

**Huntingdonshire District Council
Persistent **and/or Vexatious** Complaints Policy**

1 Background

- 1.1 Huntingdonshire District Council has a well-established policy * and procedures for responding to complaints (as well as compliments and suggestions). However the Council recognise that, on occasion, a complainant may feel that a complaint has not been resolved to his / her satisfaction under the policy and may resubmit the complaint **or variations of it** on one or more subsequent occasions.
- 1.2 This persistent **and/or vexatious** complaints policy is designed to prevent duplication and abortive work by employees who may otherwise continue to respond to complainants about "closed" complaints.

2 Identification of a Persistent **and/or Vexatious Complainant**

- 2.1 For the purposes of this policy, a persistent **and/or vexatious** complainant is a member of the public who complains repeatedly about issues that he / she considers to be within the remit of the **District** Council. The complaints may become persistent, vexatious or repetitive. The complainant may, despite having had an original complaint investigated and been notified of the result, not accept that the matter is concluded. The complainant will, as determined by the Monitoring Officer, have exhausted the internal complaints procedure.
- 2.2 In such cases it is important to recognise that a letter or other form of communication seeking information, confirmation or explanation on any other matter will NOT be regarded as a complaint and should not be dealt with under the terms of the complaints procedure.
- 2.3 It is acknowledged that a complaint may be received by various forms of communication, including email, telephone, written correspondence or personal contact. **However, where the Monitoring Officer is satisfied that a complainant or his/her proxy has abused or is abusing either of the Council's e-mail or telephony communications systems, he may, after consultation with the Chairman or Vice-Chairman of the Corporate Governance Panel, specify conditions for the future use of those systems or order withdrawal of the e-mail communication facility.**
- 2.4 Questions of interpretation of this policy and the identification of a persistent complainant should be addressed to and will be determined by the Monitoring Officer.

3 Human Rights

- 3.1 In implementing this policy the Council will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the human rights of persistent complainants, other service users and **Officers Council employees.**

4 Procedure

Save as provided for in paragraph 5.1 post -

- 4.1 Should an employee form the view that a complainant is persistently contacting the Council with regard to a complaint, long after the point where a conclusion can be reached to the complainant's satisfaction, the matter should be referred as soon as possible to the relevant Director of the service associated with the complaint and to the Monitoring Officer.
- 4.2 The relevant Director and the Monitoring Officer will consider whether the persistent complaints policy should be applied to the complainant. Before deciding to apply this policy, the Director and the Monitoring Officer should ensure that the complainant has exhausted the internal complains policy and has been notified of the opportunity available to refer the complaint to another body - see **also** paragraphs 4.4 **and** 5.1.
- 4.3 If a complaint is being dealt with under this policy, this information should be shared in confidence with the complaints officers of other **Council** directorates to ensure that, where necessary, the response to the complainant is coordinated and consistent.
- 4.4 When a complainant has exhausted the procedure in the internal complaints policy and continues to express dissatisfaction with the authority's final response to the complaint, the complainant will be reminded of his / her right to refer the complaint to one or more of the appropriate independent bodies, **eg:-**
- 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**
- 4.5 In addition, the complainant should be reminded of his / her right to obtain independent **professional legal** advice.
- 4.6 Where the complainant has not referred the complaint to the appropriate independent body, the **Chief Executive**, relevant Director **and/or** the Monitoring Officer will advise the complainant as follows: -

"...Your complaint has now been fully addressed through the Council's internal complaints procedure and will not be pursued further by the Council.

If you remain dissatisfied with the Council's decision, however, you may wish to refer the matter to the Local Government Ombudsman (or other relevant independent body) who will consider your complaint. The Ombudsman for this area is.... . and I am enclosing a copy of a leaflet which explains how to make a complaint to the Ombudsman and contains a complaint form for your use. I hope that you will find this useful.."

- 4.7 When a complaint has been determined by the Ombudsman or other relevant independent body, and the complainant continues to communicate with the Council about the complaint, the **Chief Executive**, relevant Director ~~and/or~~ the Monitoring Officer will advise the complainant as follows:-

"...Your most recent correspondence does not appear to raise any issues which have not already been responded to. Your complaint has been dealt with under the Council's own internal complaints procedure and has also been investigated by the Local Government Ombudsman (or other relevant independent body). I consider therefore that the matter has now been fully addressed through the procedures available and, unless you are able to provide new and substantive information in support of your complaint, the Council intend to take no further action in this matter."

- 4.8 Care must be taken by the Council to monitor a complainant's future correspondence, in order that any fresh complaint is not overlooked. Notes should be attached to and remain with any file, record or account of the complainant, detailing the matter which has been so closed.
- 4.9 If a fresh communication is raised by the complainant that needs to be addressed, it should first be referred to the relevant Director concerned and to the Monitoring Officer. ~~for his attention.~~

5. Variation to Procedure

- 5.1 Where the Monitoring Officer is satisfied that a complaint is vexatious, either in its content or by reason of its submission by or on behalf of a persistent and/or vexatious complainant, he may, after consultation with the Chairman or Vice-Chairman of the Corporate Governance Panel authorise a variation to the Council's internal complaints policy and procedure such as to bypass stages 1 and 3 and permit the complaint to be dealt with by a Director, whose decision will be final. Thereafter the internal complaints policy and procedure will be deemed to be exhausted and the complainant reminded of the contents of paragraphs 4.4 and 4.5 ante.**

6. Complaint Against Monitoring Officer

- 6.1** In the case of a complaint against the actions or decision of the Monitoring Officer personally, all references in this policy to the Monitoring Officer should be ascribed to the **Chief Executive**.

7. Questions of Interpretation of the Policy

- 7.1** Any questions regarding the interpretation of this policy should be addressed to the Monitoring Officer whose decision will be final.

** available at <http://www.huntsdc.gov.uk/root/index.html>, by contacting the District Council on (01480) 388388 or by writing to the District Council at:- Huntingdonshire District Council, Pathfinder House, St. Mary's Street, Huntingdon, Cambs, PE29 3TN*

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