

**PERSISTENT AND/OR VEXATIOUS COMPLAINTS POLICY
(Report by the Director of Central Services)**

1. INTRODUCTION

- 1.1 This report outlines for the Panel the perceived requirement to vary the Council's persistent complaints policy in the light of experience gained since its introduction some two years ago. The existing policy with suggested amendments (in red) is appended.

2. BACKGROUND

- 2.1 Essentially the persistent complaints policy was designed as a process for terminating complaints dealt with exhaustively under the Council's internal three-stage procedure. This comprises a series of escalating steps whereby complaints initially are handled by or on behalf of a Head of Service with subsequent avenues of appeal, first to a Director and then to the Chief Executive.

- 2.2 Once the internal process has been exhausted and if the complainant continues to be dissatisfied with the outcome s/he is informed of his/her right to refer the complaint to one or more of the following independent bodies:-

- the Local Government Ombudsman;
- the Standards Board for England;
- the Secretary of State (if the complainant considers that the Council has failed to meet its statutory duty);
- the Council's External Auditor;
- the Information Commissioner.

- 2.3 The complainant also is reminded of his/her right to obtain independent professional advice.

3. REASONS FOR CHANGE

- 3.1 In the vast majority of cases, the policies and procedures outlined in the foregoing paragraphs have proved to be suitable for the purposes of addressing complaints. Indeed it is often a requirement of other agencies for complaints first to have been pursued via a local authority's internal procedures before they are subjected to further, independent scrutiny. In that respect, the District Council's arrangements have proved acceptable to other agencies, eg the Local Government Ombudsman.

- 3.2 Unfortunately, in a small minority of cases, it is exceedingly difficult to persuade complainants to refrain from continued approaches and this problem can be greatly exacerbated variously by –

- mis-use of the e-mail facility through vexatiously "spamming" a disparate selection of Councillors and/or Officers about the same or similar subject matter;

- engaging employees via the telephone on an “ad-hoc” basis for extensive periods;
- the submission of complaints about a myriad of subjects/decisions/outcomes followed by complaints about the Members or Officers who were involved in those decisions; and/or
- the repeated submission of requests for information under the Data Protection Act 1998, the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004.

3.3 The Freedom of Information Act was implemented on 1st January 2005 after the Council’s persistent complaints policy was approved and the experience gained since then suggests that the time now is opportune to re-visit the matter. As reported in the local government press recently, an Assistant Information Commissioner has commented that, while most people use their rights under the Act in a responsible manner, some have developed “.....a bee in their bonnet” and have submitted requests that take too much time to process.

3.4 The Assistant Commissioner has been quoted further as saying “..... this may turn the Freedom of Information Act into a Charter for nuisances and it may give the impression to public authorities, that, rather than achieving greater transparency and accountability, the Act becomes another route through which some rather difficult individuals can give them a hard time”.

3.5 The Data Protection Act gives a right of access to personal data held by the Council on individuals and the Environmental Information Regulations facilitate public access to information on environmental issues, including air, water, soil, land and landscape, emissions, pollution, noise and waste, etc. In the case of the Regulations, information may be requested verbally.

3.6 The resources which can be engaged in dealing with a determined persistent and/or vexatious complainant can be considerable and can impact detrimentally on workloads with higher priority. It can also be very stressful to employees, particularly when complainants bring into question their professional and/or personal conduct or their competence, honesty or integrity.

4. CONCLUSIONS

4.1 While the agenda in which responsibilities for corporate governance and arrangements for the accountability of local authorities are acknowledged as being firmly positioned in the public arena, there will be occasions when this will be challenged by parties who for personal or other reasons wish to pursue issues beyond all reasonable expectations.

4.2 For some years now a particular complainant has engaged the District Council in a profusion of complaints, enquiries and requests for information. The complainant has invoked the three-stage internal complaints procedure on at least 18 occasions and has engaged countless Government Departments, statutory and other agencies and professional institutions. He shows little (if any) regard or respect for Members and employees of the District Council and has accused them of mis-use of their powers and public offices, wilfully flouting various Acts of Parliament, impropriety, lying and corruption. Subject, therefore, to the approval by the Panel of the revised persistent and/or vexatious complaints policy, it is anticipated that action will be taken soon after to –

- withdraw the e-mail facility in this case;

- require any future Data Protection/Freedom of Information requests to be dealt with via correspondence/surface mailing arrangements;
- require telephoned requests for environmental information to be made via the Council's call centre;
- deal with any complaint submitted under the Council's internal complaints policy and procedures in accordance with paragraph 5.1 of the revised persistent and/or vexatious complaints policy; and
- require the complainant to use the call centre or correspondence/surface mailing arrangements for any service enquiries or requests.

5. RECOMMENDATION

5.1 The Panel is

RECOMMENDED

to approve the appended Persistent and/or Vexatious Complaints Policy for implementation with immediate effect.

BACKGROUND PAPERS

The Council's Internal Complaints Policy and Procedures
Policy and Report by the District Council's Head of Administration "Persistent Complaints Policy" submitted to the Corporate Governance Panel on 25th August 2004.

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