

Calderdale Council Vexatious or Unreasonable Complaints Policy

1. Introduction

Calderdale Council is committed to dealing with all complaints fairly, impartially, and professionally, ensuring that services are accessible to all. However, in a small number of cases, the behaviour of individuals making complaints can become unreasonable or vexatious. This policy sets out how the Council will manage vexatious or unreasonable complaints in a fair, consistent, and transparent manner to ensure effective service provision and to protect Council staff from harassment or undue pressure.

Policy Scope: This policy applies to all Council departments and services to ensure a consistent approach to managing vexatious or unreasonable complaints. By applying a unified policy, the Council ensures fairness and transparency across all service areas while safeguarding staff and resources.

2. Definition of Vexatious or Unreasonable Complaints

A vexatious or unreasonable complaint is one that, due to the nature or frequency of the complaint or the complainant's behaviour, places a disproportionate burden on Council resources and impedes staff's ability to provide services effectively. Such complaints may cause disruption to normal service delivery and may also negatively affect staff wellbeing.

Examples of vexatious or unreasonable behaviour include:

- Repeatedly raising the same issue despite receiving a full and final response.
- Persisting in the complaint process after all appeal stages have been exhausted.
- Submitting multiple complaints about different issues in a manner intended to harass or intimidate staff.
- Using offensive, threatening, or abusive language.
- Making excessive demands on staff's time and resources, including sending unnecessary correspondence or voluminous amounts of irrelevant information.
- Changing the basis of a complaint as it progresses to prolong the process.
- Refusing to cooperate with reasonable requests to progress the complaint, such as failing to provide necessary information or attending meetings.

3. Procedure for Managing Vexatious Complaints

If a complaint is identified as vexatious or unreasonable, the following steps will be taken by the Council:

1. Initial Assessment

The complaint will be reviewed by a senior officer to determine whether the complaint meets the criteria for being vexatious or unreasonable. The complainant

will be informed in writing that their complaint is under review and that they will be contacted with a decision.

2. Warning Stage

Where appropriate, the Council will issue a written warning to the complainant, outlining why their behaviour is considered vexatious or unreasonable. This letter will include:

- A clear explanation of why their actions are disruptive to the Council's ability to resolve their complaint.
- A request for the complainant to moderate their behaviour.
- The potential consequences if the behaviour continues, such as restricted communication or the withdrawal of services.

3. Imposing Restrictions

If the complainant's behaviour does not improve following the warning, the Council may impose one or more of the following restrictions:

- Limiting contact to a single method (e.g., written correspondence only).
- Restricting contact to a designated Council officer or service representative.
- Requiring that any further complaints be submitted via a formal complaints process.
- Refusing to respond to repetitive or abusive complaints on the same issue.
- Ceasing to engage in correspondence with the complainant if their behaviour remains abusive or disruptive.

4. Recording Decisions

The decision to classify a complainant as vexatious will be formally recorded by the Council. This record will include:

- A detailed summary of the complainant's actions that led to the classification.
- Any restrictions imposed because of the complainant's behaviour. The complainant will be informed of the decision and the reasons for it in writing.

4. Right to Review

Complainants have the right to request a review of the decision to classify their complaint as vexatious. The review will be conducted by a senior officer who was not previously involved in the case. The complainant will be informed in writing of the outcome of the review. The decision of the senior officer conducting the review will be final.

5. Duration and Review of Restrictions

Any restrictions imposed will be reviewed after a period of 6 months, or sooner if appropriate. During this review, a senior officer will assess whether:

- The restrictions should be lifted.
- The restrictions should continue for a further period.
- Further actions are needed due to continued unreasonable behaviour.

Monitoring Progress: The review process will include specific criteria to assess whether the complainant's behaviour has improved. These criteria may include:

- A reduction in the frequency or severity of disruptive behaviour.
- Compliance with previously imposed restrictions or conditions.
- Demonstrated cooperation in resolving outstanding issues.

The complainant will be informed in writing of the outcome of the review and the decision on whether restrictions will remain in place.

6. Exemptions

This policy does not prevent individuals from raising new, genuine complaints. The Council will continue to address concerns related to public safety or safeguarding issues even if the complainant's behaviour has been deemed vexatious.

Additionally, the policy will not limit a complainant's access to services in cases where their complaint involves issues of public safety, safeguarding, or any other legal duty that the Council is bound to address.

7. Governance and Staff Support

The Council will ensure that staff are adequately trained in handling vexatious or unreasonable complaints. This includes guidance on how to identify unreasonable behaviour and how to apply this policy consistently and fairly.

Staff will also have access to support and advice if they feel threatened or distressed by a complainant's behaviour. This policy will be reviewed annually to ensure its ongoing effectiveness and fairness, as well as to incorporate any legislative changes or best practice developments.

8. Monitoring and Reporting

Calderdale Council will monitor the application of this policy to ensure it is being used appropriately. An annual report will detail:

- The number of complaints classified as vexatious.
- The actions taken and their outcomes.
- Patterns or trends identified to improve the overall complaints handling process.

The report will be made publicly available to promote transparency and accountability.