

RAMSEY TOWN COUNCIL

PERSISTENT AND/OR VEXATIOUS COMPLAINTS POLICY

DECEMBER 2018 (Reviewed 27 May 2021)

Ramsey Town Council has a well-established policy and procedures for responding to complaints. However, the Council recognises 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.

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.

Identification of a Persistent and/or Vexatious Complainant

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 Ramsey Town 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 Town Council, have exhausted the internal complaints procedure.

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.

It is acknowledged that a complaint may be received by various forms of communication, including email, telephone, written correspondence or personal contact. However, where members of the Town Council are satisfied that a complainant or his/her proxy has abused or is abusing either of the Council’s email or telephone communications systems, they may, after consultation with full Town Council, specify conditions for the future use of those systems or order withdrawal of the email communication facility.

Questions of interpretation of this policy and the identification of a persistent complainant should be addressed to and will be determined by the Town Council

In implementing this policy the Town 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 Council employees.

Procedure:

Should an employee form the view that a complainant is persistently contacting the Council regarding 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 Town Council.

The Town Council will consider whether the persistent complaints policy should be applied to the complainant. Before deciding to apply this policy, the Town Council should ensure that the complainant has exhausted the internal complaints policy and has been notified of the opportunity available to refer the complaint to another body, e.g.

The Local Government Ombudsman

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

In addition the complainant should be reminded of his/her right to obtain independent professional advice.

Where the complainant has not referred the complaint to the appropriate independent body, the Town Council 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...."

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 Town Council 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). The Council considers 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 intends to take no further action in this matter".

Care must be taken by the Council to monitor a complainant's future correspondence, in order that any fresh complaint is not overlooked. If a fresh communication is raised by the complainant that needs to be addressed, it should first be referred to the Town Council. The Town Council may vary the Council's internal complaints policy regarding a complaint that is vexatious, either in its content or by reason of its submission by or on behalf of a persistent and/or vexatious complainant. Thereafter the internal complaints policy and procedure will be deemed to be exhausted.