



ALSAGER TOWN COUNCIL

DEALING WITH UNREASONABLE AND PERSISTENT COMPLAINTS

REVISED JANUARY 2018

ALSAGER TOWN COUNCIL

CODE OF PRACTICE FOR DEALING WITH UNREASONABLE AND PERSISTENT COMPLAINTS

Occasionally a complainant begins to make frequent contact with the Town Council office and this can begin to hinder normal day to day running of the Town Council.

DEFINITION OF UNREASONABLE COMPLAINANT BEHAVIOUR

The definition of unreasonably persistent behaviour is 'done repeatedly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

It must be recognised that complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this. Also, some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.

The Town Council's policy for dealing with unreasonable or persistent complaints will become operative if the complainant is deemed to be unreasonably persistent either by written or oral communication or excessive visits to the Town Council offices.

This procedure reflects the guidance note on unreasonably persistent and unreasonable complaint behaviour, issued by the Local Government Ombudsman in January 2007 and the guidance note on vexatious and repeated requests by the Information Commissioner.

PROCEDURE

A vexatious complainant will be notified that the Council's policy for dealing with unreasonable and persistent complaints is to be enforced, together with the reason why. The complainant will then be asked to adopt one or all of the following procedures:

- Request contact with the Town Council in a particular form (for example, letters only)
- Request contact to take place with a named officer
- Restrict telephone calls to specified days and times, and / or
- Be asked to enter into an agreement about future contact with the Town Council.

The Council will decide on how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with.

In all cases where a complainant is deemed to be unreasonable and persistent, the Council will write to the complainant to justify its course of action and explain for how long it will be operative.

The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required. However, if deemed to be a fair challenge the Council will conduct a review of the complaint and will re-consider whether the complaint should still be treated as unreasonable and/or vexatious.

If a complainant persists in communicating with the Council once their case has been closed, the Council reserves the right to terminate all further communication. The case will only be revisited if the complainant can provide fresh evidence that may affect the Council's previous decision concerning the original complaint. If the Council feels that re-opening the complaint cannot be justified the complainant will be notified in writing that the case has been closed and there will be no further communication.

New complaints received from complainants previously deemed to be unreasonable and/or vexatious will be treated on their merits.

Complaints will be kept on file for no more than five years.

Adopted by Alsager Town Council

Chairman of the Council.....

Date.....2018