**ST CLEER PARISH COUNCIL**

**ASSESSMENT OF ABUSIVE, PERSISTENT OR VEXATIOUS MATTERS**

IT SHOULD BE NOTED – This policy only deals with the conduct of the customer, not the substance of the complaint or concerns raised. The adopted procedures relating to the processing of complaints should be followed regardless of whether this policy is engaged, unless it is considered there are reasons for not doing so. If this is the case the customer should be advised of this at the earliest opportunity and if appropriate provided with an alternative route to remedy his complaint, such as referral to the Local Government Ombudsman.

**SUMMARY**

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| The name (and address) of the alleged vexatious customer |  |
| **History in relation to this customer** | Date / Copy Appended |
| Has a summary of this policy been sent to the individual(s) to give them prior notification of its possible implementation? |  |
| Date Panel Convened |  |
| Parish will contact the individual(s) in writing, or by email, to explain why their behaviour is causing concern and ask them to change their behaviour and outline the actions that the council may take if they do not comply. |  |
| Parish will issue a reminder letter to the individual(s) advising them that the way in which they will be allowed to contact the Council in future will be restricted. |  |
| Parish will contact the individual(s) in writing to explain:-   * Why the decision has been taken * The duration of that action |  |
| Restriction Reference number(s) |  |
| Record of facts will be recorded and notified to those *who need to know* within the Council. |  |
| Need to Know? |  |
| When the person, Cornwall Councillor and Parish Council were advised |  |
| Matter recorded on annual transparency report? |  |
| Review after three months, and at the end of every subsequent three months within the period during which the policy is to apply. | (Record Separately) |
| The individual(s) will be informed of the result of this review if the decision to apply this policy has been changed or extended. | (Record Separately) |

**ASSESSMENT**

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| **Status** | **By whom?** | **How?** | **Date?** | **Copy?** |
| **Members of the Panel** | **Panel 1** | **Panel 2** | **Panel 3** | **Panel 4** |
| **Insert Name:**  **Insert Panel Date, time and location:**  / / 20 H: Pavilion, St Cleer |  |  |  |  |
| **Are the criteria in respect of the following been met?** | Yes / No | Yes / No | Yes / No | Yes / No |
| **The repeated and/or obsessive pursuit of: -** |  |  |  |  |
| unreasonable complaints and/or unrealistic outcomes; and or |  |  |  |  |
| reasonable complaints in an unreasonable manner; and or |  |  |  |  |
| unrealistic expectations of their influence on democratic decisions |  |  |  |  |
| **Criteria met by this customer** | Yes / No | Yes / No | Yes / No | Yes / No |
| Have insufficient or no grounds for their behaviour and be making the statement only to annoy or mislead (or for reasons that he or she does not admit or make obvious or for personal gain) |  |  |  |  |
| Publish opinion and present it as fact intending to mislead or create disruption with scant regard to the impact(s) |  |  |  |  |
| Present as intransigent, demanding and entrenched or set upon a path clearly to create disharmony and or to purposefully taint the reputation of the individual(s) they name |  |  |  |  |
| Refuse to recognise a complaints process while still wishing their complaint(s) to be heard and or resolved |  |  |  |  |
| Refuse to accept that information requests are not within the remit or purview of the general public |  |  |  |  |
| Refuse to accept that a certain matter is not within the remit or purview of the Council |  |  |  |  |
| Refuse to accept that issues are not within the power of the Council to change or influence. |  |  |  |  |
| Insist on a matter being dealt with in ways which are incompatible with the policy, procedure or with good practice (e.g. insisting that there must not be any written record of the complaint) |  |  |  |  |
| Make what appear to be groundless complaints about the staff /contractors, and seek to have them dismissed or replaced |  |  |  |  |
| Make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints |  |  |  |  |
| Making unjustified complaints about employees who are trying to deal with the issues, and seeking to have them replaced or harbouring personal grudges |  |  |  |  |
| Harass or verbally abuse or otherwise seek to intimidate staff, contractors and Councillors by use of foul or inappropriate language or by the use of offensive and racist language or by intimidation (an example could be refusing to leave the meeting room on request) |  |  |  |  |
| Introduce trivial or irrelevant information and demanding that this be investigated and expect this to be taken into account and commented on |  |  |  |  |
| Electronically record meetings and conversations without the prior knowledge and consent of the other person(s) involved |  |  |  |  |
| Adopts an excessively ‘scattergun’ approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council’s Independent Auditor, the Monitoring Officer, the Police or solicitors. |  |  |  |  |
| Refuse to accept Council decisions after a legitimate vote, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given |  |  |  |  |
| Make the same point repeatedly, perhaps with minor differences, insisting that the minor differences make these ‘new’ matter which should be put through the full process |  |  |  |  |
| Persistently approach the Council or publish information through different routes about the same issue |  |  |  |  |
| Persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons |  |  |  |  |
| Refuse to accept documented evidence as factual |  |  |  |  |
| Complain about or challenge an issue based on an historic and/or an irreversible decision or incident |  |  |  |  |
| Explicitly stating that it is their intention to cause disruption to the Council; |  |  |  |  |
| Refusing to accept the decision; repeatedly arguing points with no new evidence; |  |  |  |  |
| Using other family members to act on their behalf |  |  |  |  |
| Combine some or all of these features |  |  |  |  |

**OUTCOME**

Any restriction that is imposed on the individual(s)’s contact with the Council will be appropriate and proportionate

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| **Reference** | **Restrictions will be tailored to deal with the individual circumstances of the individual(s) and may include:** | **Yes / No** | **Yes / No** | **Yes / No** | **Yes / No** |
| 1 | Banning the individual(s) from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf |  |  |  |  |
| 2 | Banning the individual(s) from sending emails to individual and/or all Council Officers and insisting they only correspond by letter |  |  |  |  |
| 3 | Requiring contact to take place with one named member of staff only |  |  |  |  |
| 4 | Restricting telephone calls to specified days and/or times and/or duration |  |  |  |  |
| 5 | Requiring any personal contact to take place in the presence of an appropriate witness |  |  |  |  |
| 6 | Letting the individual(s) know that the Council will not reply to or acknowledge any further contact from them on the specific topic |  |  |  |  |
| **7** | Refuse all contact with the individual(s) and stop any further acknowledgement of them  (See prohibition of blanket ban) |  |  |  |  |
| **8** | Criminal or Civil action required? |  |  |  |  |
| **Reference** | **Why the decision has been taken / What action is being taken / Duration** | | | | |
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