



Wrexham County Borough Council

Abusive, Unreasonably Persistent and/or Vexatious Persons Policy

September 2017

Document Control Sheet

Title of document:	Abusive, Vexatious and/or Unreasonably Persistent Persons Policy
Supersedes:	Unreasonably Persistent and/or Vexatious Complainants Policy
Placement in Organisation	Complaints Team
Consultation / Stakeholders	Public & Staff
Author (s) name:	Gareth E Jones
Department / Team	Corporate & Customer Services – Complaints Team
Approved by:	Executive Board
Approved date:	10 November 2015
Implementation date:	10 November 2015
Implementation Method	Website/Practice

This document is to be read in conjunction with the following documents:

- Corporate & Statutory Complaints Policy
www.wrexham.gov.uk/complaints
- Customer Care Guidelines
www.wrexham.gov.uk/top_navigation/customer_care.htm

Version Control

Version	Date	Brief Description of Changes	Comments
V.2	12 September 2017	Amendments to wording and procedure	This simplifies the process and provides additional clarity for both staff and residents. The ultimate decision maker remains as the Head of Corporate & Customer Services. Approved by Exec Board 12/09/17

PLEASE NOTE: the formally approved copy of this document is held on SAM. Printed copies or electronic saved copies must be checked to ensure they match the current online version.

Review Date – March 2019

Version 2

Section	Title	Page
1	Introduction	4
2	Principles	4
3	Features of Abusive, Unreasonably Persistent and / or Vexatious Persons	5
4	Sanctions for Abusive Unreasonably Persistent and / or Vexatious Persons	6
5	Abusive, Unreasonably Persistent and / or Vexatious Persons Procedure	7
6	Review	8
7	Referral to the Public Services Ombudsman for Wales	8
8	Contact Details	9

1. INTRODUCTION

- 1.1 Generally, dealing with the Council is a straightforward process, but in a minority of cases people pursue their concerns in a way which can either impede the service provided or can cause significant resource issues for the Council. This can happen either while a complaint is being investigated, once the Council has finished dealing with a complaint or simply in the day to day service provision with no formal complaint at all.
- 1.2 Wrexham Council defines abusive, unreasonably persistent and / or vexatious persons as those who, because of their behaviour, frequency or nature of their contacts with the Council, hinder the Council's service provision or consideration of their or other people's service. The descriptions 'abusive', 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular person.
- 1.3 There is a difference between 'abusive', 'unreasonably persistent' and 'vexatious' persons. Abusive can include a person being rude or offensive to staff or the Council in general. This could include comments made on social media.
- 1.4 A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the Council but is seeking to cause unnecessary aggravation or annoyance to the Council.
- 1.5 Unreasonably persistent or vexatious persons may have justified complaints or grievances but are pursuing them in inappropriate ways. Alternatively, they may be intent on pursuing issues which appear to have no substance or which have already been addressed and settled. Their contacts with the Council may be overtly amicable but still place very heavy and unreasonable demands on staff time, or they may be distressing for all involved.
- 1.6 If a person behaves in a way that is abusive, unreasonably persistent or vexatious, the Council will follow the procedure as set out in this policy.
- 1.7 The aim of the procedure is to contribute to the Wrexham Council's overall aim of dealing with all customers in ways which are demonstrably consistent and equitable. It sets out how the Council will decide which people will be treated as abusive, vexatious or unreasonably persistent, and what the Council will do in those circumstances.

2. PRINCIPLES

- 2.1 The Council is committed to dealing with all complaints or contacts equitably, comprehensively, and in a timely manner. The Council does not normally limit the contact which a person will have with Council staff or offices.
- 2.2 However, the Council does not expect staff to tolerate unacceptable behaviour by any customer. Unacceptable behaviour includes behaviour

which is abusive, offensive, threatening or unreasonably persistent and demanding. The Council will take action to protect staff from such behaviour.

3. FEATURES OF ABUSIVE, UNREASONABLY PERSISTENT AND / OR VEXATIOUS PERSONS

- 3.1 The following list describes some of the features of a person who may be abusive, unreasonably persistent and/or vexatious. 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. The list merely includes examples of the behaviour and actions that the Council may experience, either individually or in combination. An abusive, unreasonably persistent and/or vexatious person may:
- a) Have insufficient or no grounds for their complaint or contact with the Council and whose actions are only designed to annoy (or for reasons that he or she does not admit or make obvious)
 - b) Refuse to specify the grounds of a complaint despite offers of assistance with this from the Council
 - c) Refuse to co-operate with the Council while still wishing their issue to be resolved
 - d) Refuse to accept that issues are not within the remit of the Council or a particular department or that issues are not within the power of the Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation)
 - f) Insist on the complaint or issue being dealt with in ways which are incompatible with the relevant policy or with good practice
 - g) Make what appear to be groundless complaints about the staff dealing with their issue, and seek to have them dismissed or replaced
 - h) Make an unreasonable number of contacts with the Council, by any means, in relation to a specific issue (it is impracticable to suggest a number in these guidelines, so staff must use their own judgment to determine what an unreasonable number is in any one case)
 - i) Make persistent and unreasonable demands or expectations of staff and/or the relevant process after the perceived unreasonableness has been explained in writing (or in another appropriate form) to the person (an example of this could be a person who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails)
 - j) Harass or verbally abuse or otherwise seek to intimidate or show disrespect to staff dealing with their issue
 - k) Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
 - l) Introduce trivial or irrelevant new information whilst the issue is being addressed and expect this to be taken into account and commented on
 - m) Change the substance or basis of their issues without reasonable justification whilst the issue is being addressed

