exceptions and Continued Rights

This policy does not prevent any person from:

- Contacting the police at any time to report issues
- Approaching their local MP or other elected representatives
- Contacting the Local Government Ombudsman
- Seeking legal advice or representation
- Accessing statutory complaints procedures through other bodies
- Making legitimate complaints about elected members through proper Standards procedures
- Raising concerns about elected members with the relevant monitoring officer

New complaints about genuinely different matters will be considered on their merits, even where general restrictions are in place.

Emergency situations requiring immediate Council response will be dealt with appropriately regardless of any restrictions.

8. Data Protection and Confidentiality

All information gathered under this policy will be handled in accordance with UK GDPR and the Data Protection Act 2018.

Information will only be shared with those who need to know for the purposes of implementing this policy.

Records will be retained in line with the Council's data retention schedule.

Where elected members are involved, information sharing will comply with requirements under the Localism Act 2011 and relevant Standards procedures.

9. Staff Support and Training

Staff will receive appropriate training on:

- Recognising unacceptable behaviour
- De-escalation techniques
- Personal safety measures

- Implementation of this policy
- Support available to them
- Procedures for handling complaints involving elected members

The Council will provide appropriate support to staff who experience aggressive, abusive, or threatening behaviour.

Employee assistance programmes and other support services will be made available as appropriate.

Elected members will be provided with guidance on handling vexatious complaints and their rights under this policy.

10. Monitoring and Review

The Executive Officer will maintain a record of all cases handled under this policy.

An annual report will be presented to the Council summarising:

- The number of cases handled under this policy
- The types of behaviour encountered
- The effectiveness of interventions
- Any patterns or trends identified
- Recommendations for policy improvements

This policy will be reviewed annually to ensure it remains effective and compliant with current legislation and best practice.

11. Legal Framework

This policy operates within the framework of relevant legislation including:

- Local Government Act 1972
- Local Government Act 2000
- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 2018
- Freedom of Information Act 2000
- Protection from Harassment Act 1997
- Standards in Public Life - The Seven Principles of Public Life (Nolan Principles)
- Members' Code of Conduct - Local standards framework under the Localism Act 2011
- Monitoring Officer responsibilities - Under Section 5 of the Local Government and Housing Act 1989

- Right to freedom of expression - Balanced against protection from harassment under Human Rights Act 1998
- Electoral law - Representation of the People Act 1983 and related legislation

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Document Control:

- This policy was adopted by Ashington Town Council at its meeting held on [Date]
- In accordance with the Freedom of Information Act 2000, this document will be posted on the Council's website and copies will be available for inspection at the Council offices
- This policy should be read in conjunction with the Council's Complaints Procedure, Equality and Diversity Policy, and Data Protection Policy