

FARINGDON TOWN COUNCIL

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Faringdon Town Council (FTC) Vexatious behaviour policy

INTRODUCTION

Generally vexatious and malicious contacts can be difficult to identify, therefore first this must be a matter of judgement for the Town Clerk.

The Town Clerk will always use their best judgment in considering any known outside factors, such as personal or health issues that may have affected the complaint.

Nevertheless, complaints will be addressed as soon as possible and reported to FTC for further investigation.

SCOPE OF THE POLICY

This policy aims to inform FTC on the best practice to follow when dealing with unreasonable or vexatious behaviour.

Further, this document identifies examples of vexatious behaviours, shows the decision-making process to determine a behaviour as vexatious and the actions to be taken by FTC.

EXAMPLE OF VEXATIOUS BEHAVIOUR

The following list follows the guidance of the Local Government Ombudsman and provides examples of behaviour that may be persistent, vexatious, or unreasonable:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of a complaint's procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about members who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising detailed unimportant questions, insisting they are all answered.
- Covertly recording meetings and conversations.

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- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on FTC time and resources with lengthy phone calls, emails to FTC Councillors or the Town Clerk, or detailed frequent letters and expecting prompt responses.
- Having insufficient or no grounds for their complaint, making it only to annoy or cause inconvenience to FTC.
- Submitting repeat complaints with minor additions/variations, the complainant insisting that this makes these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Using abusive threatening or offensive language

CONSIDERATIONS

1. To help to decide whether a contact/correspondence/complaint from a resident is vexatious, FTC will consider the history and context of all the interactions with the individual.
2. FTC will look at both the nature of the complaint and the nature of the communication.
3. The elements that will influence the FTC decision will include whether: the purpose and/or consequence of the complaint is to disturb, disrupt and or/pressurise the FTC or its staff.
4. FTC will always presume that a complaint is made in good faith.
5. If a resident has made a vexatious or malicious complaint in the past, FTC will not assume that any other new complaint is also vexatious or malicious.
6. When the Town Clerk becomes aware that the complaint is made with vexatious or malicious intent, a recommendation will be made to FTC for further action.

FURTHER ACTIONS TO BE TAKEN BY THE COUNCIL

FTC will meet in confidential session to discuss a instance of vexatious behaviour.

If FTC consider the action/ communication in question as vexatious, it will be recorded and the Town Clerk will be asked to inform the individual/group to say that their behaviour has been brought to the attention of FTC and considered unreasonable, therefore requiring a change of approach.

If there is no improvement this matter will again be referred to FTC before informing the complainant(s) in writing that their behaviour is not acceptable, and restrictions might be applied such as:

- Restrictions on contact (email, telephone, letters, any sort of participation at council meetings with FTC for a set period.)

These restrictions will subject to a further review.

