



## **WINSFORD TOWN COUNCIL**

# **POLICY FOR DEALING WITH ABUSIVE, UNREASONABLY PERSISTENT OR VEXATIOUS MEMBERS OF THE PUBLIC**

### **INTRODUCTION**

1. This policy identifies situations where a member of the public, either individually or as part of a group, or a group of peoples, might be considered to be abusive, unreasonably persistent or vexatious and ways of responding to these situations.
2. Abusive, unreasonably persistent or vexatious members of the public can be a problem for council officers and members. The difficulty in handling such people is that they are time consuming and wasteful of resources (in terms of officer and member time). While the council and its officers endeavour to respond with patience and sympathy to the needs of all members of the public there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.
3. The aim of this policy is to contribute to the overall aim of dealing with all members of the public in ways which are demonstrably consistent, fair and reasonable.
4. Referrals are to be dealt with by an investigating committee (composed of four members of the council) appointed annually at the Annual Meeting of the council or as required during the Council year.

### **DEFINITION AND EXEMPLIFICATION**

5. This policy intends to assist in identifying and managing persons who are deemed to be disruptive to the council through pursuing an unreasonable course of conduct.
6. The Town Council defines 'abusive, unreasonably persistent and vexatious members of the public' as "those people who, because of the frequency or nature of their contacts with the council, hinder its ability to function as a local authority".

7. The descriptions “abusive” “unreasonably persistent” and “vexatious” may apply separately or jointly to a particular individual or group of individuals.
8. Features of an abusive, unreasonably persistent and/or vexatious member of the public may include the following examples<sup>1</sup>. Such a person may, in the opinion of the council:
  - Have insufficient or no grounds for their actions and may be deemed unreasonably persistent only to annoy or to draw unwarranted attention to themselves (or for reasons that he or she does not admit or make obvious);
  - Refuse to accept that issues are not within the remit of the council’s Complaints Procedure despite having been provided with information about its scope;
  - Refuse to accept that issues are not within the power of the council to investigate, change or influence;
  - Make an unreasonable number of contacts with the council, by any means, in relation to a specific issue or issues;
  - Make persistent and unreasonable demands or expectations of officers and/or the complaints procedure after the unreasonableness has been explained to the member of the public (an example of this could be a member of the public who insists on immediate written or verbal responses to questions, sends frequent and/or complex letters, faxes, emails or makes frequent telephone calls);
  - Harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint;
  - Repeatedly demands or requests action by the council even when advised that the council has no authority to deal with the issue beyond the representation that it may have already made.
  - Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given;
  - Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these new complaints which should be put through the full complaints procedure;

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<sup>1</sup> The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

- Persistently approach the council through different routes about the same issue;
- Refuse to accept documented evidence as factual;
- Combine some or all of these features.

9. **If any individual/individuals exhibit one or more of these features in the view of the Council following completion of the proper processes for analysis and adjudication set out in this Policy, then they may be termed ‘abusive, unreasonably persistent or vexatious’ in the view of the Council and the restrictions set out in this document will apply.**

### **IMPOSING RESTRICTIONS**

10. The Town Clerk will, under delegated authority, in consultation with either the Town Mayor or the Chair of the Investigating Committee, decide whether a member of the public should be subject to evaluation by the committee following consideration of the situation as set out in the previous section of this Policy.

11. Should a case be referred to the committee:

- (a) The Clerk will inform the member of the public that a council committee will decide whether the council’s policy will apply to him or her, and forward a copy of the policy at the same time;
- (b) The committee, having delegated power, will evaluate relevant and available evidence and decide on the action(s), if any, to be taken under the policy.
- (c) The Clerk will report the decision to the council and inform the member of the public:
  - Why the decision has been taken;
  - What action is being taken;
  - The duration of that action.

12. Any restriction that is imposed on the member of the public’s contact with the council will be appropriate and proportionate. In most cases restrictions will apply for six months but in exceptional cases this may be extended. In such cases the restrictions will be reviewed on a six monthly basis by the investigating committee, and the member of the public and the council informed of the decision.

13. Restriction will be tailored to deal with the individual circumstances of the member of the public and may include:

- Banning the person(s) from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on this or her behalf;
- Banning the person(s) from sending emails to individual and/or all officers and insisting they only correspond by letter;
- Requiring contact to take place with one officer or designated member/s only;
- Restricting telephone calls to specified days and/or times and/or duration;
- Requiring any personal contact to take place in the presence of an appropriate witness, usually a designated member of the council;
- Letting the person(s) know that the council will not reply to or acknowledge any further contact from them on the specific issue unless any further evidence or relevant related information comes to light (in this case, a designated officer or council member(s) will be identified who will receive future correspondence).
- Where there is any doubt about what is new evidence or relevant related information, the matter will go to the investigating committee for a decision.
- Limiting or preventing access to the council's office at Wyvern House, The Drumber, Winsford CW7 1AH;
- Imposition of other restrictions as deemed reasonable by the committee that brings the matter to an end.

14. Where the behaviour is so extreme or it threatens the immediate safety and welfare of the council's officers, other options will be considered, e.g. reporting the matter to the police or taking legal action. In such cases, the member of the public may not be given prior warning of that action.

**NEW COMPLAINTS FROM MEMBERS OF THE PUBLIC WHO ARE TREATED AS ABUSIVE, VEXATIOUS OR PERSISTENT**

15. New complaints from people who have come under this policy will be treated on their merits. The committee will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint. A blanket policy is not supported, nor is ignoring genuine requests or complaints where they are founded.

16. The fact that a member of the public is judged to be unreasonably persistent or vexatious and any restrictions imposed on council's contact with him or her, will be recorded and notified only to those who need to know within the council. This will normally be all Members and council staff who normally deal directly with concerns.

### **RECORD KEEPING**

17. The clerk will retain adequate records of the details of the case and the action that has been taken.

### **PERSONS SUFFERING FROM A DISABILITY (IMPAIRED MENTAL CAPACITY)**

18. Where it appears that an abusive, unreasonably persistent or vexatious member of the public may have an impaired mental capacity, no action or decision will be taken by the committee without considering whether there is any other way of dealing with the proposed limitations on access that is less restrictive of the member of the public's freedom of action. These may include securing continued access through a relative, friend, carer or other professional; however, it should always be remembered that the member of the public has a right to confidentiality and may not want certain people to be involved. This must always be balanced with the need to protect officers and Members of the council from abusive, unreasonably persistent or vexatious contact.

### **OTHER MATTERS**

19. There shall be no restrictions on the Council's or its officers' or Members' recourse to law. Nothing in this policy shall operate so as to impede the right of the Council or an employee or a Member to have recourse to the civil and/or criminal law where such recourse is available to the Council or employee or Member in any particular case.
20. This Policy will be the subject of regular monitoring and will be reviewed annually by the Council.

Approved on the 6<sup>th</sup> March 2017 by Winsford Town Council