- n) Deny clear statements he or she made at an earlier stage in dealing with the Council
 - o) Electronically record meetings and conversations without the prior knowledge and consent of the other person involved
 - p) Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with a Member of Parliament, elected councillors of this and other councils, the Council's independent auditor, the Standards Board, the police, solicitors, and the Local Government Ombudsman
 - q) Refuse to accept the outcome of a set process after its conclusion, repeatedly arguing the point and/or denying that an adequate response has been given
 - r) Raise the same issue repeatedly, perhaps with minor differences, after the relevant procedure has been concluded, and insist that the minor differences make these 'new' issues which should be fully reconsidered
 - s) Persistently approach the Council through different routes about the same issue
 - t) Persist in seeking an outcome which the Council has explained is unrealistic for legal or policy (or other valid) reasons
 - u) Refuse to accept documented evidence as factual
 - v) Complain about or challenge an issue based on a historic and irreversible decision or incident
 - w) Combine some or all of these features
- 3.2 The Council would also consider that a person repeatedly contacting a member of staff or a Councillor, either directly or indirectly would be considered under the procedure. For example, this could include copying a member of staff or a Councillor in to e-mail correspondence when they have no direct involvement in the matter.
- 3.3 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Council may not give the person prior warning of that action.

4. SANCTIONS FOR ABUSIVE, UNREASONABLY PERSISTANT AND / OR VEXATIOUS PERSONS

- 4.1 The options the Council is most likely to consider to reduce these behaviours are:
- Requesting contact to be in a particular form (for example, letters/e-mail only)
 - Requiring contact to take place with one named member of staff only (a single point of contact) and/or restricting telephone calls to specified days / times / duration
 - Requiring any personal contact to take place in the presence of an appropriate witness
 - Letting the person know that the Council will not reply to or acknowledge any further contact from him or her on the specific topic of issue (in this case, a

- designated member of staff should be identified who will read future correspondence)
- Excluding access to one or more Council premises
 - Refrain from any engagement with that person (other than to provide a statutory service)
- 4.2 These options are not exhaustive and often departmental or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a person's contact must take account of that person's individual circumstances, bearing in mind such issues as age, disability, gender, race and religion or belief.

5. ABUSIVE, UNREASONABLY PERSISTENT AND / OR VEXATIOUS PERSONS PROCEDURE

- 5.1 If a member of staff has concerns about the behaviour of a customer, they should raise this matter with their Service Manager. The Service Manager should liaise with the Complaints Team for advice on how to address the concerns.
- 5.2 Before making the decision to apply the procedure, the Council will ensure that the issue is being, or has been, considered properly in accordance with the relevant policy. Once this has been confirmed, the Abusive, Unreasonably Persistent and / or Vexatious Persons procedure will commence.

Step 1

Where the relevant team or service have attempted to resolve any concerns but the behaviour of the person continues to conflict with acceptable behaviour as defined by this policy, a formal application to invoke this procedure will be made by the relevant Head of the Department(s) to the Head of Corporate & Customer Services.

The Head of Corporate & Customer Services will consider the behaviour of the person and the evidence of this as presented by the relevant Department. If the decision is made that the behaviour of the person is 'unreasonably persistent and / or vexatious', the matter will be progressed to Step 2.

Step 2

Any restriction that is imposed on the person's contact with the Council must be reasonable and proportionate. The decision will be based on all supporting evidence and a recommendation by the relevant Department and the Complaints Team as to the most appropriate sanction, if any, for the person, including its duration.

When the decision has been taken, the Head of Corporate & Customer Services will write to the person formally to notify them of the decision, which will include:

- a) Why the Council has taken the decision
- b) What action the Council is taking
- c) The duration of that action
- d) The review process of this procedure, and
- e) The right of the person the subject of the action to contact the Public Services Ombudsman for Wales

The fact that a person is judged to be abusive, unreasonably persistent or vexatious, and any restrictions imposed on the Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

New contact from people who have come under this procedure will be treated on their merits and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary. This will be considered by the relevant manager of the service they are contacting.

Step 3

Where a person continues to behave in a way which is unacceptable, the Council may decide to refuse all contact with the person (other than that required in carrying out its statutory duties) and stop any investigation or action in relation to their issue.

6. REVIEW

- 6.1 A person considered as abusive, unreasonably persistent and / or vexatious may apply for a review of this status no earlier than 6 months after the decision was made. To do this, they should contact the Complaints Team, providing reasons why they feel the sanction is no longer applicable.
- 6.2 The decision will be reviewed by the Head of Corporate & Customer Services, who will write to the person with the outcome.

7. REFERRAL TO THE PUBLIC SERVICES OMBUDSMAN FOR WALES

- 7.1 In some cases, relations between Councils and abusive, unreasonably persistent or vexatious person's break down while complaints are under investigation or issues are being addressed and there is little prospect of achieving a satisfactory outcome. In such circumstances, there is often little purpose in following all the stages of the complaints procedure and where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course. The Complaints Team would advise the person of this should the situation occur.

8. CONTACT DETAILS

8.1 Letter: Complaints Team
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

E-mail: complaints@wrexham.gov.uk
Tel: 01978 292087
Web: www.wrexham.gov.uk/complaints