

West Hill Parish Council (WHPC) – 4th July 2023
Agenda Item 23/246
Vexatious Complainant

1. Purpose

- To note the continuing conduct of a resident.
- To consider the status of a resident deemed a ‘vexatious complainant’ in accord with the WHPC Complaints Policy adopted 23rd May 2023 (minute 23/163).

2. Background

21/190 WHPC Extraordinary Meeting November 2021 – Decision to invoke the first stage of the Complaints Policy (22/118) and notification of the resident verbally and in writing asking for their cooperation.

21/313 WHPC Meeting December 2021 – WHPC deemed the resident a “vexatious complainant” as the complainant had not co-operated with the Councils request to modify their behaviour, there were still high volumes of emails having an ongoing adverse impact on the Council, Councillors and staff. The complainant was notified in writing.

22/198 WHPC Meeting June 2022 – WHPC undertook a detailed assessment of correspondence from the resident against the criteria set out in the Councils Complaints Policy (22/118). The Council decided the resident be deemed a ‘vexatious complainant’ until 4th May 2023. The complainant was notified in writing.

Mediation with resident – a mediation session took place in December 2022 at cost to WHPC, no resolution was achieved and at the WHPC **February 2023 meeting 23/053** it was resolved all efforts to mediate be stopped.

23/090 WHPC Meeting March 2023 – WHPC considered a request from the resident to rescind the ‘vexatious complainant’ designation. The Council considered the request but without a Special Motion were not in a position to rescind the designation. In Part B they undertook consideration of the resident’s behaviour and communications against the criteria set out in the Councils Complaints Policy (118/22). Council resolved that the designation was still appropriate and should be extended until 31st August 2023. The complainant was notified in writing.

3. Current position

A new WHPC was formed in May 2023, following the Local Elections and formed with three Councillors elected ‘returned unopposed’, supported by the part-time Clerk. An updated WHPC Complaints Policy was adopted on the 23rd May 2023 (23/163).

An inordinate amount of resource is having to be put to correspondence and actions of the resident – solely towards one resident rather than any benefit to be accrued by the whole community. The resident’s correspondence is offensive and attacks the integrity of the Council, Councillors and the Clerk.

Since 23rd May 2023 WHPC has received the following correspondence from the Resident at the time of this report being published:-

23 rd May	Complaint against the Clerk
30 th May	Complaint against the Council
2 nd June	Freedom of Information Request
2 nd June	Request to inspect the accounts
8 th June	Freedom of Information Request Subject Access Request
11 th June	Review of Freedom of Information request

	Complaint against the WHPC clerk and DPO Complaint against the WHPC Chairman and council
15 th June	Letter relating to the Inspection of Accounts A request for two audio recordings
22 nd June	Inspection of Accounts - questions

It is thus timely to consider the behaviour of the resident with regards the current WHPC Complaints Policy (in particular section 9).+ The detailed consideration will need to be conducted in confidential session (Part B) unless the resident waives their right to confidentiality.

Section 9 sets out the criteria:-

9. "Unreasonable and persistent complainants and vexatious complainants"

This section of the policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct. The difficulty in handling such complainants can be a problem for Council staff, Councillors and the reputation of the Council. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of the Parish Clerk, Councillors and the local Council tax payers.

9.1 What is a 'persistent' and 'vexatious' complainant?

A vexatious complainant is a person who complains about issues, either formally or informally, on a frequent basis or frequently raises issues which the complainant considers to be within the remit of the Parish Council, and whose behaviour is unreasonable.

Such behaviour may be characterised by:

- *Actions which are obsessive, persistent, harassing, prolific, repetitious;*
- *Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;*
- *Uses Freedom of Information requests and/or Subject Access Requests excessively and unreasonably;*
- *An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;*
- *An insistence upon pursuing complaints in an unreasonable manner;*
- *Persistently change the substance of a complaint/enquiry or continually raise new issues or seek to prolong contact by continually raising further concerns;*
- *Repeatedly does not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate;*
- *Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on that point;*
- *Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of the other parties involved;*
- *An insistence on only dealing with a particular Councillor or employee on all occasions irrespective of the issue;*
- *Make unreasonable complaints/enquiries which impose a significant burden on the Council resources and where the complaint/enquiry:*
 - *Clearly does not have any serious purpose or value;*

- *Can otherwise fairly be characterised as obsessive or manifestly unreasonable;*
- *An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Parish Council.*

This list is indicative but not exhaustive.

9.2 Harassment

Harassment is the unreasonable pursuit of such actions above in such a way that they:

- Appear to be targeted over a significant period of time towards one or more Councillor(s) or employee(s);
- Cause ongoing distress/mental anguish to individual Councillor(s) or employee(s);
- Have a significant adverse effect on the whole/parts of the organisation;
- Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

The Council will not tolerate racist, sexist, homophobic or other discriminatory language, or offensive, threatening and aggressive or violent behaviour towards Council employees, Councillors or the Council.”

4. Decisions:

- **To note the continuing conduct of the resident.**
- **Does this conduct meet the criteria to continue designation of the resident as a ‘Vexatious Complainant’? And if so, what options do WHPC need to put in place to deal with the resident.**