

WHPC Meeting 2nd July 2024

24-227(b) + Confidential Item 24-240 Review of Designation of Vexatious Complainant

1. Purpose

To review a Designation of Vexatious Complainant made by the Parish Council 20th July 2023 Min 23/265.

2. Background

2.1 For many years, correspondence, including complaints, from a single individual has placed a significant, increasing and dis-proportionate burden on the Parish Council: a small Council with 7 members and a part-time Clerk. Despite the Council's efforts to resolve matters the volume, nature and tone of the correspondence was such that the Council took steps to manage the impact on the Council. In June 2022 the Council resolved to make a Designation of Vexatious Complainant. Due to the ongoing correspondence this was further extended:

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 Council's 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 Council's 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 Council's 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.

23/265 WHPC Meeting 20th July 2023- WHPC resolved to extend the Designation by a year Min 23/265. The complainant was notified in writing.

2.2 The Designation of Vexatious Complainant, made At the Parish Council meeting of 20th July 2023 will expire on 20th July 2024.

2.3 On 7th May 2024 the Council adopted an amended Complaints Policy and a new policy for Vexatious, Unreasonable and Unreasonably Persistent Requests.

2.4 Section 9.3(b) of the WHPC Complaints Policy states: "Once deemed a 'vexatious complainant', their status will be kept under review for a minimum period of one year after which the status can be withdrawn or following a thorough review the designation can be reimposed for a further period of at least one year."

3. For Consideration

3.1 Since 20th July 2023 WHPC has received 6 complaints from the Vexatious Complainant to the time of this report being published:

18 th December	Complaint against the Clerk and Council
12 th January	Complaint against the Clerk and Council
13 th Jan 12.38hrs	Complaint against the Clerk and Council
13 th Jan 15.46hrs	Complaint against the Clerk, Chairman and Council
15 th February	Complaint against the Clerk
9 th March	Complaint against the Clerk and Council

Each of the complaints were processed under the Council's Complaints Policy and found to be unfounded and without merit.

3.2 The Council is asked to review the designation by consideration of:

- Complaints received from the individual since the most recent designation.
- Volume, nature and tone of the complaints.
- Any behaviours that may be considered unreasonable as defined in section 9.1 of the Council's Complaints Policy (Appendix 1)
- Any actions that may be considered unreasonable as defined in section 9.2 of the Council's Complaints Policy (Appendix 2)

4. For Decision

Does this conduct meet the criteria to continue designation of the resident as a 'Vexatious Complainant'? And if so, for what length of time?

HR + Policy Working Group

25th June 2024

The WHPC Complaints Policy sets out the behaviours characterised by a vexatious complainant.

Complaints Policy Section 9.1

A persistent or 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 complaint;	
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 or continually raise new issues 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;	
An insistence on only dealing with a particular Councillor or employee on all occasions irrespective of the issue;	
Make unreasonable complaints which impose a significant burden on the Council resources and where the complaint clearly does not have any serious purpose or value or can otherwise fairly be characterized 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.	
Other:	

Complaints Policy Section 9.2

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.	

Other notes: