

HUGHENDEN PARISH COUNCIL

**VEXATIOUS, ABUSIVE OR DISCRIMINATORY COMMUNICATIONS
POLICY**

September 2014

With effect from 9th September 2014, as RESOLVED at the Council Meeting on that date

Hughenden Parish Council (HPC) recognises that in the absence of good reasons to the contrary, members of the public have a right of access to the Council to seek advice or help about the services that the Council offers. HPC is committed to dealing with genuine enquiries and requests for information in an open and transparent way. Whilst we aim to provide a responsive and accessible service, we are aware of the need to ensure that our time is not taken up pursuing enquiries of a vexatious, abusive or discriminatory nature and that our staff and members are protected from such enquiries.

The Council has an obligation to use its resources efficiently and effectively and has obligations to its staff as an employer and to its members. Accordingly there will be some circumstances in which it will limit the nature and scope of its responses to difficult member of the public and will apply the following policy

1. PURPOSE OF THE POLICY

- a. to set out HPC's policy for handling contact from the public that is deemed to be vexatious, rude or abusive, discriminatory or constitutes harassment
- b. to identify the mechanism for dealing with such situations, so that staff and members feel supported when taking action
- c. to clearly identify to the public what action will be taken under these circumstances
- d. to ensure that where possible the core work of the HPC in dealing with genuine enquiries and requests from the public is not disrupted

2. DEFINITION OF CONTACT

Contact includes written communication in the form of letters, emails or faxes or via personal contact on the phone, or in person.

3. DEFINITION OF VEXATIOUS

Each case will be reviewed on an individual basis. Contact may be deemed to be vexatious if, previous or current contact shows that the person meets any of the following criteria:

- a. refuses to follow the HPC's complaints procedure, where all other means of resolving the matter have been exhausted. Or where somebody persists in pursuing a complaint where the HPC's complaints procedure has been fully and properly implemented
- b. repeatedly changes the substance or nature of the enquiry/complaint, or refuses to clearly identify the precise issues to be investigated/resolved
- c. is unwilling to accept that responsibility for resolving an issue does not lie with the HPC
- d. denies receiving an adequate response despite written evidence to the contrary
- e. indicates that repeated contact will be made until there is a specific outcome, even when it has already been made clear that this outcome cannot be achieved
- f. focuses on a trivial matter to an extent that is out of proportion to its significance and continues to focus on this to the exclusion of a satisfactory resolution. It is recognised that the definition of 'trivial' is subjective and careful consideration will be given before a decision is made

4. DEALING WITH VEXATIOUS CONTACT

Where contact falls under one or more of the criteria above, the matter may be referred to the council chairmen, who may then decide to deal with the issue in one of the following ways:

- a. Restrict contact with the individual to either face to face, telephone, or in writing, provided that one form of contact is maintained, or alternatively restrict contact through liaison of a third party
- b. Notify the individual in writing that the matter has been fully investigated and that the authority has responded to all points raised in as much detail as is possible
- c. Temporarily suspend all contact with the individual, or an investigation of a complaint, whilst seeking legal advice or guidance
- d. Confirm that a decision has been made to classify the contact as vexatious, and advise that further contact received relating to the same matter will be acknowledged but not responded to. However this will not affect further contact on other issues
- e. In extreme circumstances inform the individual that HPC reserves the right to pass any unreasonable or vexatious complaints to our solicitors, which may result in legal action
- f. A full record will be kept as to why an individual has been classified as a habitual or vexatious complainant and this may be notified internally to relevant staff as appropriate

5. RUDE, ABUSIVE, DISCRIMINATORY OR AGGRESSIVE COMMUNICATIONS

Contact may be deemed to be abusive or discriminatory if previous or current communications shows that the person meets any of the following criteria:

- a. has made inappropriate, offensive or threatening comments
- b. has harassed or been personally abusive/aggressive on more than one occasion towards staff or members
- c. has made inflammatory statements or comments, or made statements or comments clearly intended to intimidate
- d. has personally, or through a representative, verbally threatened or used physical intimidation towards staff or members

6. DEALING WITH RUDE, ABUSIVE, DISCRIMINATORY OR AGGRESSIVE COMMUNICATIONS

Where contact falls under one or more of the criteria indicated above, the matter may be referred to the relevant members of the council, who may then decide to deal with the issue in one of the following ways:

a. Not replying to written communications

Where the Council receives a written communication that contains substantial and clearly inappropriate content such as abusive or threatening language or adverse personal reflections on individuals, a written notification shall be sent to the author of the written communication asking that they reframe the communication so as to exclude the inappropriate content and advising that in the event that a further substantial and clearly inappropriate communication is received by the Council the Council will not give a substantive reply other than to the extent that such communication provides evidence of or alerts the Council to any criminal act mal-administration a failure to comply with a legal duty or other malpractice by or on behalf of the Council.

b. Terminating telephone calls

Where a caller uses inappropriate language such as abusive or threatening language or casting adverse personal reflections on individuals then the caller will be warned that unless the caller is prepared to speak in a different way, the call will be terminated. If the caller then continues to use inappropriate language the call may be terminated provided that it is made clear that the caller may call back if the caller is then prepared to speak in a different way. In cases of persistent callers using inappropriate language a written notification shall be sent to the caller advising that in

the event that any further telephone call is made and the caller uses inappropriate language, not only will the call be terminated but also that for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.

c. Limiting face to face contact

Where, during a personal attendance a member of the public uses inappropriate language or behaves inappropriately, the person will be notified that unless they are prepared to speak or behave in a different way the personal attendance will be terminated. If the person then continues to use inappropriate language or behaves inappropriately, the personal attendance may be terminated provided that it is made clear that another personal attendance may be arranged by appointment if they are prepared to speak or behave in a different way. Any further personal attendances shall be in the company of a member of the Council. Such arrangement shall be for such specified period as the Council thinks necessary provided that the arrangement shall be reviewed in any case where such arrangement is in place for a period in excess of 6 months not less frequently than once every 6 months. The person shall be notified in writing accordingly. In cases of persistent personal attendances where the member of the public uses inappropriate language or behaves inappropriately a written notification shall be sent to the person advising that in the event that any further personal attendance takes place and they use inappropriate language or behave inappropriately, not only will the personal attendance be terminated but that also for a specified period all future business will only be transacted in writing or through a nominated and agreed intermediary.

7. EXCESSIVE ACCESS

Where a member of the public

- a. makes excessive phone calls, or
- b. make excessive visits to Council Offices, or
- c. engages in excessive written communications, or
- d. raises the same issues with different staff

The Council may nominate a member of the Council to deal with all contact with the customer for a specified period and shall inform the member of the public in writing accordingly.

8. PERSONS WITH IMPAIRED MENTAL CAPACITY

Where it appears that a difficult member of the public may have an impaired mental capacity, no action or decision will be taken without first consulting with the Council as to whether there is any other way of dealing with the proposed limitations on access that is less restrictive of the person's freedom of action such as securing continued access through a relative, friend, carer or other professional. However it should always be remembered that the person has a right to confidentiality and may not want certain people to be involved.

9. PERSONS UNDER THE AGE OF 18

In the case of a difficult member of the public who is under the age of 18 one form of contact - generally by means of written communication - must always be maintained. It may be possible to arrange to deal with such a customer through their parent or guardian provided that written consent of both the customer and their parent or guardian is first obtained.

13. NO RESTRICTIONS ON COUNCIL'S OR ITS EMPLOYEES' OR ITS MEMBERS' RECOURSE TO LAW

Nothing in this policy shall operate so as to impede the right of the Council or an employee or a Member to have recourse to the civil and/or criminal law where such recourse is available to the Council or employee or Member in any particular case.